

Signed by all members of the Committee except Representative Stegmaier.

SCRep. 1403 Hawaiian Affairs and Housing on H.C.R. No. 225

The purpose of this concurrent resolution is to request the Hawaii Housing Authority to develop a plan and a timetable for the phase out of the Weinberg Haleiwa homeless village.

Testimony from the Hawaii Housing Authority (HHA) clarified that the HHA will be phasing out the Weinberg village at the end of its lease in 1997. The HHA will request funding for the relocation or demolition of the shelters which are currently located at the Haleiwa Weinberg village.

Your Committee wanted to clarify that the former employees of the Waiialua Sugar Company will not be displacing the homeless from the village nor living in the homes currently located at the site. The homeless population and homes will be relocated to allow use of the existing infrastructure for new homes which could be built to house the former employees of Waiialua Sugar Company.

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

- (1) Referencing that the State also should consider the future use of the current infrastructure during lease renegotiation;
- (2) Clarifying that new and permanent housing would be provided to the former employees of Waiialua Sugar Company on the site of the Weinberg village; and
- (3) Requiring that certified copies of the concurrent resolution also be sent to the Waiialua Community Association, Haleiwa Main Street, and the North Shore Neighborhood Board #27.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs and Housing that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 225, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 225, H.D. 1.

Signed by all members of the Committee except Representative Stegmaier.

SCRep. 1404 Hawaiian Affairs and Housing on H.C.R. No. 160

The purpose of this concurrent resolution is to request government agencies to identify the area known as Barbers Point by the historically correct name of Kalaeloa.

The Office of Hawaiian Affairs provided testimony in support of this resolution.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs and Housing that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 160 and recommends that it be referred to the Committee on Water and Land Use Planning.

Signed by all members of the Committee except Representatives Hamakawa, Stegmaier and Kawanakoa.

SCRep. 1405 Hawaiian Affairs and Housing on H.C.R. No. 161

The purpose of this concurrent resolution is to urge the use of the historically correct name of Pu'u Kapolei.

The Office of Hawaiian Affairs provided testimony in support of this concurrent resolution.

Your Committee decided to amend this bill by including the Housing Finance and Development Corporation as one of the organizations receiving certified copies of the resolution.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs and Housing that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 161, 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. 161, H.D. 1.

Signed by all members of the Committee except Representatives Hamakawa and Stegmaier.

SCRep. 1406 Education and Higher Education and the Arts on H.R. No. 119

The purpose of this resolution is to urge each of Hawaii's educational systems to promote the development and maintenance of bilingualism for all of Hawaii's citizens, especially in the native languages of Hawaii and the Pacific.

Because there appears to be a resurgence in interest in indigenous languages, especially in the Pacific, and the Constitution of the State of Hawaii as well as statutory law provide that the Hawaiian language, along with English, is an official language of the State, the State has an opportunity to assume a leadership role as a leader among the multilingual nations of the Pacific. This resolution would provide a positive step in that direction.

Testimony in support of this measure was received from the Democratic Party of Hawaii, the University of Hawaii, and the Friends of Learning, Inc. The Department of Education submitted testimony concurring with the intent of the measure.

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 concur with the intent and purpose of H.R. No. 119 and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committees except Representatives Pepper, Santiago, Shon, Takumi, Yonamine and Halford.

SCRep. 1407 Education and Higher Education and the Arts on H.C.R. No. 111

The purpose of this concurrent resolution is to urge each of Hawaii's educational systems to promote the development and maintenance of bilingualism for all of Hawaii's citizens, especially in the native languages of Hawaii and the Pacific.

Because there appears to be a resurgence in interest in indigenous languages, especially in the Pacific, and the Constitution of the State of Hawaii as well as statutory law provide that the Hawaiian language, along with English, is an official language of the State, the State has an opportunity to assume a leadership role as a leader among the multilingual nations of the Pacific. This concurrent resolution would provide a positive step in that direction.

Testimony in support of this measure was received from the Democratic Party of Hawaii, the University of Hawaii, and the Friends of Learning, Inc. The Department of Education submitted testimony concurring with the intent of the measure.

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 concur with the intent and purpose of H.C.R. No. 111 and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committees except Representatives Pepper, Santiago, Shon, Takumi, Yonamine and Halford.

SCRep. 1408 Education on H.R. No. 191

The purpose of this resolution is to request the Auditor to conduct a study of the management and operation of the Kupuna Program within the Hawaiian Studies Program of the Department of Education.

Supportive testimony was received from the Office of Hawaiian Affairs, the Association of Hawaiian Civic Clubs, the Oahu District Council-Association of Hawaiian Civic Clubs, and the Windward Oahu Kupuna. The Department of Education submitted comments on this measure.

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

- (1) Requesting the Department of Education, instead of the Legislative Auditor, to submit a detailed accounting on the curriculum, management, and operation of the Kupuna Program within the Hawaiian Studies Program, including but not limited to the following:
 - (A) Resources utilized from the Department of Education's kupuna component;
 - (B) An accounting of the funds expended for the Kupuna Program;
 - (C) The number of additional people hired to teach Hawaiian studies curriculum;
 - (D) The number of teachers who teach Hawaiian studies without kupuna assistance; and
 - (E) Confirmation that community resource persons and classroom teachers deliver a Hawaiian education program consisting of language, culture, and history in the public schools;
- (2) Amending the title to reflect that the DOE will be conducting the study;
- (3) Requesting the DOE to report its findings and recommendations to the Legislature; and
- (4) Making technical, nonsubstantive amendments 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 concurs with the intent and purpose of H.R. No. 191, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 191, H.D. 1.

Signed by all members of the Committee except Representatives Lee, Pepper, Santiago, Takamine and Yonamine.

SCRep. 1409 Education on H.C.R. No. 191

The purpose of this concurrent resolution is to request the Auditor to conduct a study of the management and operation of the Kupuna Program within the Hawaiian Studies Program of the Department of Education.

Supportive testimony was received from the Office of Hawaiian Affairs, the Association of Hawaiian Civic Clubs, the Oahu District Council-Association of Hawaiian Civic Clubs, and the Windward Oahu Kupuna. The Department of Education submitted comments on this measure.

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

- (1) Requesting the Department of Education, instead of the Legislative Auditor, to submit a detailed accounting on the curriculum, management, and operation of the Kupuna Program within the Hawaiian Studies Program, including but not limited to the following:
 - (A) Resources utilized from the Department of Education's kupuna component;
 - (B) An accounting of the funds expended for the Kupuna Program;
 - (C) The number of additional people hired to teach Hawaiian studies curriculum;
 - (D) The number of teachers who teach Hawaiian studies without kupuna assistance; and
 - (E) Confirmation that community resource persons and classroom teachers deliver a Hawaiian education program consisting of language, culture, and history in the public schools;
- (2) Amending the title to reflect that the DOE will be conducting the study;
- (3) Requesting the DOE to report its findings and recommendations to the Legislature; and
- (4) Making technical, nonsubstantive amendments 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 concurs with the intent and purpose of H.C.R. No. 191, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 191, H.D. 1.

Signed by all members of the Committee except Representatives Lee, Pepper, Santiago, Takamine and Yonamine.

SCRep. 1410 Education on H.R. No. 181

The purpose of this resolution is to request the Department of Health and the Department of Education to establish a program for testing and evaluating the learning problems of children with leukemia.

The Department of Education and the Department of Health submitted testimony concurring with the intent of this measure.

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

- (1) Changing the title to read, "REQUESTING THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF EDUCATION TO DEVELOP PROGRAMS FOR CHILDREN WITH LEUKEMIA";
- (2) Requesting the Department of Health and the Department of Education to establish programs for children with leukemia; and
- (3) Making technical, nonsubstantive amendments 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 concurs with the intent and purpose of H.R. No. 181, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 181, H.D. 2.

Signed by all members of the Committee except Representatives Lee, Pepper, Santiago, Takamine and Yonamine.

SCRep. 1411 Education on H.C.R. No. 178

The purpose of this concurrent resolution is to request the Department of Health and the Department of Education to establish a program for testing and evaluating the learning problems of children with leukemia.

The Department of Education and the Department of Health submitted testimony concurring with the intent of this measure.

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

- (1) Changing the title to read, "REQUESTING THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF EDUCATION TO DEVELOP PROGRAMS FOR CHILDREN WITH LEUKEMIA";
- (2) Requesting the Department of Health and the Department of Education to establish programs for children with leukemia; and
- (3) Making technical, nonsubstantive amendments 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 concurs with the intent and purpose of H.C.R. No. 178, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 178, H.D. 2.

Signed by all members of the Committee except Representatives Lee, Pepper, Santiago, Takamine and Yonamine.

SCRep. 1412 Ocean Recreation and Marine Resources on H.R. No. 276

The purpose of this resolution is to request the Department of Land and Natural Resources (DLNR) to:

- (1) Refrain from adopting, amending, or repealing any rule until the Hawaii Boaters Council or marina harbor boards are able to participate with DLNR in the reviewing process of all applicable rules;
- (2) Eliminate unnecessary rules and revise, simplify, and consolidate administrative rules relating to small boat harbors; and
- (3) Prepare a user-friendly rule book for lay people.

Testimony in support of this measure was received from the Ala Wai Marina Board, the Ala Wai Marina Committee, and a private citizen. DLNR also submitted testimony.

Your Committee is concerned about DLNR's current administrative rules pertaining to boating and small boat harbors. The complexity, length, and unreasonableness of the rules make them confusing, unwieldy, and difficult to follow. Therefore, your Committee finds that greater dialog between boaters and DLNR would result in more comprehensible rules when DLNR implements new rules or when DLNR revises the current rules.

Upon consideration, your Committee has amended this resolution by:

- (1) Allowing the participation of boater groups other than those listed;
- (2) Adding a RESOLVED section stating that any review of brules by boating groups shall not preclude the statutory requirements of public review in the rule-making process; and
- (3) Making technical, nonsubstantive amendments for the purpose of 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. 276, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 276, H.D. 1.

Signed by all members of the Committee.

SCRep. 1413 Ocean Recreation and Marine Resources on H.C.R. No. 290

The purpose of this concurrent resolution is to request the Department of Land and Natural Resources (DLNR) to:

- (1) Refrain from adopting, amending, or repealing any rule until the Hawaii Boaters Council or marina harbor boards are able to participate with DLNR in the reviewing process of all applicable rules;
- (2) Eliminate unnecessary rules and revise, simplify, and consolidate administrative rules relating to small boat harbors; and
- (3) Prepare a user-friendly rule book for lay people.

Testimony in support of this measure was received from the Ala Wai Marina Board, the Ala Wai Marina Committee, and a private citizen. DLNR also submitted testimony.

Your Committee is concerned about DLNR's current administrative rules pertaining to boating and small boat harbors. The complexity, length, and unreasonableness of the rules make them confusing, unwieldy, and difficult to follow. Therefore, your Committee finds that greater dialog between boaters and DLNR would result in more comprehensible rules when DLNR implements new rules or when DLNR revises the current rules.

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

- (1) Allowing the participation of boater groups other than those listed;
- (2) Adding a RESOLVED section stating that any review of rules by boating groups shall not preclude the statutory requirements of public review in the rule-making process; and
- (3) Making technical, nonsubstantive amendments for the purpose of 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.C.R. No. 290, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 290, H.D. 1.

Signed by all members of the Committee.

SCRep. 1414 Water and Land Use Planning on H.R. No. 222

The purpose of this resolution is to request the Department of Land and Natural Resources (DLNR) to act as the lead agency for the Kahuku Master Flood Control Plan to coordinate:

- (1) The development of a regional flood control plan, which identifies problems, causes, alternatives, and solutions, and prioritizes the alternatives and solutions;
- (2) All funding from city, state, federal, and private sources;
- (3) The design, plan, and construction of recommended flood abatement measures; and
- (4) The work with state, city, and federal agencies to implement the plan to alleviate the catastrophic effects of flooding in Kahuku.

DLNR is to submit a report of on-going activities related to the Kahuku Master Flood Control Plan, including implementation of a long-range plan to the Legislature prior to convening of the Regular Session of 1996.

The City and County of Honolulu, Department of Housing and Community Development (Department) submitted testimony in full support of this resolution as the Master Flood Control Plan will identify causes and solutions to the flooding problems of the Kahuku region. According to the Department's testimony, such solutions are a necessary prerequisite to the development of part of the city's affordable housing project to provide opportunities for homeownership for low and moderate income families.

The Board of Land and Natural Resources submitted testimony opposing this measure, as it would, due to the anticipated shortfall of revenue to the State, result in reducing current priorities as indicated in the Executive Biennium Budget.

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. 222 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Nekoba, McMurdo, Tarnas and Yoshinaga.

SCRep. 1415 Water and Land Use Planning on H.C.R. No. 226

The purpose of this concurrent resolution is to request the Department of Land and Natural Resources (DLNR) to act as the lead agency for the Kahuku Master Flood Control Plan to coordinate:

- (1) The development of a regional flood control plan, which identifies problems, causes, alternatives, and solutions, and prioritizes the alternatives and solutions;
- (2) All funding from city, state, federal, and private sources;
- (3) The design, plan, and construction of recommended flood abatement measures; and
- (4) The work with state, city, and federal agencies to implement the plan to alleviate the catastrophic effects of flooding in Kahuku.

DLNR is to submit a report of on-going activities related to the Kahuku Master Flood Control Plan, including implementation of a long-range plan to the Legislature prior to convening of the Regular Session of 1996.

The City and County of Honolulu, Department of Housing and Community Development (Department) submitted testimony in full support of this resolution, as the Master Flood Control Plan will identify causes and solutions to the flooding problems of the Kahuku region. According to the Department's testimony, such solutions are a necessary prerequisite to the development of part of the city's affordable housing project to provide opportunities for homeownership for low and moderate income families.

The Board of Land and Natural Resources submitted testimony opposing this measure, as it would, due to the anticipated shortfall of revenue to the State, result in reducing current priorities as indicated in the Executive Biennium Budget.

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. 226 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Nekoba, McMurdo, Tarnas and Yoshinaga.

SCRep. 1416 Water and Land Use Planning on H.R. No. 300

The purpose of this resolution to request the Department of Land and Natural Resources to:

- (1) Establish procedures for timely appraisals and lessee notification of increased lease rents and notify all lessees of these procedures in advance of each lease reopening;
- (2) Consider contracting with a private agency, authorizing it to establish and manage a system of lease appraisals and notification which meets statutory requirements; and

- (3) Discontinue the practice of requiring lessees to pay increased lease rents of which they have not been given notice.

Your Committee finds that lessees of state land leases, subject to periodic reopening for reappraisal, on numerous occasions have not received timely notice of an increase in rents. The Department of Land and Natural Resources (DLNR) has imposed these increased rents retroactively, placing a strain on many lessees as they were unable to plan for this added cost. This measure seeks to alleviate this unnecessary burden.

The Kanoelehua Industrial Area Association, Inc. submitted testimony in support of this measure. DLNR submitted testimony in opposition to 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 concurs with the intent and purpose of H.R. No. 300 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Nekoba, McMurdo, Tarnas and Yoshinaga.

SCRep. 1417 Water and Land Use Planning on H.C.R. No. 324

The purpose of this concurrent resolution is to request the the Department of Land and Natural Resources to:

- (1) Establish procedures for timely appraisals and lessee notification of increased lease rents and notify all lessees of these procedures in advance of each lease reopening;
- (2) Consider contracting with a private agency, authorizing it to establish and manage a system of lease appraisals and notification which meets statutory requirements; and
- (3) Discontinue the practice of requiring lessees to pay increased lease rents of which they have not been given notice.

Your Committee finds that lessees of state land leases, subject to periodic reopening for reappraisal, on numerous occasions have not received timely notice of an increase in rents. The Department of Land and Natural Resources (DLNR) has imposed these increased rents retroactively, placing a strain on many lessees as they were unable to plan for this added cost. This measure seeks to alleviate this unnecessary burden.

The Kanoelehua Industrial Area Association, Inc. submitted testimony in support of this measure. DLNR submitted testimony in opposition 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 concurs with the intent and purpose of H.C.R. No. 324 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Nekoba, McMurdo, Tarnas and Yoshinaga.

SCRep. 1418 Water and Land Use Planning on H.C.R. No. 192

The purpose of the concurrent resolution is to urge the evaluation of the usage and return of surplus federal ceded lands to the State of Hawaii and to include participation by representatives of the Hawaiian community.

Testimony in support of the concurrent resolution was submitted by the Office of Hawaiian Affairs, the Department of Land and Natural Resources, the Association of Hawaiian Civic Clubs, and Kamehameha Schools/Bishop Estate. Testimony in opposition to the concurrent resolution was received from Ka Lahui Hawai'i.

Your Committee has amended the concurrent resolution by:

- (1) Adding the Governor to the list of persons to receive certified copies of the concurrent resolution; and
- (2) Making technical, nonsubstantive changes 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 concurs with the intent and purpose of H.C.R. No. 192, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 192, H.D. 2.

Signed by all members of the Committee except Representatives Nekoba, McMurdo, Tarnas and Yoshinaga.

SCRep. 1419 Water and Land Use Planning on H.C.R. No. 229

The purpose of this concurrent resolution is to request the State Auditor to examine the management and operations of the Commission on Water Resource Management (CWRM).

The CWRM submitted testimony in support of the concurrent resolution. In addition, the CWRM suggested that the concurrent resolution be amended by deleting language describing the findings of the Review Commission on the State Water Code (Review Commission).

Your Committee finds that the findings of the Review Commission are not relevant to the Auditor's review of the existing management and operations of the CWRM.

Therefore, your Committee adopted the recommendation of CWRM and amended the concurrent resolution by removing three WHEREAS clauses that described the findings and recommendations of the Review Commission.

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. 229, 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. 229, H.D. 1.

Signed by all members of the Committee except Representatives Nekoba, McMurdo, Tarnas and Yoshinaga.

SCRep. 1420 Water and Land Use Planning on H.C.R. No. 317

The purpose of this concurrent resolution is to establish a policy that the Board of Land and Natural Resources (Board) will notify the Office of Hawaiian Affairs prior to any meeting of the Board pertaining to the disposition or exchange of public lands in the public land trust.

The Department of Land and Natural Resources submitted testimony stating that DLNR presently notifies OHA of requests for the disposition or exchange of lands prior to consideration of those requests by the Board.

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. 317 and recommends that it be referred to the Committee on Finance.

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

SCRep. 1421 Water and Land Use Planning and Energy and Environmental Protection on H.R. No. 118

The purpose of this resolution is to sustain Hawaii's unique flora by urging the Department of Land and Natural Resources (DLNR) and the county governments to increase their efforts to protect, conserve, preserve, and perpetuate native Hawaiian species of plant life.

It is a well known fact that Hawaii's native forests support a host of plant life found nowhere else in the world. Unfortunately, due to man's actions, many species have become extinct over the years, and others are now threatened with extinction. This measure encourages the state and county governments to reverse this trend through the use of tools such as conservation zoning, tax incentives, condemnation, as well as land exchanges.

DLNR, the Democratic Party of Hawaii, and the Sierra Club Legal Defense Fund testified in support of this measure. Kamehameha Schools/Bernice Pauahi Bishop Estate also offered comments.

Your Committees have amended this measure by:

- (1) Including partnerships as one of the key tools available to government; and
- (2) Making technical, nonsubstantive revisions for the purpose of style.

Your Committees are sensitive to the concerns of certain landowners regarding government's option to use condemnation as a tool to protect our native forests. The inclusion of condemnation is only intended to present the full spectrum of tools available to government. Clearly, your Committees recognize the need for a collaborative effort between the private and public sector if significant progress is to be made in achieving our objective.

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 concur with the intent and purpose of H.R. No. 118, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 118, H.D. 1.

Signed by all members of the Committees except Representatives Nekoba, Kanoho, McMurdo, Santiago and Yoshinaga.

SCRep. 1422 Water and Land Use Planning and Energy and Environmental Protection on H.C.R. No. 110

The purpose of this concurrent resolution is to sustain Hawaii's unique flora by urging the Department of Land and Natural Resources (DLNR) and the county governments to increase their efforts to protect, conserve, preserve, and perpetuate native Hawaiian species of plant life.

It is a well known fact that Hawaii's native forests support a host of plant life found nowhere else in the world. Unfortunately, due to man's actions, many species have become extinct over the years, and others are now threatened with extinction. This measure encourages the state and county governments to reverse this trend through the use of tools such as conservation zoning, tax incentives, condemnation, as well as land exchanges.

DLNR, the Democratic Party of Hawaii, and the Sierra Club Legal Defense Fund testified in support of this measure. Kamehameha Schools/Bernice Pauahi Bishop Estate also offered comments.

Your Committees have amended this measure by:

- (1) Including partnerships as one of the key tools available to government; and
- (2) Making technical, nonsubstantive revisions for the purpose of style.

Your Committees are sensitive to the concerns of certain landowners regarding government's option to use condemnation as a tool to protect our native forests. The inclusion of condemnation is only intended to present the full spectrum of tools available to government. Clearly, your Committees recognize the need for a collaborative effort between the private and public sector if significant progress is to be made in achieving our objective.

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 concur with the intent and purpose of H.C.R. No. 110, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 110, H.D. 1.

Signed by all members of the Committees except Representatives Nekoba, Kanoho, McMurdo, Santiago and Yoshinaga.

SCRep. 1423 Water and Land Use Planning and Energy and Environmental Protection on H.R. No. 248

The purpose of this resolution is to resolve conflicts surrounding the use and management of limited forest resources on the island of Hawaii.

This measure requests the Department of Land and Natural Resources (DLNR) to:

- (1) Continue the efforts of the Big Island's Natural Areas Working Group (Working Group), thereby ensuring the continued involvement of the public in land use and game management planning and implementation activities;
- (2) Implement a joint monitoring program utilizing community volunteers and existing professional staff; and
- (3) Increase its contact and communication with the hunting community to improve the enforcement of game laws.

Your Committees find that the Working Group is comprised of a variety of public, private, and community interest groups that share a mutual problem relating to the loss of native forests on the Big Island. This organization has been seeking community-based solutions to resolve differences of opinion regarding pig hunting, fencing, and the protection of forests and watersheds for threatened native species.

Since its inception, the Working Group has made significant progress to fulfill its mandate by listening to experts, reviewing reports, and debating the issues at great length. To date, the Working Group has met 17 times and held 8 public informational meetings.

Supporting testimony was presented by DLNR, the Sierra Club Legal Defense Fund, and the Nature Conservancy of Hawaii.

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 concur with the intent and purpose of H.R. No. 248 and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committees except Representatives Nekoba, Kanoho, McMurdo, Santiago and Yoshinaga.

SCRep. 1424 Water and Land Use Planning and Energy and Environmental Protection on H.C.R. No. 260

The purpose of this concurrent resolution is to resolve conflicts surrounding the use and management of limited forest resources on the island of Hawaii.

This measure requests the Department of Land and Natural Resources (DLNR) to:

- (1) Continue the efforts of the Big Island's Natural Areas Working Group (Working Group), thereby ensuring the continued involvement of the public in land use and game management planning and implementation activities;
- (2) Implement a joint monitoring program utilizing community volunteers and existing professional staff; and
- (3) Increase its contact and communication with the hunting community to improve the enforcement of game laws.

Your Committees find that the Working Group is comprised of a variety of public, private, and community interest groups that share a mutual problem relating to the loss of native forests on the Big Island. This organization has been seeking community-based solutions to resolve differences of opinion regarding pig hunting, fencing, and the protection of forests and watersheds for threatened native species.

Since its inception, the Working Group has made significant progress to fulfill its mandate by listening to experts, reviewing reports, and debating the issues at great length. To date, the Working Group has met 17 times and held 8 public informational meetings.

Supporting testimony was presented by DLNR, the Sierra Club Legal Defense Fund, and the Nature Conservancy of Hawaii.

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 concur with the intent and purpose of H.C.R. No. 260 and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committees except Representatives Nekoba, Kanoho, McMurdo, Santiago and Yoshinaga.

SCRep. 1425 Water and Land Use Planning and Energy and Environmental Protection on H.C.R. No. 261

The purpose of this concurrent resolution is to request the Legislative Auditor to conduct a financial and management audit of the Department of Land and Natural Resources' (DLNR) Division of Conservation and Resource Enforcement (DOCARE) on the island of Hawaii.

Two of the major issues that the Big Island's Natural Areas Working Group (Working Group) deliberated on, dealt with poaching and the lack of an adequate presence of DOCARE personnel in many hunting areas. The Working Group recognized that part of the problem is due to DOCARE's increased responsibilities that force its staff to be spread thinly on the shoreline, as well as in State parks, forest reserves, and hunting areas.

The Working Group found that there is public support to provide DOCARE with additional enforcement officers. However, before additional resources are provided, it behooves the State to first determine whether the resources already available to DOCARE are being utilized to their fullest. A financial and management audit would provide this necessary information.

Supporting testimony was received from DLNR, the Sierra Club Legal Defense Fund, Animal Rights Hawaii, and the Nature Conservancy of Hawaii.

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 concur with the intent and purpose of H.C.R. No. 261 and recommend that it be referred to the Committee on Legislative Management.

Signed by all members of the Committees except Representatives Nekoba, Kanoho, McMurdo, Santiago and Yoshinaga.

SCRep. 1426 Water and Land Use Planning and Energy and Environmental Protection on H.C.R. No. 262

The purpose of this concurrent resolution is to request the Legislative Auditor to conduct a financial and management audit of the Wildlife Management Section of the Division of Forestry and Wildlife, Department of Land and Natural Resources (DLNR).

The Legislative Auditor is requested, as a major part of its review, to determine whether funds provided by the Pittman-Robertson (PR) Program (The Federal Aid in Wildlife Restoration Act) have been used in an efficient and effective manner over the past five years.

The need for this concurrent resolution is based on a general concern over the perceived discrepancy between the amount of federal excise taxes paid locally on sporting firearms, ammunition, archery equipment, and handguns under the PR Program and the amount of funds expended by this State to support the operations of wildlife management areas, research and surveys of wildlife populations, hunter safety programs, and so forth.

DLNR testified that it would cooperate fully with an audit but disagreed with the perception that local hunters are not getting their fair share of PR funds. According to its figures, Hawaii's current level of PR funds corresponds to approximately \$97/licensed hunter/year which assumes the purchase of arms, ammunition, and archery equipment totalling \$900-\$1,000/licensed hunter/year.

Supporting this measure were the Sierra Club Legal Defense Fund, Animal Rights Hawaii, and The Nature Conservancy of Hawaii.

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 concur with the intent and purpose of H.C.R. No. 262 and recommend that it be referred to the Committee on Legislative Management.

Signed by all members of the Committees except Representatives Nekoba, Kanoho, McMurdo, Santiago and Yoshinaga.

SCRep. 1427 Water and Land Use Planning and Ocean Recreation and Marine Resources on H.R. No. 270

The purpose of this resolution is to address the harbor needs of West Hawaii for new recreational and commercial boating facilities.

This resolution provides legislative authority for the Board of Land and Natural Resources (BLNR) to issue a lease to a private developer for approximately 650 acres of fast and submerged lands at Honokohau Harbor for the development of marina facilities. Section 171-60, Hawaii Revised Statutes, among other things, requires the prior authorization by the Legislature by resolution before the BLNR may lease to a private developer, by negotiation and without recourse to public auction, fast and submerged lands.

In addition to recreational and commercial boating facilities, there is also a need for fuel storage facilities at Honokohau Harbor to provide fuel for Keahole Airport as well as HELCO's generator plant at Keahole in a more efficient, cost-effective, and environmentally-appropriate manner.

In supporting this measure, the Department of Land and Natural Resources testified that although a fuel terminal was not originally envisioned for Honokohau Harbor, it is not adverse to its inclusion. The Department of Transportation also supported passage of this measure. Ka Lahui Hawaii testified in opposition, citing the fact that submerged lands are ceded lands and should not be dredged.

Your Committees have amended this measure by:

- (1) Addressing the importance of involving the community in the planning process, especially the Office of Hawaiian Affairs and Ka Lahui Hawaii in decisions relating to ceded lands;
- (2) Clarifying the location and area of the lease; and
- (3) Making technical, nonsubstantive revisions for the purpose of style.

As affirmed by the records of votes of the members of your Committees on Water and Land Use Planning and Ocean Recreation and Marine Resources that are attached to this report, your Committees concur with the intent and purpose of H.R. No. 270, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 270, H.D. 1.

Signed by all members of the Committees except Representatives Kanoho, Shon and Yoshinaga.

SCRep. 1428 Water and Land Use Planning and Ocean Recreation and Marine Resources on H.C.R. No. 280

The purpose of this concurrent resolution is to address the harbor needs of West Hawaii for new recreational and commercial boating facilities.

This concurrent resolution provides legislative authority for the Board of Land and Natural Resources (BLNR) to issue a lease to a private developer for approximately 650 acres of fast and submerged lands at Honokohau Harbor for the development of marina facilities. Section 171-60, Hawaii Revised Statutes, among other things, requires the prior authorization by the Legislature by concurrent resolution before the BLNR may lease to a private developer, by negotiation and without recourse to public auction, fast and submerged lands.

In addition to recreational and commercial boating facilities, there is also a need for fuel storage facilities at Honokohau Harbor to provide fuel for Keahole Airport as well as HELCO's generator plant at Keahole in a more efficient, cost-effective, and environmentally-appropriate manner.

In supporting this measure, the Department of Land and Natural Resources testified that although a fuel terminal was not originally envisioned for Honokohau Harbor, it is not adverse to its inclusion. The Department of Transportation also supported passage of this measure. Ka Lahui Hawaii testified in opposition, citing the fact that submerged lands are ceded lands and should not be dredged.

Your Committees have amended this measure by:

- (1) Addressing the importance of involving the community in the planning process, especially the Office of Hawaiian Affairs and Ka Lahui Hawaii in decisions relating to ceded lands;
- (2) Clarifying the location and area of the lease; and
- (3) Making technical, nonsubstantive revisions for the purpose of style.

As affirmed by the records of votes of the members of your Committees on Water and Land Use Planning and Ocean Recreation and Marine Resources that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 280, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 280, H.D. 1.

Signed by all members of the Committees except Representatives Kanoho, Shon and Yoshinaga.

SCRep. 1429 Water and Land Use Planning and Ocean Recreation and Marine Resources on H.C.R. No. 57

The purpose of this concurrent resolution is to authorize the Board of Land and Natural Resources (Board) to issue a lease for the development of lands at Kawaihae for a small boat harbor.

Your Committees received testimony in strong support of the concurrent resolution from the Board and from a representative of the Hawaii Sea Grant College program. Testimony indicated that there is a serious lack of berthing facilities for boats. The Board testimony stated that the concurrent resolution would permit the orderly completion of

small boat facilities without cost to the state. Ka Lahui Hawai'i submitted testimony in opposition to the concurrent resolution.

Your Committees have amended this concurrent resolution by adding clauses recognizing:

- (1) The need to involve the community in the process of planning, design, construction, and operations of the proposed marina; and
- (2) The importance of involving representatives of the Office of Hawaiian Affairs, Ka Lahui, and other interested organizations in decisions relating to ceded lands of relevance to the development of the proposed marina.

As affirmed by the records of votes of the members of your Committees on Water and Land Use Planning and Ocean Recreation and Marine Resources that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 57, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 57, H.D. 1.

Signed by all members of the Committees except Representatives Nekoba, McMurdo and Yoshinaga.

SCRep. 1430 Public Safety and Military Affairs and Judiciary on H.R. No. 278

The purpose of this resolution is to request the Attorney General to convene a task force to project future correctional facility population capacity without regard to current corrections population management measures.

Testimony in support of this measure was received from the Department of Public Safety. The Attorney General submitted testimony in support of the intent of this resolution.

Current corrections population projections have been based on prison inmate populations from the past two years, during which time actions such as early release programs, alteration of sentences, and adjusted parole and probation conditions, have been implemented to reduce prison overcrowding. Therefore, your Committees are concerned that current calculations projecting the need for increased prison capacity may not reflect the true projected prison population if no prison population reduction efforts were undertaken.

Your Committees have amended this resolution by:

- (1) Changing the request for the Attorney General to convene a task force to a request for the Corrections Population Management Commission (CPMC) to convene the task force, providing that the CPMC is reauthorized by Legislature; if the CPMC is not reauthorized, the Attorney General is requested to convene the task force;
- (2) Changing the title to reflect the change in the request; and
- (3) Making technical, nonsubstantive changes for purposes of clarity, style, and consistency

As affirmed by the records of votes of the members of your Committees on Public Safety and Military Affairs and Judiciary that are attached to this report, your Committees concur with the intent and purpose of H.R. No. 278, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 278, H.D. 1.

Signed by all members of the Committees except Representatives Cachola, Menor, Yoshinaga and Thielen.

SCRep. 1431 Public Safety and Military Affairs and Judiciary on H.C.R. No. 292

The purpose of this concurrent resolution is to request the Attorney General to convene a task force to project future correctional facility population capacity without regard to current corrections population management efforts.

evaluate and make recommendations concerning correctional capacity necessary if estimates of correctional facility intake, length of sentence, probation, parole, and other factors necessary were made without regard to current corrections population management efforts.

Testimony in support of this measure was received from the Department of Public Safety. The Attorney General submitted testimony in support of the intent of this concurrent resolution.

Current corrections population projections have been based on prison inmate populations from the past two years, during which time actions such as early release programs, alteration of sentences, and adjusted parole and probation conditions, have been implemented to reduce prison overcrowding. Therefore, your Committees are concerned that current calculations projecting the need for increased prison capacity may not reflect the true projected prison population if no prison population reduction efforts were undertaken.

Your Committees have amended this concurrent resolution by:

- (1) Changing the request for the Attorney General to convene a task force to a request for the Corrections Population Management Commission (CPMC) to convene the task force, providing that the CPMC is reauthorized by Legislature; if the CPMC is not reauthorized, the Attorney General is requested to convene the task force;
- (2) Changing the title to reflect the change in the request; and

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

As affirmed by the records of votes of the members of your Committees on Public Safety and Military Affairs and Judiciary that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 292, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 292, H.D. 1.

Signed by all members of the Committees except Representatives Cachola, Menor, Yoshinaga and Thielen.

SCRep. 1432 Public Safety and Military Affairs on H.R. No. 296

The purpose of this resolution is to request the Governor to create a task force to study the security of Maui Community Correctional Center and the various release programs being operated out of the facility.

The Department of Public Safety submitted testimony in support of the measure.

Your Committee finds that a task force comprised of citizens, the Maui Police Department, the Department of Public Safety, and the Maui Community Correctional Center has already been formed to study security issues related to the Maui Community Correctional Center and its release programs.

The resolution has been amended by:

- (1) Deleting the request for the Governor to create a task force, and instead expressing support for the task force that has already been created; and changing the title of the measure to reflect this change;
- (2) Requesting the task force to recommend improvements in communications between public safety officials and the community, in addition to assessing public safety needs; and
- (3) Making technical, nonsubstantive revisions for purposes of style and clarity.

As affirmed by the record of votes of the members of your Committee on Public Safety and Military Affairs that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 296, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 296, H.D. 1.

Signed by all members of the Committee except Representative Tom.

SCRep. 1433 Public Safety and Military Affairs on H.C.R. No. 320

The purpose of this concurrent resolution is to request the Governor to create a task force to study the security of Maui Community Correctional Center and the various release programs being operated out of the facility.

The Department of Public Safety submitted testimony in support of the measure.

Your Committee finds that a task force comprised of citizens, the Maui Police Department, the Department of Public Safety, and the Maui Community Correctional Center has already been formed to study security issues related to the Maui Community Correctional Center and its release programs.

The concurrent resolution has been amended by:

- (1) Deleting the request for the Governor to create a task force, and instead expressing support for the task force that has already been created; and changing the title of the measure to reflect this change;
- (2) Requesting the task force to recommend improvements in communications between public safety officials and the community, in addition to assessing public safety needs; and
- (3) Making technical, nonsubstantive revisions for purposes of style and clarity.

As affirmed by the record of votes of the members of your Committee on Public Safety and Military Affairs that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 320, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 320, H.D. 1.

Signed by all members of the Committee except Representative Tom.

SCRep. 1434 Public Safety and Military Affairs and Judiciary on H.C.R. No. 288

The purpose of this concurrent resolution is to request the Attorney General to investigate:

- (1) The Department of Public Safety's (DPS's) practice of transferring convicted felons from Oahu Community Correctional Center to Hawaii Community Correctional Center and Hale Nani;
- (2) DPS's practice of transferring prerelease prisoners from Kulani Prison to Hale Nani; and
- (3) DPS's plans to have Kulani Prison manage Hale Nani.

The investigation is intended to ascertain the types of detainees and prisoners being transferred and released and to assess the risks posed to the general public by the types of prisoners who are released.

The Department of Public Safety submitted testimony in support of the concurrent resolution.

The measure focuses on transfers between particular correctional facilities and the practices of these facilities. However, a more generalized approach is appropriate because the problems appear to be systemic rather than isolated.

Your Committees have amended the concurrent resolution by:

- (1) Deleting the descriptions of practices related to particular correctional facilities, and deleting the request for an investigation of these practices;
- (2) Taking a more general approach to the problems of prison overcrowding, housing prisoners who are inappropriately classified, transferring prisoners, and releasing them; and
- (3) Revising the title of the measure to conform with the new purpose.

As affirmed by the records of votes of the members of your Committees on Public Safety and Military Affairs and Judiciary that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 288, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 288, H.D. 1.

Signed by all members of the Committees except Representatives Cachola, Menor, Yoshinaga and Thielen.

SCRep. 1435 Intergovernmental Relations and International Affairs on H.R. No. 134

The purpose of this resolution is to protect native species and wetlands, and restore the historically correct name, at Kalaeloa.

Testimony in support of this measure was received from the Office of Hawaiian Affairs, the Department of Land and Natural Resources, and the Association of Hawaiian Civic Clubs.

Your Committee recognizes that there is a compelling need to protect the native plants and animals and to improve the wetlands at Kalaeloa as a habitat for these endangered species.

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. 134 and recommends that it be referred to the Committee on Finance.

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

SCRep. 1436 Intergovernmental Relations and International Affairs on H.C.R. No. 127

The purpose of this concurrent resolution is to protect native species and wetlands, and restore the historically correct name, at Kalaeloa.

Testimony in support of this measure was received from the Office of Hawaiian Affairs, the Department of Land and Natural Resources, and the Association of Hawaiian Civic Clubs.

Your Committee recognizes that there is a compelling need to protect the native plants and animals and to improve the wetlands at Kalaeloa as a habitat for these endangered species.

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. 127 and recommends that it be referred to the Committee on Finance.

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

SCRep. 1437 Intergovernmental Relations and International Affairs on H.R. No. 157

The purpose of this resolution is to request the Department of Agriculture, in cooperation with other state and county agencies and agricultural landowners and corporations, to take steps to promote, encourage, and advocate a diversified agricultural industry that will set goals and levels to reduce Hawaii's dependency on out-of-state sources for agricultural food products, within very specific time frames.

Testimony in support was received by the Department of Agriculture, the University of Hawaii at Manoa College of Tropical Agriculture and Human Resources, and the Department of Land and Natural Resources.

Your Committee has amended this resolution by:

- (1) Making technical, nonsubstantive amendments for purposes of clarity and style; and
- (2) Specifying that the Director of the Department of Business, Economic Development and Tourism and the Executive Director of the Agribusiness Development Corporation also be identified as individuals who will receive a certified copy of this resolution.

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 H.R. No. 157, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 157, H.D. 2.

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

SCRep. 1438 Intergovernmental Relations and International Affairs on H.C.R. No. 151

The purpose of this concurrent resolution is to request the Department of Agriculture, in cooperation with other state and county agencies and agricultural landowners and corporations, to take steps to promote, encourage, and advocate a diversified agricultural industry that will set goals and levels to reduce Hawaii's dependency on out-of-state sources for agricultural food products, within very specific time frames.

Testimony in support was received by the Department of Agriculture, the University of Hawaii at Manoa College of Tropical Agriculture and Human Resources, and the Department of Land and Natural Resources.

Your Committee has amended this concurrent resolution by:

- (1) Making technical, nonsubstantive amendments for purposes of clarity and style; and
- (2) Specifying that the Director of the Department of Business, Economic Development, and Tourism and the Executive Director of the Agribusiness Development Corporation also be identified as individuals who will receive a certified copy of this concurrent resolution.

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 H.C.R. No. 151, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 151, H.D. 2.

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

SCRep. 1439 Intergovernmental Relations and International Affairs on H.C.R. No. 73

The purpose of this concurrent resolution is to request the establishment of a joint interim special committee to hold public meetings on each island to examine the problems of welfare recipients on a first-hand basis.

Testimony in support of this measure was received from the Department of Human Services and the Commission on Persons with Disabilities. Testimony was also received from a concerned citizen.

Your Committee recognizes that the establishment of this joint interim special committee would afford an excellent opportunity to identify the problems welfare recipients are experiencing.

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. 73, H.D. 1, and recommends that it be referred to the Committee on Legislative Management.

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

SCRep. 1440 Intergovernmental Relations and International Affairs on H.C.R. No. 309

The purpose of this concurrent resolution is to reduce further degradation of the freshwater and coastal environments along the North Shore of Oahu.

This measure requests the Department of Land and Natural Resources, in coordination with interested North Shore Community Associations, to assist the newly formed Paukaula Streambank and Riparian Area Community Restoration Project Committee (PSP) in undertaking streambank restoration activities.

This measure also requests the City and County of Honolulu Department of Public Works, the Department of Land and Natural Resources Division of Water and Land Development Flood Control Office, the Department of Health Environmental Planning Office and Clean Water Branch, the United States Army Corps of Engineers, and the United States Department of Agriculture, Natural Resource Conservation Service in conjunction with the West Oahu Soil and Water Conservation District to coordinate efforts to conduct a review and assessment of the PSP problem.

Testimony in support of the measure was received from the State Department of Health, the Department of Land and Natural Resources, and the City & County of Honolulu's Department of Public Works.

Your Committee recognizes that this project is symbolic of the problems with streambank management across the state.

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. 309 and recommends that it be referred to the Committee on Finance.

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

SCRep. 1441 Judiciary on H.R. No. 120

The purpose of this resolution is to support multicultural curricula, affirmative action, and civil rights programs and policies in the State of Hawaii, including policies to:

- (1) Increase the numbers of under-represented groups at the University of Hawaii and within the Department of Education;
- (2) Enable women and under-represented ethnic minorities to obtain suitable positions in state government;
- (3) Promote bilingual education in public schools;
- (4) Provide bilingual assistance in accessing governmental services;
- (5) Ensure equal opportunity to women and minorities and nondiscrimination towards immigrants;
- (6) Provide enforcement of regulations to enable persons with disabilities to participate in the community; and
- (7) Treat gay, lesbian, and bisexual members of the community with dignity and respect.

Testimony in support of this resolution was received from the University of Hawaii, the Commission on Persons with Disabilities, and the Hawaii Civil Rights Commission. The Office of Affirmative Action expressed strong support for this measure, provided that its passage does not replace or adversely impact priorities as indicated in the Executive Biennium Budget. The Department of Education submitted testimony supporting the intent of this measure.

Your Committee has amended this resolution by deleting a reference to the 1994 State Democratic Convention wherein a measure resolving to support multicultural initiatives in Hawaii was adopted.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 120, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 120, H.D. 1.

Signed by all members of the Committee except Representatives Tom, Hamakawa, McMurdo, Menor, Saiki and Yoshinaga.

SCRep. 1442 Judiciary on H.C.R. No. 112

The purpose of this concurrent resolution is to support multicultural curricula, affirmative action, and civil rights programs and policies in the State of Hawaii, including policies to:

- (1) Increase the numbers of under-represented groups at the University of Hawaii and within the Department of Education;
- (2) Enable women and under-represented ethnic minorities to obtain suitable positions in state government;
- (3) Promote bilingual education in public schools;
- (4) Provide bilingual assistance in accessing governmental services;
- (5) Ensure equal opportunity to women and minorities and nondiscrimination towards immigrants;
- (6) Provide enforcement of regulations to enable persons with disabilities to participate in the community; and
- (7) Treat gay, lesbian, and bisexual members of the community with dignity and respect.

Testimony in support of this concurrent resolution was received from the University of Hawaii, the Commission on Persons with Disabilities, and the Hawaii Civil Rights Commission. The Office of Affirmative Action expressed strong support for this measure, provided that its passage does not replace or adversely impact priorities as indicated in the Executive Biennium Budget. The Department of Education submitted testimony supporting the intent of this measure.

Your Committee has amended this concurrent resolution by deleting a reference to the 1994 State Democratic Convention wherein a measure resolving to support multicultural initiatives in Hawaii was adopted.

As affirmed by the record of votes of the members of your Committee on Judiciary 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 Finance, in the form attached hereto as H.C.R. No. 112, H.D. 1.

Signed by all members of the Committee except Representatives Tom, Hamakawa, McMurdo, Menor, Saiki and Yoshinaga.

SCRep. 1443 Judiciary on H.R. No. 281

The purpose of this resolution is to request the Judiciary to administer a Ho'oponopono Demonstration Project.

The Judiciary supported the intent of this measure but commented that an appropriation would be necessary for implementation of the project. The Office of Hawaiian Affairs testified in support of this measure.

Your Committee finds that implementation of a Ho'oponopono system of conflict resolution will provide Hawaiians with a culturally sensitive alternative to established judicial processes and would offer the opportunity for Hawaiians to assist one another through traditional means. Your Committee believes that a demonstration project is timely and will be beneficial, not only to those persons of Hawaiian ancestry, but to the entire community as well.

Your Committee has amended this resolution by:

- (1) Adding the Office of Hawaiian Affairs, the Hui Imi Task Force, and the Native Hawaiian Bar Association to the list of entities to administer the Ho'oponopono Demonstration Project; 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 Judiciary that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 281, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 281, H.D. 1.

Signed by all members of the Committee except Representatives Tom, Hamakawa, McMurdo, Menor, Saiki and Yoshinaga.

SCRep. 1444 Judiciary on H.C.R. No. 296

The purpose of this concurrent resolution is to request the Judiciary to administer a Ho'oponopono Demonstration Project.

The Judiciary supported the intent of this measure but commented that an appropriation would be necessary for implementation of the project. The Office of Hawaiian Affairs testified in support of this measure.

Your Committee finds that implementation of a Ho'oponopono system of conflict resolution will provide Hawaiians with a culturally sensitive alternative to established judicial processes and would offer the opportunity for Hawaiians to assist one another through traditional means. Your Committee believes that a demonstration project is timely and would be beneficial, not only to those persons of Hawaiian ancestry, but to the entire community as well.

Your Committee has amended this concurrent resolution by:

- (1) Adding the Office of Hawaiian Affairs, the Hui Imi Task Force, and the Native Hawaiian Bar Association to the list of entities to administer the Ho'oponopono Demonstration Project; 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 Judiciary that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 296, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 296, H.D. 1.

Signed by all members of the Committee except Representatives Tom, Hamakawa, McMurdo, Menor, Saiki and Yoshinaga.

SCRep. 1445 Intergovernmental Relations and International Affairs on H.R. No. 294

The purpose of this resolution is to request an investigation into human rights abuses in the Commonwealth of Northern Marianas.

Testimony in support was received from the Filipino Coalition for Solidarity and the Oahu Filipino Community Council.

Your Committee has amended this resolution by:

- (1) Requesting the United States Congress instead of the Department of the Interior to investigate claims of human rights abuse in the Commonwealth of Northern Marianas; and
- (2) Amending the title of the resolution to reflect the amendments.
- (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 Intergovernmental Relations and International Affairs that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 294, as amended herein, and recommends that it be referred to the Committee on Judiciary, in the form attached hereto as H.R. No. 294, H.D. 1.

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

SCRep. 1446 Intergovernmental Relations and International Affairs on H.C.R. No. 318

The purpose of this concurrent resolution is to request an investigation into human rights abuses in the Commonwealth of Northern Marianas.

Testimony in support was received from the Filipino Coalition for Solidarity and the Oahu Filipino Community Council.

Your Committee has amended this concurrent resolution by:

- (1) Requesting the United States Congress instead of the Department of the Interior to investigate claims of human rights abuse in the Commonwealth of Northern Marianas; and
- (2) Amending the title of the concurrent resolution to reflect the amendments; 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 Intergovernmental Relations and International Affairs that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 318, as amended herein, and recommends that it be referred to the Committee on Judiciary, in the form attached hereto as H.C.R. No. 318, H.D. 1.

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

SCRep. 1447 Ocean Recreation and Marine Resources on H.R. No. 180

The purpose of this resolution is to request the Department of Land and Natural Resources (DLNR) to establish an advisory task force to:

- (1) Evaluate the adequacy of the State's fishing laws, their enforcement, and their effectiveness in preventing the depletion of Hawaii's fisheries; and
- (2) Draft and recommend suggested revisions to the current fishing laws.

Testimony in support of this measure was received from the Northshore Spearfishers. The University of Hawaii Sea Grant Program submitted testimony in favor of the intent of this measure. Testimony was also received from DLNR.

Your Committee finds that increased participation of agencies, organizations, and citizens is essential in the regulation review and rule making process of DLNR. Further, your Committee favors the creation of task forces to bring together groups and individuals who have knowledge of issues under consideration by DLNR and who may be affected by DLNR's actions. Task forces have enabled full discussion of a particular issue to occur, with the result that either a consensus emerges as to the feasibility of various actions, or at the least, an agency is able to obtain knowledgeable input prior to the adoption of rules.

Therefore, your Committee has amended this resolution by:

- (1) Broadening its scope and intent by requesting DLNR to form individually tailored task forces to deal with specific issues identified by DLNR, or by the Legislature, which are deemed priority issues for DLNR; and
- (2) Changing the title to reflect the change in the request.

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. 180, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 180, H.D. 1.

Signed by all members of the Committee.

SCRep. 1448 Ocean Recreation and Marine Resources on H.C.R. No. 177

The purpose of this concurrent resolution is to request the Department of Land and Natural Resources (DLNR) to establish an advisory task force to:

- (1) Evaluate the adequacy of the State's fishing laws, their enforcement, and their effectiveness in preventing the depletion of Hawaii's fisheries; and
- (2) Draft and recommend suggested revisions to the current fishing laws.

Testimony in support of this measure was received from the Northshore Spearfishers. The University of Hawaii Sea Grant Program submitted testimony in favor of the intent of this measure. Testimony was also received from DLNR.

Your Committee finds that increased participation of agencies, organizations, and citizens is essential in the regulation review and rule making process of DLNR. Further, your Committee favors the creation of task forces to bring together groups and individuals who have knowledge of issues under consideration by DLNR and who may be affected by the DLNR's actions. Task forces have enabled full discussion of a particular issue to occur, with the result that either a consensus emerges as to the feasibility of various actions, or at the least, an agency is able to obtain knowledgeable input prior to the adoption of rules.

Therefore, your Committee has amended this concurrent resolution by:

- (1) Broadening its scope and intent by requesting DLNR to form individually tailored task forces to deal with specific issues identified by DLNR, or by the Legislature, which are deemed priority issues for DLNR; and
- (2) Changing the title to reflect the change in the request.

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. 177, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 177, H.D. 1.

Signed by all members of the Committee.

SCRep. 1449 Energy and Environmental Protection on H.R. No. 47

The purpose of this measure is to request the governor to adopt procedures and recommend legislation that would reduce the amount of time needed to fund and prepare an environmental impact statement (EIS).

Testimony in support of this resolution was received from the Department of Accounting and General Services, the Department of Education, the Land Use Research Foundation of Hawaii (LURF), and the Chamber of Commerce of Hawaii.

LURF and the Chamber of Commerce supported the measure, but suggested broadening its scope to include EISs for private projects as well as those of the state and county governments.

The measure has been amended to:

- (1) Broaden the scope of the resolution to include private projects with those of the state and counties;
- (2) Request the Office of State Planning, in cooperation with the Office of Environmental Quality Control, to adopt procedures and recommend legislation that would reduce the amount of time needed to fund and prepare an EIS, rather than requesting the Governor to do the same.

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. 47, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 47, H.D. 1.

Signed by all members of the Committee except Representatives Takamine, Yoshinaga and Thielen.

SCRep. 1450 Energy and Environmental Protection on H.C.R. No. 39

The purpose of this measure is to request the governor to adopt procedures and recommend legislation that would reduce the amount of time needed to fund and prepare an environmental impact statement (EIS).

Testimony in support of this concurrent resolution was received from the Department of Accounting and General Services, the Department of Education, the Land Use Research Foundation of Hawaii (LURF), and the Chamber of Commerce of Hawaii.

LURF and the Chamber of Commerce supported the measure, but suggested broadening its scope to include EISs for private projects as well as those of the state and county governments.

The measure has been amended to:

- (1) Broaden the scope of the concurrent resolution to include private projects with those of the state and counties;
- (2) Request the Office of State Planning, in cooperation with the Office of Environmental Quality Control, to adopt procedures and recommend legislation that would reduce the amount of time needed to fund and prepare an EIS, rather than requesting the Governor to do the same.

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. 39, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 39, H.D. 1.

Signed by all members of the Committee except Representatives Takamine, Yoshinaga and Thielen.

SCRep. 1451 Energy and Environmental Protection on H.R. No. 84

The purpose of this measure is to request the Department of Land and Natural Resources (DLNR) to assist the Oiled Wildlife Working Group in the Development of a realistic oiled wildlife response plan for Hawaii.

Testimony in support of this measure was received from the Coast Guard, the International Bird Rescue Research Center, the Hawaii Audubon Society, the Hawaii Native Wildlife Center, and the Kohala Foundation, Inc.

The Coast Guard noted that the Oiled Wildlife Working Group has made great progress on the oiled wildlife response plan since it was chartered in April 1994, but that a lead role needs to be taken by the state to ensure the feasibility of this plan.

Upon further consideration, your Committee amended the resolution by:

- (1) Requesting the assistance of the Department of Health, the National Marine Fisheries Service, and the U.S. Fish and Wildlife Service in the development of the oiled wildlife response plan, in addition to that of the DLNR; and
- (2) Requesting the DLNR to submit a report to the Legislature on the progress of the Oiled Wildlife Working Group, and on the funding and legislation necessary for the implementation of the oiled wildlife response plan no later than twenty days prior to the convening of the Regular Session of 1996; and
- (3) Requesting that a copy of this measure be transmitted to the Commander in Chief of the Pacific Command, as well as those organizations already named in the resolution; and
- (4) Making technical, non-substantive changes for the purpose of style, clarity, and conformity.

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. 84, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 84, H.D. 1.

Signed by all members of the Committee except Representatives Takamine, Yoshinaga and Thielen.

SCRep. 1452 Energy and Environmental Protection on H.C.R. No. 78

The purpose of this measure is to request the Department of Land and Natural Resources (DLNR) to assist the Oiled Wildlife Working Group in the Development of a realistic oiled wildlife response plan for Hawaii.

Testimony in support of this measure was received from the Coast Guard, the International Bird Rescue Research Center, the Hawaii Audubon Society, the Hawaii Native Wildlife Center, and the Kohala Foundation, Inc.

The Coast Guard noted that the Oiled Wildlife Working Group has made great progress on the oiled wildlife response plan since it was chartered in April 1994, but that a lead role needs to be taken by the state to ensure the feasibility of this plan.

Upon further consideration, your Committee amended the concurrent resolution by:

- (1) Requesting the assistance of the Department of Health, the National Marine Fisheries Service, and the U.S. Fish and Wildlife Service in the development of the oiled wildlife response plan, in addition to that of the DLNR; and
- (2) Requesting the DLNR to submit a report to the Legislature on the progress of the Oiled Wildlife Working Group, and on the funding and legislation necessary for the implementation of the oiled wildlife response plan no later than twenty days prior to the convening of the Regular Session of 1996; and
- (3) Requesting that a copy of this measure be transmitted to the Commander in Chief of the Pacific Command, as well as those organizations already named in the resolution; and
- (4) Making technical, non-substantive changes for the purpose of style, clarity, and conformity.

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. 78, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 78, H.D. 1.

Signed by all members of the Committee except Representatives Takamine, Yoshinaga and Thielen.

SCRep. 1453 Energy and Environmental Protection on H.R. No. 108

The purpose of this resolution is to request the Legislative Reference Bureau to conduct a risk-analysis study of all available geothermal data to ensure that the public health, safety, and welfare is not being compromised by the geothermal project in Puna.

Supporting testimony was received from the Department of Land and Natural Resources and the Democratic Party of Hawaii.

The Department of Health opposed the resolution asserting that much of this work has already been done and they lacked the resources to conduct such a study properly. They also felt that their involvement in the project would not be beneficial due to the perceived public mistrust for the Department of Health in this matter.

A representative from the Puna Geothermal Venture also expressed opposition to the measure stating that studies of this nature have already been done.

Your Committee finds that although studies on the substances associated with the health risks created by the geothermal project have been done in the past, they were often times difficult for the general public to understand and, thus, did not serve the purpose of adequately addressing community concerns.

Your Committee finds that since there is still a need to address community concerns in an effective manner, it may yet be prudent to proceed with the study by the Legislative Reference Bureau. During discussion on this matter, the Committee emphasized that the report must be user friendly and comprehensible to both legislators and the general public. The report should also include an assessment of whether existing data is comprehensive and thorough enough to serve as a

guide to policy makers regarding decisions about geothermal operations in Hawaii. Accordingly, this measure has been amended as follows:

- (1) The Legislative Reference Bureau is to conduct the risk- analysis study of all available geothermal data which includes a critical review of all existing geothermal studies to determine how relevant this data is to the situation in Hawaii;
- (2) The Department of Health is added to the list of government agencies assigned to assist the Legislative Reference Bureau in this study.

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. 108, as amended herein, and recommends that it be referred to the Committee on Legislative Management, in the form attached hereto as H.R. No. 108, H.D. 1.

Signed by all members of the Committee except Representatives Takamine, Yoshinaga and Thielen.

SCRep. 1454 Energy and Environmental Protection on H.C.R. No. 100

The purpose of this resolution is to request the Legislative Reference Bureau to conduct a risk-analysis study of all available geothermal data to ensure that the public health, safety, and welfare is not being compromised by the geothermal project in Puna.

Supporting testimony was received from the Department of Land and Natural Resources and the Democratic Party of Hawaii.

The Department of Health opposed the concurrent resolution asserting that much of this work has already been done and they lacked the resources to conduct such a study properly. They also felt that their involvement in the project would not be beneficial due to the perceived public mistrust for the Department of Health in this matter.

A representative from the Puna Geothermal Venture also expressed opposition to the measure, stating that studies of this nature have already been done.

Your Committee finds that although studies on the substances associated with the health risks created by the geothermal project have been done in the past, they were often times difficult for the general public to understand and, thus, did not serve the purpose of adequately addressing community concerns.

Your Committee finds that since there is still a need to address community concerns in an effective manner, it may yet be prudent to proceed with the study by the Legislative Reference Bureau. During discussion on this matter, the Committee emphasized that the report must be user friendly and comprehensible to both legislators and the general public. The report should also include an assessment of whether existing data is comprehensive and thorough enough to serve as a guide to policy makers regarding decisions about geothermal operations in Hawaii. Accordingly, this measure has been amended as follows:

- (1) The Legislative Reference Bureau is to conduct the risk- analysis study of all available geothermal data which includes a critical review of all existing geothermal studies to determine how relevant this data is to the situation in Hawaii;
- (2) The Department of Health is added to the list of government agencies assigned to assist the Legislative Reference Bureau in this study.

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. 100, 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. 100, H.D. 1.

Signed by all members of the Committee except Representatives Takamine, Yoshinaga and Thielen.

SCRep. 1455 Energy and Environmental Protection on H.R. No. 122

The purpose of this resolution is to request the Governor to establish a task force to study concerns relating to the pollution of Waikiki Beach waters and ecosystem by a possibly outdated and damaged sewage system.

Your Committee heard testimony from the Waikiki Residents Association, accompanied by a petition signed by Waikiki residents, which helped illustrate the apparent seriousness of the situation. It was pointed out that massive development in the Waikiki area, which was formerly wetlands, has caused significant shifts in ground level; this may very well have contributed to cracks within the sewer line system, and would certainly help explain the stench one encounters consistently at several points in the Waikiki district.

Waikiki is the lynchpin in the state's tourism-driven economy, and it will not bode well for the state if government continues to ignore the problems presented by a decaying infrastructure that can no longer adequately support the activities of the area. Your Committee is therefore inclined to support this resolution as a necessary step to be taken in dealing with this unpleasant situation.

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. 122 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Takamine, Yoshinaga and Thielen.

SCRep. 1456 Energy and Environmental Protection on H.C.R. No. 114

The purpose of this resolution is to request the Governor to establish a task force to study concerns relating to the pollution of Waikiki Beach waters and ecosystem by a possibly outdated and damaged sewage system.

Your Committee heard testimony from the Waikiki Residents Association, accompanied by a petition signed by Waikiki residents, which helped illustrate the apparent seriousness of the situation. It was pointed out that massive development in the Waikiki area, which was formerly wetlands, has caused significant shifts in ground level; this may very well have contributed to cracks within the sewer line system, and would certainly help explain the stench one encounters consistently at several points in the Waikiki district.

Waikiki is the lynchpin in the state's tourism-driven economy, and it will not bode well for the state if government continues to ignore the problems presented by a decaying infrastructure that can no longer adequately support the activities of the area. Your Committee is therefore inclined to support this resolution as a necessary step to be taken in dealing with this unpleasant situation.

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. 114 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Takamine, Yoshinaga and Thielen.

SCRep. 1457 Energy and Environmental Protection on H.R. No. 158

The purpose of this resolution is to request the Department of Health to implement vadose zone monitoring technology to monitor the groundwater at new and existing golf courses.

Testimony in support of the intent of the resolution was received by the Department of Health, Board of Water Supply, and a private citizen. The Department of Health and Board of Water Supply both testified that fiscal constraints would inhibit the implementation of a vadose zone monitoring program as described in the resolution's original form.

Your Committee has amended the resolution by:

- (1) Requesting the Department of Health to recommend the use of vadose zone monitoring technology to the appropriate monitoring agencies;
- (2) Broadening the resolution's language to recommend the use of vadose zone monitoring technology in all areas where the potential for groundwater pollution exists;
- (3) Deleting the "be it resolved" program implementation directive;
- (4) Changing the title to reflect the amendments; and
- (5) Editing the resolution for purposes of style and conformity.

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. 158, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 158, H.D. 1.

Signed by all members of the Committee except Representatives Takamine, Yoshinaga and Thielen.

SCRep. 1458 Energy and Environmental Protection on H.C.R. No. 154

The purpose of this concurrent resolution is to request the Department of Health to implement vadose zone monitoring technology to monitor the groundwater at new and existing golf courses.

Testimony in support of the intent of the concurrent resolution was received by the Department of Health, Board of Water Supply, and a private citizen. The Department of Health and Board of Water Supply both testified that fiscal constraints would inhibit the implementation of a vadose zone monitoring program as described in the concurrent resolution's original form.

Your Committee has amended the concurrent resolution by:

- (1) Requesting the Department of Health to recommend the use of vadose zone monitoring technology to the appropriate monitoring agencies;
- (2) Broadening the resolution's language to recommend the use of vadose zone monitoring technology in all areas where the potential for groundwater pollution exists;
- (3) Deleting the "be it resolved" program implementation directive;

- (4) Changing the title to reflect the amendments; and
- (5) Editing the concurrent resolution for purposes of style and conformity.

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. 154, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 154, H.D. 1.

Signed by all members of the Committee except Representatives Takamine, Yoshinaga and Thielen.

SCRep. 1459 Energy and Environmental Protection on H.C.R. No. 250

The purpose of this concurrent resolution is to request the Public Utilities Commission to restructure the basis used for calculating the rate of return for public electric utilities. Such restructuring would effectively remove the economic barriers to electric utilities purchasing energy from independent power producers who use renewable energy resources.

The Committee received supporting testimony from Energy Resource Systems which included suggestions on how to clarify the purposes of this concurrent resolution and address the concerns of all affected parties.

Opposing testimony was given by Hawaiian Electric Company, Inc. and the Department of Commerce and Consumer Affairs on the basis that this action would result in higher electricity rates for the consumer. It was also noted that the Federal Energy Regulatory Commission has mandated that electric utilities cannot pay more than the avoided cost for power they buy from independent power producers.

The Public Utilities Commission also submitted testimony stating that it would be inappropriate for the Commission to comment on the concurrent resolution since it relates directly to a docketed matter currently pending before the Commission.

Your Committee feels that this concurrent resolution would advance the State's established policy to promote and encourage the development and use of renewable energy. Furthermore, this action would assist in the development of dependable, efficient, and economical energy systems, whereby dependence on fossil fuels may be drastically reduced. The smooth integration of alternative and renewable energy sources into the State's existing energy infrastructure may never occur under currently established rate setting processes. The State will, therefore, remain dangerously dependent on the importation of petroleum and other non-renewable energy resources.

Upon careful consideration, your Committee agreed to amend this concurrent resolution as follows for purposes of clarity and effectiveness by:

- (1) Removing the example of negotiation difficulties Ensearch and Waimana Enterprises are currently having with HELCO;
- (2) Amending the language to reflect that if the utilities could make money by using IPP generated energy, then they could afford to restructure the avoided cost formula upward, thus encouraging the negotiation of better contracts between the utilities and IPPs to benefit the consumer;
- (3) Including IPPs who provide non-regulated power generation as another source from which electric utilities could purchase energy once current economic barriers are lifted.

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. 250, 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. 250, H.D. 1.

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

SCRep. 1460 Hawaiian Affairs and Housing on H.R. No. 192

The purpose of this resolution is to urge the use of the historically correct name of Pu'u Kapolei.

The Office of Hawaiian Affairs provided testimony in support of this resolution.

Your Committee decided to amend this bill by including the Housing Finance and Development Corporation as one of the organizations receiving certified copies of the resolution.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs and Housing that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 192, 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. 192, H.D. 1.

Signed by all members of the Committee except Representatives Hamakawa and Stegmaier.

SCRep. 1461 Hawaiian Affairs and Housing on H.R. No. 113

The purpose of the resolution is to urge the creation of more rental housing for low and very low income families and individuals.

Testimony in support of the measure was received by the Hawaii Housing Authority, Hawaii Catholic Conference, Oahu Social Ministry, American Association of Retired Persons, the Housing Finance and Development Corporation, and private citizens.

Your Committee has amended the resolution by having the House Committee on Hawaiian Affairs and Housing convene a task force to develop plans and alternatives supporting the creation of rental housing for low and very low income families and individuals by government agencies and private corporations.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs and Housing that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 113, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 113, H.D. 1.

Signed by all members of the Committee except Representative Kawakami.

SCRep. 1462 Hawaiian Affairs and Housing on H.C.R. No. 105

The purpose of the concurrent resolution is to urge the creation of more rental housing for low and very low income families and individuals.

Testimony in support of the measure was received by the Hawaii Housing Authority, Hawaii Catholic Conference, Oahu Social Ministry, American Association of Retired Persons, the Housing Finance and Development Corporation, and private citizens.

Your Committee has amended the concurrent resolution by having the House Committee on Hawaiian Affairs and Housing convene a task force to develop plans and alternatives supporting the creation of rental housing for low and very low income families and individuals by government agencies and private corporations.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs and Housing that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 105, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 105, H.D. 1.

Signed by all members of the Committee except Representative Kawakami.

SCRep. 1463 Hawaiian Affairs and Housing on H.R. No. 218

The purpose of this resolution is to request an action plan regarding native Hawaiians in the criminal justice system.

Supportive testimony was received from the Association of Hawaiian Civic Clubs.

Your Committee recognizes that the incarceration rate of native Hawaiians is twice their proportion in the state population. This over-representation places a heavy burden on the state in terms of lost tax revenues. It also places a stress on families and communities. Your Committee supports the need for an action plan to aid native Hawaiians in the criminal justice system.

Accordingly, this resolution was passed unamended.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs and Housing that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 218 and recommends that it be referred to the Committee on Judiciary.

Signed by all members of the Committee except Representatives Hamakawa and Stegmaier.

SCRep. 1464 Hawaiian Affairs and Housing on H.C.R. No. 223

The purpose of this concurrent resolution is to request an action plan regarding native Hawaiians in the criminal justice system.

Supportive testimony was received from the Association of Hawaiian Civic Clubs.

Your Committee recognizes that the incarceration rate of native Hawaiians is twice their proportion in the state population. This over-representation places a heavy burden on the state in terms of lost tax revenues. It also places a stress on families and communities. Your Committee supports the need for an action plan to aid native Hawaiians in the criminal justice system.

Accordingly, this concurrent resolution was passed unamended.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs and Housing that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 223 and recommends that it be referred to the Committee on Judiciary.

Signed by all members of the Committee except Representatives Hamakawa and Stegmaier.

SCRep. 1465 Hawaiian Affairs and Housing and Human Services on H.C.R. No. 329

The purpose of this concurrent resolution is to request the Governor to issue a new Executive Order which allows the City and County of Honolulu to use the Old Kakaako Fire Station for the proposed Safe Haven for homeless mentally ill persons.

Testimony in support of the measure was submitted by the Sisters of Saint Joseph of Carondelet, Mental Help Hawaii, the Mental Health Association in Hawaii, the Affordable Housing Alliance, the Safe Haven Task Force, Kalihi-Palama Health Center, and the Kokua Council for Senior Citizens.

Testimony in opposition to the measure was submitted by various owners of businesses and land near the site in question, such as Chun Kim Chow, Ltd., K & Y Chevron, and Light Incorporated.

All testifiers, including those in opposition to the measure, agreed upon the need for a Safe Haven for homeless mentally ill persons. However, the disagreement centered on the proposed site. Your Committees also agree that the Safe Haven has merit. At the same time, community concerns must be addressed.

The Honolulu Fire Department testified that it is considering using the site for a museum. However, plans are indefinite since funding for the museum has not yet been secured. The Honolulu Department of Housing and Community Development testified that the Mayor of Honolulu has offered the Old Kakaako Fire Station for temporary use as a Safe Haven, and that this offer is dependent upon community acceptance. In consideration of this testimony, your Committees emphasize that the new Executive Order should be conditioned upon the temporary use of the Old Kakaako Fire Station as a Safe Haven.

One concern that was raised was the question of what happens to those persons who receive services at the Safe Haven during the day but are not able to remain housed there during the night. According to testimony, the Safe Haven may serve up to 70 people during the day, but it may have only up to 40 beds. Some kind of care should be provided to all persons who are served.

In addition, your Committees would like to express their concern that the Department of Health has not taken a position on siting the Safe Haven project, although it has supported the concept of the project.

The concurrent resolution has been amended by:

- (1) Specifying that the Executive Order would temporarily rather than permanently allow the Old Kakaako Fire Station and adjacent building to be used for the Safe Haven project;
- (2) Clarifying that the adjacent land is currently being used by the Honolulu Fire Department as an automobile repair shop, a radio repair shop, and a storeroom;
- (3) Adding that, should the new Executive Order be issued, the Kakaako and Downtown Neighborhood Boards and businesses located within one block of the site shall be notified, consulted, and invited to be actively involved in the review of plans for programs and renovations in conjunction with the Safe Haven project; and
- (4) Adding that certified copies of the concurrent resolution are to be sent to the Kakaako and Downtown Neighborhood Boards, the owners of businesses located within one block of the site, the Honolulu Fire Chief, the Director of the Honolulu Department of Housing and Community Development, and the Chairperson of the Kakaako Improvement Association, among others.

Your Committees suggest that the Committee on Intergovernmental Relations and International Affairs, to which the measure is referred next, consider an agreement between the State and the City and County of Honolulu prior to the issuance of the new Executive Order.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Housing and Human Services that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 329, as amended herein, and recommend that it be referred to the Committee on Intergovernmental Relations and International Affairs, in the form attached hereto as H.C.R. No. 329, H.D. 1.

Signed by all members of the Committees except Representatives Kawakami and Pepper.

SCRep. 1466 Intergovernmental Relations and International Affairs on H.R. No. 246

The purpose of this resolution is to request collaborative efforts to develop long-range solutions to wastewater management problems in the North Shore area of Oahu.

Testimony in support of this measure was received from the Department of Health, the Hawaii Association of Realtors, and a concerned citizen.

Your Committee recognizes that a collaborative effort is a positive step towards a long-range solution to wastewater management problems in the North Shore area of Oahu.

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. 246 and recommends that it be referred to the Committee on Finance.

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

SCRep. 1467 Intergovernmental Relations and International Affairs on H.C.R. No. 258

The purpose of this concurrent resolution is to request collaborative efforts to develop long-range solutions to wastewater management problems in the North Shore area of Oahu.

Testimony in support of this measure was received from the Department of Health, the Hawaii Association of Realtors, and a concerned citizen.

Your Committee recognizes that a collaborative effort is a positive step towards a long-range solution to wastewater management problems in the North Shore area of Oahu.

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. 258 and recommends that it be referred to the Committee on Finance.

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

SCRep. 1468 Human Services on H.C.R. No. 67

The purpose of this concurrent resolution is to request the Director of Human Services to examine the Oregon Medicaid Waiver System for assisted living facilities and to consider its application to Hawaii.

Testimony from the Department of Human Services was submitted supporting the intent of this measure. The Assisted Living Options Task Force submitted testimony in strong support of this concurrent resolution.

It is noted by your Committee that while the State receives Medicaid funding for institutional nursing care, community-based services such as those provided through assisted living are not ordinarily reimbursable. However, a waiver from the Health Care Financing Administration allowing federal Medicaid reimbursement for assisted living has been granted to Oregon, which now has what experts consider to be the most developed system of assisted living facilities in the nation.

Your Committee finds that several other states such as Washington, Maryland, Minnesota, and Texas, also have assisted living program waivers which may provide a more effective model for Hawaii.

Your Committee has amended this concurrent resolution by requesting the Director of Human Services to examine the Medicaid Waiver System for assisted living facilities for Washington, Maryland, Minnesota and Texas, besides that of Oregon.

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. 67, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 67, H.D. 1.

Signed by all members of the Committee except Representatives Hamakawa, Kahikina and Pepper.

SCRep. 1469 Human Services on H.C.R. No. 72

The purpose of this concurrent resolution is to designate December 7 of each year as "Pearl Harbor Remembrance Day" and to request the Governor to issue annually a proclamation calling on the people of Hawaii to observe the day with appropriate ceremonies and activities. The concurrent resolution also calls on all state and county agencies, as well as concerned individuals and organizations, to fly the state flag at halfstaff on that day.

Your Committee received testimony in favor of the measure from the State Department of Defense Office of Veterans Services, as well as the Chair of the Pearl Harbor Survivors Association.

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. 72 and recommends that it be referred to the Committee on Judiciary.

Signed by all members of the Committee except Representatives Hamakawa, Kahikina and Pepper.

SCRep. 1470 Human Services on H.C.R. No. 104

The purpose of this concurrent resolution is to support the WIC program by removing the repeal of the WIC Program from Section 505 of H.R. 4, and to request that the Department of Human Services to facilitate and promote coordination of social and health services to ensure an effective WIC program for the State of Hawaii leading to adequate nutrition for pregnant women, nursing mothers, infants, and children under five years of age.

Testimony from the Department of Health and the Democratic Party of Hawaii was submitted in support of the concurrent resolution.

It is noted by your Committee that WIC services approximately 25,000 participants in Hawaii each month. WIC has also received national, bipartisan acclaim as one of the most successful prevention programs operated by government at any level.

It is also noted that one in five children in Hawaii suffers from hunger. It is estimated that there are about 52,000 potentially eligible WIC participants in our State and an estimated 41,000 of these are infants and children. Although it

would appear that there would be immediate cost savings through the block grant proposal, such savings do not compensate for the cost benefit produced by WIC and other nutrition assistance programs.

Upon further consideration, your Committee has amended this concurrent resolution by changing the facilitator of the WIC program from the Department of Human Services to the Department of Health and also revising that the Director of Health shall receive the certified copy of the concurrent resolution instead of the Director of Human Services.

Your Committee has also amended this concurrent resolution by specifying that, "all income eligible pregnant women, nursing mothers, infants, and children under five years of age who are determined to be at nutritional risk" receive adequate nutrition.

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. 104, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 104, H.D. 1.

Signed by all members of the Committee except Representatives Arakaki, Hamakawa and Kahikina.
(Representative Kawanakoa voted no.)

SCRep. 1471 Human Services on H.C.R. No. 181

The purpose of this concurrent resolution is to request that the Hawaii Long-Term Care Reform Task Force study long-term care needs, costs, available financial resources now and in twenty years, barriers to the provisions of community-based services, home health, construction of new facilities, and to educate the public and establish the framework for implementation of a long-term care system.

Testimony in support of this concurrent resolution was submitted by the Executive Office on Aging, the Chamber of Commerce of Hawaii, the Hawaii Long-Term Care Association, the Honolulu Japanese Chamber of Commerce, the Healthcare Association of Hawaii and the Caring...For Life Foundation. The Department of Health deferred to the Executive Office of Aging in regards to this measure.

It is noted by your Committee that Hawaii is confronted with a critical lack of nursing home beds. There are currently approximately three hundred fifty patients inappropriately confined to hospital beds awaiting placement in nursing facilities. This inappropriate confinement costs Hawaii's hospitals in excess of \$200,000 daily. Much of this cost is not reimbursed to hospitals and remains as uncompensated care, an expense that is passed on to private-paying patients.

Your Committee finds that while Hawaii's families have expressed a preference for home and community-based care, the existing supply of these services are also well below requisite levels. Furthermore, even if additional services were to be made available, the continually rising costs of long-term care services and the specter of the depletion of the financial resources of persons needing long-term care limit the availability of these services to many of Hawaii's people.

It is also noted in your Committee that because the State intends to implement Phase II of the Hawaii QUEST Program in 1997, there must be exploration into how planning for long-term care services can incorporate the cost saving principles of managed care while maintaining optimum quality of care.

Your Committee has amended this concurrent resolution by:

- (1) Requesting that the Hawaii Long-Term Care Reform Task Force should work in conjunction with the proposed Governor's Long-Term Care Task Force, to avoid the duplication of any prospective work and activities;
- (2) Requesting that the MedQUEST division of the Department of Human Services participate in the activities of the Hawaii Long-Term Care Reform Task Force;
- (3) Requesting that the Hawaii Long-Term Care Reform Task Force not duplicate any work already completed by the Executive Office on Aging;
- (4) Deleting "government resources" as part of the funding structure for the Hawaii Long-Term Care Reform Task Force; and
- (5) Requesting that as part of its tasks, the Hawaii Long-Term Care Task Force examine ways in which the long-term care financing program be affordable, cover as broad a segment of the population as is feasible, significantly offset the Medicaid long-term care costs, be financially stable over time and offer a comprehensive and cost-effective benefit package with both institutional and home and community-based care options.

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. 181, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 181, H.D. 1.

Signed by all members of the Committee except Representatives Hamakawa, Kahikina and Pepper.

SCRep. 1472 Human Services on H.C.R. No. 222

The purpose of this concurrent resolution is to request the Department of Human Services (DHS) to establish a family resource center pilot project to enable the Waianae Coast Coalition for Human Services to develop an alternative funding structure for the provision of services to the Waianae community.

DHS testified in support of the intent of the need to study and evaluate the concept of a family resource center project, but could not support this concurrent resolution which holds DHS responsible in the establishment of the family resource center project without funding. Testimony from the Kokua Council and the Waianae Coast Coalition for Human Services submitted testimony in strong support of this measure.

It is noted in your Committee that, according to a survey conducted by the Legislative Reference Bureau in 1993, services to families are fragmented, there is a lack of coordination and communication among those persons who provide services, and consumers in general and families in particular find it difficult to access services and information.

Your Committee recognizes that state funding for human services programs and, consequently, the Department of Human Services' program structure should be dictated by the direction of human services reform, reflect how human services programs will be organized and delivered, and reflect the State's human services goals.

It is also noted in your Committee that the Waianae Coast Coalition for Human Services has expressed a strong desire to develop an alternative funding structure for the provision of services to the Waianae community, and to work more closely with the Legislature and DHS to meet the needs of the community. The successful implementation of this funding structure and the achievement of specified outcomes could affect the way in which requests for grants, subsidies, and purchases of service are handled in the future by the Legislature, DHS, and other state agencies.

Your Committee has amended this concurrent resolution by:

- (1) Requesting that DHS establish a "working committee with the Waianae Coast Coalition for Human Services" rather than a "family resource center pilot project";
- (2) Requesting that the working committee examine alternate funding structures using collaborative approaches to service delivery, including the possible co-location of programs, case management and comprehensive and integrated services for residents;
- (3) Requesting that the Board of Directors of Waianae Coast Coalition for Human Services work with all interested community groups in developing collaborative approaches; work with relevant state agencies to develop processes for awarding funds to service providers;
- (4) Requesting DHS to provide reports and evaluations of the committee's work with the Waianae Coast Coalition for Human Services not less than twenty days prior to the convening of the Regular Session of 1996, and further progress reports as follows; and not less than twenty days prior to the convening of the Regular Sessions of 1997 and 1998; and
- (5) Deleting lines 23-42 on page 2, and lines 1-17 on page 3.

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. 222, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 222, H.D. 1.

Signed by all members of the Committee except Representatives Hamakawa and Pepper.

SCRep. 1473 Human Services on H.C.R. No. 284

The purpose of this concurrent resolution is to establish a task force to develop a strategic vision for Hawaii, a series of "benchmarks," or measures of achievement, that incorporate this vision, and a mechanism to monitor the benchmarks.

The Office of State Planning and the Office of Children and Youth submitted testimony in support of the concurrent resolution. Although initially testifying in opposition to the measure, the Department of Education (DOE) supported it after the type of participation expected from DOE was explained.

The strategic visioning and benchmarking effort sought by this concurrent resolution would integrate various other similar efforts, most of which are limited in scope to a particular area of concern such as the quality of education or the status of children. The intent of this measure is to bring together key agencies in the public and private sectors to discuss, and to ultimately agree upon, broad goals that our society should pursue. Benchmarks would be established to assess progress made toward achieving those goals.

Your Committee supports the intent of this concurrent resolution and has amended it by:

- (1) Naming the DOE's Comprehensive Assessment and Accountability System and GOALS 200, among others, as examples of efforts to establish goals and benchmarks;
- (2) Resolving that the task force "expand upon", rather than "build upon", the work of other ongoing benchmarking efforts;
- (3) Having certified copies of the measure sent to the Director of Health, the Director of Human Services, the Chief Justice of the Supreme Court, and the Executive Director of the Office of Hawaiian Affairs, among others; and
- (4) Making 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. 284, as amended herein, and recommends that it be referred to the Committee on Economic Development and Business Concerns, in the form attached hereto as H.C.R. No. 284, H.D. 1.

Signed by all members of the Committee.

SCRep. 1474 Human Services and Hawaiian Affairs and Housing on H.C.R. No. 68

The purpose of this concurrent resolution is to request certain public agencies to investigate the adoption of a policy of constructing up to twenty percent assisted living units in any housing development that is undertaken.

The Department of Hawaiian Home Lands and the Housing Finance and Development Corporation supported the intent of the measure. Although opposing the measure, the Honolulu Department of Housing and Community Development supported the concept of providing housing focusing on the specialized needs of the elderly population. The Hawaii Community Development Authority expressed appreciation of the intent of the measure.

A concern was expressed about the lack of flexibility associated with setting aside a certain percentage of units for elderly or disabled persons and the difficulties that this might present. In addition, a question was raised about where the financing of the services associated with assisted living housing units would come from.

Your Committees have addressed these concerns by amending the concurrent resolution as follows:

- (1) Deleted the twenty percent figure, and instead requested a meeting among the named agencies to develop a strategy for incorporating units for elderly persons in housing projects, including the consideration of the concept of assisted living;
- (2) Adding the federal Department of Housing and Urban Development, the Assisted Living Task Force, and the Executive Office on Aging to the named agencies that are requested to meet to develop the strategy;
- (3) Revising the title of the measure to delete naming the agencies; and
- (4) Having copies of the measure sent to the State Coordinator for the Hawaii State Office of the Department of Housing and Urban Development, the Chairperson of the Assisted Living Task Force, and the Executive Director of the Executive Office on Aging.

As affirmed by the records of votes of the members of your Committees on Human Services and Hawaiian Affairs and Housing that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 68, as amended herein, and recommend 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 Committees except Representatives Kahikina, Kawakami and Stegmaier.

SCRep. 1475 Human Services and Hawaiian Affairs and Housing on H.C.R. No. 119

The purpose of this concurrent resolution is to request the Department of Human Services to review the child abuse and neglect laws of New Zealand and to develop a child abuse and neglect demonstration project in an area of the State with a high concentration of native Hawaiians.

Testimony was submitted by the Judiciary and the Department of Human Services in support of the intent of the Concurrent Resolution. However, the Department of Human Services recommends that the review and possible implementation of New Zealand's model be deferred in recognition of the findings of the Child Welfare Services Blueprint Task Force.

It is noted by your Committees that the Department of Human Services along with other private and public agencies and individuals from the community, make up the Child Welfare Services Blueprint Task Force that is currently developing a plan of reform in Child Protective Services. This task force has narrowed its scope of focus to "targeted family support diversion" and child protection which are parts of the larger child welfare services continuum. These supports would enhance the family's opportunity to provide a safe and nurturing environment for their children and to broaden the responsibility of child protection to the community.

Upon further consideration, your Committees have amended this concurrent resolution by inserting the Directors of the Judiciary, the Child Welfare Services Blueprint Task Force, the Waianae Coast Coalition for Human Services, and the Office of Hawaiian Affairs to receive a certified copy of the concurrent resolution in addition to the Director of Human Services.

As affirmed by the records of votes of the members of your Committees on Human Services and Hawaiian Affairs and Housing that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 119, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 119, H.D. 1.

Signed by all members of the Committees.

SCRep. 1476 Human Services and Hawaiian Affairs and Housing on H.C.R. No. 120

The purpose of this concurrent resolution is to request the Auditor to conduct a follow-up program audit of the effectiveness of the Job Opportunities and Basic Skills Program (JOBS) in attaining its stated goals for Hawaiians and part-Hawaiians.

Your Committees find that no analysis has been made of the overall effectiveness of JOBS. Since Hawaiians and part-Hawaiians constitute the largest of all ethnic groups among those participating in JOBS, an evaluation should be made focusing upon this group. Furthermore, the evaluation should be performed in a manner that is sensitive to the Hawaiian culture.

The measure has been amended by:

- (1) Requesting a "program evaluation" rather than a "program audit" of JOBS;
- (2) Designating the Office of Hawaiian Affairs (OHA), in conjunction with Alu Like, to form a task force of agencies and organizations to perform the evaluation rather than the Auditor;
- (3) Revising the title of the measure to reflect the above amendments;
- (4) Directing that the evaluation provide JOBS with alternative means of delivering services to Hawaiians and part-Hawaiians on public assistance for job training and placement;
- (5) Directing that the recommendations of the task force ensure that JOBS incorporate culturally competent personnel and approaches when dealing with Hawaiians and part-Hawaiians;
- (6) Directing the Department of Human Services (DHS) to cooperate with OHA rather than the Auditor;
- (7) Directing the task force, rather than the Auditor, to report findings and recommendations to the Legislature;
- (8) Having certified copies of the measure sent to OHA and Alu Like, rather than the Auditor, in addition to DHS; and
- (9) Making technical, nonsubstantive revisions for purposes of style and clarity.

As affirmed by the records of votes of the members of your Committees on Human Services and Hawaiian Affairs and Housing that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 120, as amended herein, and recommend that it be referred to the Committee on Legislative Management, in the form attached hereto as H.C.R. No. 120, H.D. 1.

Signed by all members of the Committees except Representatives Kawakami and Pepper.

SCRep. 1477 Public Safety and Military Affairs on H.R. No. 82

The purpose of this resolution is to request the Department of Public Safety to publish an inventory of available residential resources for adult criminal offenders in Hawaii.

Your Committee finds that such an inventory was last published by the Office of Children and Youth in 1983 and has not been subsequently revised. Testimony received from the Department of Public Safety has provided information to the effect that the Hawaii Community Services Council, in conjunction with its ASK-2000 program, publishes a bi-annual resource directory, Connections, which contains a comprehensive listing of all social service resources in the state, including residential resources.

Your Committee has determined that a separate publication would be an unnecessary duplication. However, including a section identifying residential resources for adult criminal offenders within the next published edition of Connections, would be a useful, acceptable and cost-effective alternative.

The resolution has therefore been amended by:

- (1) Replacing the former title of the HCS Council with the organization's present name: Hawaii Community Services Council;
- (2) Requesting that the Department of Public Safety work with the Hawaii Community Services Council to develop the inventory;
- (3) Reflecting this new request in the title of the resolution;
- (4) Including other relevant organizations; and
- (5) Making technical, nonsubstantive revisions for purposes of style.

As affirmed by the record of votes of the members of your Committee on Public Safety and Military Affairs that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 82, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 82, H.D. 1.

Signed by all members of the Committee except Representative Tom.

SCRep. 1478 Public Safety and Military Affairs on H.C.R. No. 77

The purpose of this concurrent resolution is to request the Department of Public Safety to publish an inventory of available residential resources for adult criminal offenders in Hawaii.

Your Committee finds that such an inventory was last published by the Office of Children and Youth in 1983 and has not been subsequently revised. Testimony received from the Department of Public Safety has provided information to the effect that the Hawaii Community Services Council, in conjunction with its ASK-2000 program, publishes a bi-annual resource directory, Connections, which contains a comprehensive listing of all social service resources in the state, including residential resources.

Your Committee has determined that a separate publication would be an unnecessary duplication. However, including a section identifying residential resources for adult criminal offenders within the next published edition of Connections, would be a useful, acceptable and cost-effective alternative.

The concurrent resolution has therefore been amended by:

- (1) Replacing the former title of the HCS Council with the organization's present name: Hawaii Community Services Council;
- (2) Requesting that the Department of Public Safety work with the Hawaii Community Services Council to develop the inventory;
- (3) Reflecting this new request in the title of the concurrent resolution;
- (4) Including other relevant organizations; and
- (5) Making technical, nonsubstantive revisions for purposes of style.

As affirmed by the record of votes of the members of your Committee on Public Safety and Military Affairs that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 77, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 77, H.D. 1.

Signed by all members of the Committee except Representative Tom.

SCRep. 1479 Education on H.R. No. 48

The purpose of this resolution is to urge the Department of Education to continue the Hawaiian Immersion Programs and to establish cultural sensitivity programs for all of its employees to improve the cultural competence of staff.

Supportive testimony was received from the Department of Education, the Office of Hawaiian Affairs, a professor of Hawaiian Language, Linguistics, and Hawaiian Studies at the University of Hawaii at Hilo, and the Association of Hawaiian Civic Clubs.

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

- (1) Specifying that the cultural sensitivity program is for those administrators, faculty, employees, and consultants who are directly involved in the Hawaiian Language Immersion Programs;
- (2) Specifying that the Department of Education work with the Office of Hawaiian Affairs to establish cultural sensitivity programs;
- (3) Requesting the Department of Education to report its findings and recommendations to the Legislature before the convening of the Regular Session of 1996; and
- (4) Making numerous technical, nonsubstantive amendments 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 concurs with the intent and purpose of H.R. No. 48, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 48, H.D. 2.

Signed by all members of the Committee except Representatives Lee, Pepper, Santiago, Takamine and Yonamine.

SCRep. 1480 Education on H.C.R. No. 40

The purpose of this concurrent resolution is to urge the Department of Education to continue the Hawaiian Immersion Programs and to establish cultural sensitivity programs for all of its employees to improve the cultural competence of staff.

Supportive testimony was received from the Department of Education, the Office of Hawaiian Affairs, a professor of Hawaiian Language, Linguistics, and Hawaiian Studies at the University of Hawaii at Hilo, and the Association of Hawaiian Civic Clubs.

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

- (1) Specifying that the cultural sensitivity program is for those administrators, faculty, employees, and consultants who are directly involved in the Hawaiian Language Immersion Programs;

- (2) Specifying that the Department of Education work with the Office of Hawaiian Affairs to establish cultural sensitivity programs;
- (3) Requesting the Department of Education to report its findings and recommendations to the Legislature before the convening of the Regular Session of 1996; and
- (4) Making numerous technical, nonsubstantive amendments 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 concurs with the intent and purpose of H.C.R. No. 40, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 40, H.D. 2.

Signed by all members of the Committee except Representatives Lee, Pepper, Santiago, Takamine and Yonamine.

SCRep. 1481 Education on H.R. No. 187

The purpose of this resolution is to improve the quality of education in rural and at-risk schools by requesting that:

- (1) The Department of Education develop and implement a plan to address the problems of these schools; and
- (2) The Hawaii Housing Authority develop a plan and timetable to provide additional housing for teachers at these schools

Improving the quality of public education is a high priority. The lack of available housing and other problems specific to at-risk and rural schools affect educational quality at these schools because experienced teachers are likely to transfer to other schools.

The Department of Education submitted comments in regard to this measure.

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. 187, H.D. 1, and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Pepper, Santiago, Shon, Takumi, Yonamine and Halford.
(Representative Lee voted no.)

SCRep. 1482 Education on H.C.R. No. 183

The purpose of this concurrent resolution is to improve the quality of education in rural and at-risk schools by requesting that:

- (1) The Department of Education develop and implement a plan to address the problems of these schools; and
- (2) The Hawaii Housing Authority develop a plan and timetable to provide additional housing for teachers at these schools.

Improving the quality of public education is a high priority. The lack of available housing and other problems specific to at-risk and rural schools affect educational quality at these schools because experienced teachers are likely to transfer to other schools.

The Department of Education submitted comments in regard to this measure.

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. 183, H.D. 1, and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Pepper, Santiago, Shon, Takumi, Yonamine and Halford.
(Representative Lee voted no.)

SCRep. 1483 Education on H.R. No. 194

The purpose of this resolution is to urge the Department of Education to look into the possibility of establishing a voyaging program with Na Kalaiwa'a Moku O Hawai'i and report its findings and recommendations to the Legislature no later than twenty days prior to the convening of the Regular Session of 1996.

The State of Hawai'i, Office of Hawaiian Affairs submitted testimony in support of the passage of this resolution. The Department of Education (DOE) submitted testimony stating that this resolution is not necessary as this area of study is already integrated into the DOE's Hawaiian studies curriculum.

Your Committee recognizes that the Department of Education has a voyaging program that has benefited many of Hawaii's students. The Committee also feels it is important to include additional sailing canoes in this program, including

the Makali'i which was built by the group Na Kalaiwa'a Moku O Hawaii. In this way there will be more opportunities for Hawaii's students to experience the voyaging program.

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. 194 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Lee, Pepper, Santiago, Takamine and Yonamine.

SCRep. 1484 Education on H.C.R. No. 197

The purpose of this concurrent resolution is to urge the Department of Education to look into the possibility of establishing a voyaging program with Na Kalaiwa'a Moku O Hawaii'i and report its findings and recommendations to the Legislature no later than twenty days prior to the convening of the Regular Session of 1996.

The State of Hawai'i, Office of Hawaiian Affairs submitted testimony in support of the passage of this measure. The Department of Education (DOE) submitted testimony stating that this measure is not necessary as this area of study is already integrated into the DOE's Hawaiian studies curriculum.

Your Committee recognizes that the Department of Education has a voyaging program that has benefitted many of Hawaii's students. The Committee also feels it is important to include additional sailing canoes in this program, including the Makali'i which was built by the group Na Kalaiwa'a Moku O Hawaii. In this way there will be more opportunities for Hawaii's students to experience the voyaging program.

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. 197 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Lee, Pepper, Santiago, Takamine and Yonamine.

SCRep. 1485 Education on H.R. No. 225

The purpose of this resolution is to request the Department of Budget and Finance, with the assistance of the Department of Accounting and General Services, the Department of the Attorney General, and the Department of Education, to propose legislation that would allow the budgeting of proposed expenditures, and the appropriation of moneys to meet anticipated expenditures, for the construction of public school facilities for two fiscal bienniums.

Testimony was received from the Department of Budget and Finance, the Department of Education, and the Department of Accounting and General Services.

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

- (1) Requesting the Departments of Budget and Finance, Accounting and General Service, Attorney General, and Education to examine the feasibility of the budgeting of proposed expenditures and the appropriation of moneys to meet anticipated expenditures for the construction of public school facilities;
- (2) Requesting the Departments to report on issues including but not limited to:
 - (A) Alternatives to allow the Department of Education to develop long-range plans and enter into binding agreements to construct school facilities and the advantages and disadvantages of each;
 - (B) The possibility of revising the current level of funding for capital improvement projects within the Educational Facilities Improvement Special Fund to more than \$90 million annually;
 - (C) The viability of entering into owner-built projects based on progress payments or lease-to-purchase agreements and the advantages and disadvantages of each;
 - (D) A detailed list of the specific problems that each Department must address and any reasonable solutions;
 - (E) A detailed list of statutory revisions that are necessary to help alleviate delays, and to increase efficiency; and
 - (F) Any other information that the Departments deem useful; and
- (3) Making technical, nonsubstantive amendments 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 concurs with the intent and purpose of H.R. No. 225, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 225, H.D. 1.

Signed by all members of the Committee except Representatives Arakaki, Pepper, Santiago, Shon, Yonamine and Halford.

SCRep. 1486 Education on H.C.R. No. 233

The purpose of this concurrent resolution is to request the Department of Budget and Finance, with the assistance of the Department of Accounting and General Services, the Department of the Attorney General, and the Department of Education, to propose legislation that would allow the budgeting of proposed expenditures, and the appropriation of moneys to meet anticipated expenditures, for the construction of public school facilities for two fiscal bienniums.

Testimony was received from the Department of Budget and Finance, the Department of Education, and the Department of Accounting and General Services.

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

- (1) Requesting the Departments of Budget and Finance, Accounting and General Service, Attorney General, and Education to examine the feasibility of the budgeting of proposed expenditures and the appropriation of moneys to meet anticipated expenditures for the construction of public school facilities;
- (2) Requesting the Departments to report on issues including but not limited to:
 - (A) Alternatives to allow the Department of Education to develop long-range plans and enter into binding agreements to construct school facilities and the advantages and disadvantages of each;
 - (B) The possibility of revising the current level of funding for capital improvement projects within the Educational Facilities Improvement Special Fund to more than \$90 million annually;
 - (C) The viability of entering into owner-built projects based on progress payments or lease-to-purchase agreements and the advantages and disadvantages of each;
 - (D) A detailed list of the specific problems that each Department must address and any reasonable solutions;
 - (E) A detailed list of statutory revisions that are necessary to help alleviate delays, and to increase efficiency; and
 - (F) Any other information that the Departments deem useful; and
- (3) Making technical, nonsubstantive amendments 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 concurs with the intent and purpose of H.C.R. No. 233, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 233, H.D. 1.

Signed by all members of the Committee except Representatives Arakaki, Pepper, Santiago, Shon, Yonamine and Halford.

SCRep. 1487 Legislative Management on H.R. No. 12

The purpose of this resolution is to request the Legislative Reference Bureau to conduct a study of the State Department of Transportation's Motor Vehicle Safety Inspection Program for motor vehicles with a gross weight rating of 10,000 pounds or less.

The Department of Transportation and the Honolulu Police Department submitted testimony in support of this measure.

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

- (1) Adding that the Legislative Reference Bureau include in its study the number of detected defects and whether any of these defects could have resulted in serious accidents; and
- (2) Making technical, nonsubstantive amendments for purposes of 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. 12, H.D. 1, as amended herein, and recommends its adoption, in the form attached hereto as H.R. No. 12, H.D. 2.

Signed by all members of the Committee except Representatives Say, P. Oshiro, Souki and Thielen.

SCRep. 1488 Legislative Management on H.C.R. No. 9

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to conduct a study of the State Department of Transportation's Motor Vehicle Safety Inspection Program for motor vehicles with a gross weight rating of 10,000 pounds or less.

The Department of Transportation and the Honolulu Police Department submitted testimony in support of this measure.

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

- (1) Adding that the Legislative Reference Bureau include in its study the number of detected defects and whether any of these defects could have resulted in serious accidents; and
- (2) Making technical, nonsubstantive amendments for purposes of 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. 9, H.D. 1, as amended herein, and recommends its adoption, in the form attached hereto as H.C.R. No. 9, H.D. 2.

Signed by all members of the Committee except Representatives Say, P. Oshiro, Souki and Thielen.

SCRep. 1489 Economic Development and Business Concerns on H.R. No. 81

The purpose of this resolution is to support the efforts of the Hawaii Congressional Delegation and the USS Missouri Memorial Association, Inc. in homeporting the USS Missouri at Battleship Row, Pearl Harbor, Hawaii.

Testimony in support of the measure was received from the Chairperson of the USS Missouri Memorial Association, Inc., and interested members of the public.

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. 81 and recommends its adoption.

Signed by all members of the Committee except Representative White.

SCRep. 1490 Economic Development and Business Concerns on H.C.R. No. 76

The purpose of this concurrent resolution is to support the efforts of the Hawaii Congressional Delegation and the USS Missouri Memorial Association, Inc. in homeporting the USS Missouri at Battleship Row, Pearl Harbor, Hawaii.

Testimony in support of the measure was received from the Chairperson of the USS Missouri Memorial Association, Inc., and interested members of the public.

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. 76 and recommends its adoption.

Signed by all members of the Committee except Representative White.

SCRep. 1491 Higher Education and the Arts on H.R. No. 130

The purpose of this resolution is to urge the Board of Regents (BOR) of the University of Hawaii to change its policy with regard to the naming of buildings and other facilities.

The Chairperson of the BOR submitted testimony on this measure.

The current policy of the BOR does not allow for the naming of buildings and other facilities after living individuals or deceased individuals within five years of their death. This measure urges the BOR to reduce this five-year stipulation for deceased individuals to two years.

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. 130 and recommends its adoption.

Signed by all members of the Committee except Representatives Santiago, Takumi and Yonamine.
(Representative Shon voted no.)

SCRep. 1492 Higher Education and the Arts on H.C.R. No. 123

The purpose of this concurrent resolution is to urge the Board of Regents (BOR) of the University of Hawaii to change its policy with regard to the naming of buildings and other facilities.

The Chairperson of the BOR submitted testimony on this measure.

The current policy of the BOR does not allow for the naming of buildings and other facilities after living individuals or deceased individuals within five years of their death. This measure urges the BOR to reduce this five-year stipulation for deceased individuals to two years.

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. 123 and recommends its adoption.

Signed by all members of the Committee except Representatives Santiago, Takumi and Yonamine.
(Representative Shon voted no.)

SCRep. 1493 Ocean Recreation and Marine Resources on H.R. No. 268

The purpose of this resolution is to urge the Department of Land and Natural Resources to renew the mooring permit of the Free Spirit Associates, Inc at the Ala Wai Small Boat Harbor.

Testimony was received from the Department of Land and Natural Resources and numerous concerned citizens. The intent of your Committee is to inform the DLNR that they are being requested to do everything in their power to renew the mooring permit for the Free Spirit.

Accordingly, this resolution was passed unamended.

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. 268 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1494 Ocean Recreation and Marine Resources on H.C.R. No. 282

The purpose of this concurrent resolution is to urge the Department of Land and Natural Resources to renew the mooring permit of the Free Spirit Associates, Inc at the Ala Wai Small Boat Harbor.

Testimony was received from the Department of Land and Natural Resources and numerous concerned citizens. The intent of your Committee is to inform the DLNR that they are being requested to do everything in their power to renew the mooring permit for the Free Spirit.

Accordingly, this concurrent resolution was passed unamended.

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. 282 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1495 Energy and Environmental Protection on H.R. No. 200

The purpose of this resolution is to recognize the potential problems of the State's dependence on petroleum fuels and to further discussions on the development of incentives to promote an ethanol industry in Hawaii.

Supportive testimony was submitted by two citizens and the Pacific International Center For High Technology Research.

Your Committee has amended the resolution by:

- (1) Including a request to the Governor to direct the Department of Accounting and General Services to utilize combined ethanol fuel in state vehicles;
- (2) Designating the Department of Business, Economic Development, and Tourism to act as the lead agency in promoting said discussions;
- (3) Requesting the Department of Business, Economic Development, and Tourism, the Department of Agriculture, and Agribusiness Development Corporation to encourage the growth of crops that are capable of producing ethanol;
- (4) Requesting a report of the findings and recommendations of the discussions no less than twenty days prior to the convening of the 1996 legislative session;
- (5) Requesting that copies of this resolution be forwarded to the several counties; and
- (6) Changing the title to reflect the amendments.

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. 200, as amended herein, and recommends its adoption, in the form attached hereto as H.R. No. 200, H.D. 1.

Signed by all members of the Committee except Representatives Takamine, Yoshinaga and Thielen.

SCRep. 1496 Energy and Environmental Protection on H.C.R. No. 202

The purpose of this concurrent resolution is to recognize the potential problems of the State's dependence on petroleum fuels and to further discussions on the development of incentives to promote an ethanol industry in Hawaii.

Supportive testimony was submitted by two citizens and the Pacific International Center For High Technology Research.

Your Committee has amended the concurrent resolution by:

- (1) Including a request to the Governor to direct the Department of Accounting and General Services to utilize combined ethanol fuel in state vehicles;

- (2) Designating the Department of Business, Economic Development, and Tourism to act as the lead agency in promoting said discussions;
- (3) Requesting the Department of Business, Economic Development, and Tourism, the Department of Agriculture, and Agribusiness Development Corporation to encourage the growth of crops that are capable of producing ethanol;
- (4) Requesting a report of the findings and recommendations of the discussions no less than twenty days prior to the convening of the 1996 legislative session;
- (5) Requesting that copies of this concurrent resolution be forwarded to the several counties; and
- (6) Changing the title to reflect the amendments.

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. 202, as amended herein, and recommends its adoption, in the form attached hereto as H.C.R. No. 202, H.D. 1.

Signed by all members of the Committee except Representatives Takamine, Yoshinaga and Thielen.

SCRep. 1497 Intergovernmental Relations and International Affairs on H.R. No. 265

The purpose of this resolution is to request Congress, Guam, the Department of Defense, the Department of Interior, and the Department of Agriculture to assist in the development and implementation of an integrated pest management control program to prevent the spread of the brown tree snake.

Testimony in support of the measure was received from the Office of State Planning and the Department of Agriculture. Also received was testimony from the United States Department of the Interior stating that the resolution being offered is consistent with the control plan currently being developed by the Aquatic Nuisance Species Task Force, Brown Tree Snake Control Committee.

Your Committee recognizes the huge potential problem of brown tree snake infestation in Hawaii. It also finds that a coordinated federal effort is needed to keep this problem from escalating into a situation where the brown tree snake has invaded other islands, Hawaii, and the Southeastern U.S. causing the extinction of birds and other small animals as well as destroying the poultry industry in these areas.

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. 265 and recommends its adoption.

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

SCRep. 1498 Intergovernmental Relations and International Affairs on H.C.R. No. 278

The purpose of this concurrent resolution is to request Congress, Guam, the Department of Defense, the Department of Interior, and the Department of Agriculture to assist in the development and implementation of an integrated pest management control program to prevent the spread of the brown tree snake.

Testimony in support of the measure was received from the Office of State Planning and the Department of Agriculture. Also received was testimony from the United States Department of the Interior stating that the resolution being offered is consistent with the control plan currently being developed by the Aquatic Nuisance Species Task Force, Brown Tree Snake Control Committee.

Your Committee recognizes the huge potential problem of brown tree snake infestation in Hawaii. It also finds that a coordinated federal effort is needed to keep this problem from escalating into a situation where the brown tree snake has invaded other islands, Hawaii, and the Southeastern U.S. causing the extinction of birds and other small animals as well as destroying the poultry industry in these areas.

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. 278 and recommends its adoption.

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

SCRep. 1499 Intergovernmental Relations and International Affairs on H.R. No. 273

The purpose of this resolution is to support the Republic of China (ROC) in its campaign to obtain the right to participate in the United Nations and in the international activities of the United Nations.

Testimony in support was received from the Taipei Economic and Culture Office in Honolulu.

Your Committee recognizes that the ROC is limited from contributing to the international community because of its lack of U.N. membership. The ROC is also prevented from joining other nations in shaping international policies on nuclear regulation, human rights, the environment, and other issues.

Your Committee has amended this 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 Intergovernmental Relations and International Affairs that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 273, as amended herein, and recommends its adoption, in the form attached hereto as H.R. No. 273, H.D. 1.

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

SCRep. 1500 Intergovernmental Relations and International Affairs on H.C.R. No. 285

The purpose of this concurrent resolution is to support the Republic of China (ROC) in its campaign to obtain the right to participate in the United Nations and in the international activities of the United Nations.

Testimony in support was received from the Taipei Economic and Culture Office in Honolulu.

Your Committee recognizes that the ROC is limited from contributing to the international community because of its lack of U.N. membership. The ROC is also prevented from joining other nations in shaping international policies on nuclear regulation, human rights, the environment, and other issues.

Your Committee has amended this 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 Intergovernmental Relations and International Affairs that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 285, as amended herein, and recommends its adoption, in the form attached hereto as H.C.R. No. 285, H.D. 1.

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

SCRep. 1501 Legislative Management on S.B. No. 1868

The purpose of this bill is to establish the mechanisms to study and create a new education title in the Hawaii Revised Statutes which clearly expresses legislative intent and recodifies the education statutes to reflect recent systemic reforms.

Supportive testimony was submitted by the Department of Education.

Your Committee finds that it would be beneficial to express in the law, the basic principles that guide our education system as well as to recodify the statutes for better organization.

Your Committee has amended this bill by clarifying that the interim study group, with the assistance of the Legislative Reference Bureau, will perform the functions and duties requested in this measure.

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. 1868, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1868, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representatives Say, P. Oshiro, Souki and Thielen.

SCRep. 1502 Finance on S.B. No. 82

The purpose of this bill is to provide rehabilitation programs for arrestees, incarcerated individuals, and parolees, and to provide more intensive judicial involvement in handling drug cases by:

- (1) Establishing a drug court at the state circuit court level;
- (2) Implementing a comprehensive schedule of alternatives to incarceration that do not undermine public safety; and
- (3) Providing rehabilitative and assistance programs for arrestees and the incarcerated.

Testimony in support of the measure was received from the Department of Public Safety, the Judiciary, the Department of Health, the Corrections Population Management Commission, the Department of the Prosecuting Attorney of the City and County of Honolulu, the Honolulu Police Department, and the American Civil Liberties Union of Hawaii.

The Department of the Attorney General also testified on the measure.

Your Committee has amended this bill by changing each of the appropriation sums to \$1 to facilitate further discussion.

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. 82, 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. 82, S.D. 2, H.D. 2.

Signed by all members of the Committee.

SCRep. 1503 Finance on S.B. No. 432

The purpose of this bill is to establish for two years a monetary assessment, which is to be in addition to other penalties, for persons convicted of distributing a controlled substance or commercial promotion of marijuana, or charged with such offense and granted a deferred acceptance of guilty or no contest plea.

The Department of Health (DOH), the Department of the Prosecuting Attorney of the City and County of Honolulu, the Salvation Army, and Ho'omau Ke Ola submitted testimony in support of this measure. The Honolulu Police Department testified in support of the intent of this measure.

Your Committee has amended this bill by:

- (1) Including a provision in Chapter 321, which relates to DOH, cross-referencing the requirement that DOH administer the Drug Demand Reduction Assessments Special Fund (Fund) proposed in this bill;
- (2) Replacing the "sunset" date of June 30, 1996, with a provision requiring the DOH to submit an expenditure report for each of the first three years of the Fund to the Legislature; and
- (3) Making a technical, nonsubstantive amendment 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. 432, 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. 432, S.D. 2, H.D. 3.

Signed by all members of the Committee.

SCRep. 1504 Finance on S.B. No. 443

The purpose of this bill is to require certain sex offenders to register with local law enforcement agencies.

The Department of the Prosecuting Attorney of the City and County of Honolulu submitted testimony in support of this measure. Comments were submitted by the Department of Public Safety.

Your Committee has amended this bill by:

- (1) Clarifying that for registration purposes, a sex offender also includes persons convicted of sex crimes in other states, or United States territories or possessions;
- (2) Requiring that the sex offender's sworn statement include additional information regarding the current locations of employment of the sex offender as well as any vehicle registration information for vehicles which the sex offender owns or operates; 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. 443, 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. 443, S.D. 2, H.D. 2.

Signed by all members of the Committee.

SCRep. 1505 Finance on S.B. No. 588

The purpose of this bill is to authorize the issuance of special purpose revenue bonds to assist Maunalani Nursing Center in:

- (1) Financing needed improvements to its existing facilities, including asbestos removal; and
- (2) Refinancing the costs of previous renovations.

Your Committee has amended this bill by:

- (1) Inserting \$1 as the authorized amount for the purpose of continued discussion;
- (2) Specifying the effective date of this bill as December 31, 1996; and
- (3) Making technical, nonsubstantive revisions for the purpose of 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. 588, S.D. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 588, S.D. 2, H.D. 1.

Signed by all members of the Committee except Representatives Isbell, Ito and Ward.

SCRep. 1506 Finance on S.B. No. 858

The purpose of this bill is to enable employees of the University of Hawaii (UH) and the Department of Education (DOE) to invest retirement funds in mutual funds held in custodial accounts, thereby qualifying for favorable benefits under federal tax law.

The Hawaii State Association of Life Underwriters testified in support of this measure. Testimony was also submitted by the UH and the DOE.

Your Committee has amended this bill by:

- (1) Providing that the Act shall take effect upon adoption of rules on the administration of custodial accounts by the UH and the DOE; and
- (2) 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. 858, 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. 858, S.D. 1, H.D. 2.

Signed by all members of the Committee except Representatives Isbell, Ito, Marumoto and Ward.

SCRep. 1507 Finance on S.B. No. 1028

The purpose of this bill is to ensure that direct cash welfare payments are used for day-to-day living expenses rather than for the purchase of alcohol and other drugs by establishing a representative payee system.

The Department of Health, the Commission on Persons with Disabilities, the Legal Aid Society of Hawaii, and the Institute for Human Services, Inc., testified in support of this measure. The Department of Human Services supported the intent of the measure.

Your Committee has amended this bill by:

- (1) Establishing a cap not to exceed one percent of the moneys appropriated under HMS 204 to fund this program; and
- (2) Making technical, nonsubstantive revisions for the purpose of 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. 1028, 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. 1028, S.D. 2, H.D. 2.

Signed by all members of the Committee.

SCRep. 1508 Finance on S.B. No. 1245

The purpose of this bill is to:

- (1) Change the composition of and decrease the number of persons on the Hawaii State Coordinating Council on Deafness; and
- (2) Decrease the number of persons on the Commission on Persons with Disabilities.

The Hawaii State Coordinating Council on Deafness and the Commission on Persons with Disabilities testified in support of this measure.

Your Committee has amended this bill by making technical, nonsubstantive revisions 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. 1245, S.D. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1245, S.D. 2, H.D. 1.

Signed by all members of the Committee.

SCRep. 1509 Finance on S.B. No. 1559

The purpose of this bill, as received by your Committee, is to streamline and expedite the motor vehicle registration process.

The Department of Finance of the City and County of Honolulu testified in support of this measure. The Tax Foundation of Hawaii also submitted comments.

Your Committee has amended the bill by deleting its substance and inserting the substance of H.B. No. 183, H.D. 1, which was previously reported from your Committee.

The purpose of this bill, as amended, is to expedite the registration of new motor vehicles by:

- (1) Allowing the county directors of finance to enter into contracts for the registration of new motor vehicles; and
- (2) Authorizing the counties to impose a county vehicle ad valorem tax.

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. 1559, 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. 1559, S.D. 2, H.D. 2.

Signed by all members of the Committee.

SCRep. 1510 Finance on S.B. No. 1695

The purpose of this bill is to authorize the Chief Election Officer to contract with community organizations, school booster clubs, and nonprofit organizations for the provision and compensation of precinct officials and other election-related personnel, services, and activities.

The Association of Clerks and Election Officers of Hawaii testified in support of this measure. The Department of Taxation also testified on this measure.

Your Committee has amended the bill by:

- (1) Specifying that to be eligible to enter into a contract to provide precinct officials and other election-related personnel, services, and activities, the organization or club must have received a tax clearance certificate from the Department of Taxation; and
- (2) Making technical, nonsubstantive amendments 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. 1695, 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. 1695, S.D. 1, H.D. 2.

Signed by all members of the Committee.

SCRep. 1511 Finance on S.B. No. 1701

The purpose of this bill is to provide more efficient use of available funds to provide affordable housing for Hawaii's residents by authorizing the Housing Finance and Development Corporation to make a one-time transfer of \$3,900,000 from the Rental Assistance Revolving Fund to the Rental Housing Trust Fund.

The Office of Hawaiian Affairs; Catholic Charities of the Diocese of Honolulu; the Carondelet Community of the Sisters of Saint Joseph of Carondelet, Homeless Ohana Association; the Roman Catholic Church in the State of Hawaii; the Catholic Diocese of Honolulu, Office for Social Ministry; the Affordable Housing Alliance; the Kokua Council for Senior Citizens; and a social worker testified in support of this measure. The Housing Finance and Development Corporation and the Rental Housing Trust Fund Commission submitted testimony on this measure.

Your Committee has amended this bill by:

- (1) Replacing the sum of \$3,900,000 with \$1 for the one-time transfer from the Rental Assistance Revolving Fund to the Rental Housing Trust Fund for purposes of further discussion; and
- (2) 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. 1701, 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. 1701, S.D. 1, H.D. 2.

Signed by all members of the Committee.

SCRep. 1512 Finance on S.B. No. 75

The purpose of this bill is to provide for the expansion of the Hanalei Elementary School campus by approving a proposed land exchange of 4.8 acres of ceded State-owned lands at Hanalei for 2.87 acres of privately-held lands at Waioli.

The Department of Land and Natural Resources, the Department of Education, the Department of Accounting and General Services, and the principal of Hanalei Elementary School submitted testimony in support of this measure. The Office of Hawaiian Affairs also submitted testimony 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. 75 and recommends that it pass Third Reading.

Signed by all members of the Committee except Representatives Isbell, Ito, Marumoto and Ward.

SCRep. 1513 Finance on S.B. No. 107

The purpose of this bill is to transfer the functions and authority exercised by the Office of Collective Bargaining to the Department of Human Resources Development.

The Office of Collective Bargaining, the Department of Human Resources Development, and the Democratic Party of Hawaii testified in support of this measure. The Hawaii Government Employees Association 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. 107, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee except Representatives Isbell, Ito and Ward.

SCRep. 1514 Finance on S.B. No. 161

The purpose of this bill is to exempt the University of Hawaii from the Hawaii Public Procurement Code (Chapter 103D, Hawaii Revised Statutes) for the purchase of travel arrangements for its intercollegiate athletic programs.

The University of Hawaii 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. 161, S.D. 2, and recommends that it pass Third Reading.

Signed by all members of the Committee except Representatives Isbell, Ito, Marumoto and Ward.

SCRep. 1515 Finance on S.B. No. 559

The purpose of this bill is to make all census tracts in Kauai County eligible for inclusion in enterprise zones for twenty years, offering partial future state tax relief to a limited number of businesses which satisfy low-income hiring requirements in economically-distressed areas.

The Department of Business, Economic Development, and Tourism testified 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. 559, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 559, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representatives Isbell, Ito and Ward.

SCRep. 1516 Finance on S.B. No. 634

The purpose of this bill is to provide the University of Hawaii more oversight and control over the Research Corporation of the University of Hawaii (RCUH) to ensure the integrity of RCUH's research contracts and grants program.

Testimony in support of this measure was received from the Board of Regents of the University of Hawaii and the RCUH.

It is the intent of your Committee that in effectuating the purposes of this bill, the policy of the Board of Regents of the University of Hawaii will remain flexible and accounting will be streamlined.

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. 634, S.D. 2, and recommends that it pass Third Reading.

Signed by all members of the Committee except Representatives Isbell, Ito, Marumoto and Ward.

SCRep. 1517 Finance on S.B. No. 928

The purpose of this bill is to address the appraisal laws of the Federal Deposit Insurance Corporation (FDIC) as they relate to depository financial services loan companies as well as the ability of these companies to lend their capital and surplus by:

- (1) Allowing depository financial services loan companies to advance loans and extensions of credit, fully secured by real property, up to ninety-five percent of the real property evaluation required under the Federal Deposit Insurance Act and the rules and regulations of the FDIC;
- (2) Providing that for loans and extensions of credit fully secured by mortgages, the maximum loan-to-value ratio shall not exceed seventy percent of the real property evaluation required under the Federal Deposit Insurance Act and the rules and regulations of the FDIC;
- (3) Requiring depository financial services loan companies that make loans fully secured by real property to obtain appraisals of the real property when the loan is in excess of twenty percent of a company's capital and surplus; and
- (4) Repealing the current appraisal requirements for these companies.

The Department of Commerce and Consumer Affairs and the Hawaii Financial Services Association, Inc., testified 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. 928, S.D. 2, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1518 Finance on S.B. No. 1214

The purpose of this bill is to:

- (1) Impose a one-time fee for first time firearm permit applicants, in an amount equal to the fee charged by the Federal Bureau of Investigation for a fingerprint check, but not to exceed \$24; and
- (2) Authorize the Chief of Police to issue joint permits to acquire firearms for first degree relatives and spouses who otherwise qualify to obtain permits.

The Hawaii Rifle Association and Security Equipment Corporation testified in support of this bill. The Attorney General, the Department of Health, the Hawaii State Commission on the Status of Women, the Honolulu Police Department, the Hawaii Citizens' Rights Committee, the League of Women Voters of Hawaii, the Hawaii Firearms Control Coalition, the Injury Prevention Advisory Committee, and private citizens offered 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. 1214, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1519 Finance on S.B. No. 1396

The purpose of this bill is to include the Hale Mohalu Elderly Housing Project Facility in Pearl City as a "residential facility" to allow the Department of Health to provide residential housing for persons with Hansen's disease.

The Department of Health, the Commission on Persons with Disabilities and the Kokua Council for Senior Citizens 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. 1396, S.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1520 Finance on S.B. No. 1467

The purpose of this bill is to give the University of Hawaii the flexibility it needs to deliver improved educational services throughout the state by:

- (1) Replacing the Systemwide Computer Services Special Fund for the University of Hawaii Systemwide Consortium with the Systemwide Information Technology Services Special Fund (Fund) to be used to support systemwide information technology services; and
- (2) Allowing the Board of Regents of the University of Hawaii to assess an information technology user fee to be used by the Fund.

The University of Hawaii testified 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. 1467, S.D. 2, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee except Representatives Isbell, Ito, Marumoto and Ward.

SCRep. 1521 Finance on S.B. No. 1484

The purpose of this bill is to extend the Maluhia Waitlist Demonstration Project for two more years unless:

- (1) Federal matching assistance is terminated; or
- (2) Long-term care services under the State's Medicaid waiver for the Health QUEST Demonstration Project are provided.

The Honolulu County Management Advisory Committee for Maluhia and Leahi Hospitals; the Vice President of St. Francis Medical Center; the Chief Executive Officer of the Research Center of Hawaii; the President and Chief Executive Officer of Queen's Medical Center; the Physician-in-charge of Geriatric Medicine at Kaiser Permanente; the Gerontology Administrator of Child and Family Service; the Hawaii Nurses' Association; the President of the Alliance of Residential

Care Home Administrators; the President of Adult Day Centers Hawaii, Inc.; the Director of Government Relations and Public Policy Analysis of Kaiser Foundation Health Plan, Inc; and the Kokua Council for Senior Citizens submitted testimony in support of this measure. The Department of Human Services submitted testimony in support of the intent of this measure. Comments were submitted by the Department of Health.

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. 1484, S.D. 2, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1522 Finance on S.B. No. 1665

The purpose of this bill is to transfer the Governor's Agriculture Coordinating Committee to the Department of Agriculture. The bill also adds the Dean of the College of Tropical Agriculture and Human Resources of the University of Hawaii, and the Director of Business, Economic Development, and Tourism to the Board of Agriculture.

The Board of Agriculture, the Dean of the College of Tropical Agriculture and Human Resources of the University of Hawaii and the Hawaii Farm Bureau Federation submitted testimony 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. 1665, S.D. 1, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee except Representatives Isbell, Ito and Ward.

SCRep. 1523 Finance on S.B. No. 1683

The purpose of this bill is to:

- (1) Establish lump-sum budgeting for General Assistance; and
- (2) Require physically impaired persons on General Assistance to seek treatment.

The Department of Human Services and the Legal Aid Society of Hawaii submitted testimony 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. 1683, S.D. 1, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee except Representatives Isbell, Ito and Ward.

SCRep. 1524 Finance on S.B. No. 1688

The purpose of this bill is to establish supplemental payment amounts for adult residential care homes and to bring the minimum amount of supplemental payments into compliance with federal requirements.

The Department of Human Services testified in support of the intent 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. 1688, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee except Representatives Isbell, Ito and Ward.

SCRep. 1525 Finance on S.B. No. 1751

The purpose of this bill is to provide the Division of Consumer Advocacy flexibility in staffing by:

- (1) Increasing the number of utility analysts that are exempt from civil service from two to four; and
- (2) Increasing the utility analysts' salary cap from \$55,000 to \$65,000.

The Department of Commerce and Consumer Affairs and the Hawaiian Electric Company 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. 1751, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1526 Finance on S.B. No. 1774

The purpose of this bill is to authorize the Attorney General, the Commissioner of Securities, and the Director of the Office of Consumer Protection to retain by contract, private sector attorneys, to be compensated on a fixed-price basis; on an hourly basis, with or without a fixed cap; or through a contingent fee arrangement.

The Attorney General and the Office of Consumer Protection testified 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. 1774, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1527 Finance on S.B. No. 1939

The purpose of this bill is to provide funding for public access to legislative proceedings to be used for:

- (1) Staff, equipment, and operation of the Public Access Room;
- (2) Installation of electronic hardware and equipment to broadcast legislative proceedings in the Capitol conference rooms;
- (3) Production and distribution of radio broadcasts of legislative proceedings; and
- (4) Support of neighbor island public access television stations.

The Kaua'i County Council, 'Olelo: the Corporation for Community Television, Ho'ike: Kaua'i Community Television, Na Leo 'O Hawaii, the League of Women Voters of Honolulu, Ka Lahui Hawaii, Common Cause Hawaii, Kokua Council for Senior Citizens, and a number of individuals testified 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. 1939, S.D. 2, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee except Representatives Isbell, Ito and Ward.

SCRep. 1528 Human Services on H.C.R. No. 281

The purpose of this concurrent resolution is to request Hawaii's congressional delegation to support legislation to provide for the safeguard and continuation of benefit programs for veterans disability compensation and social security disability compensation for veterans with service-connected disabilities.

The Pearl Harbor-Honolulu Branch 46 of the Fleet Reserve Association submitted testimony in support of this measure. The State of Hawaii Office of Veteran Services, the State of Hawaii Advisory Board on Veteran Services, and the Department of Hawaii Military Order of the Purple Heart submitted testimony in strong 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. 281 and recommends its adoption.

Signed by all members of the Committee except Representatives Hamakawa and Pepper.

SCRep. 1529 Finance on S.B. No. 287

The purpose of this bill is to provide for the transition of agricultural water systems of plantations that are ceasing sugar operations by requiring the Board of Agriculture to plan for this transition and authorizing it to acquire and manage these systems.

The Hawaii Farm Bureau testified in support of this measure. The Board of Agriculture, the Commission on Water Resource Management, and a Hawaii County Council member testified in support of the intent of this bill. The Hawaiian Sugar Planters' Association, the Land Use Research Foundation of Hawaii, and Kamehameha Schools Bishop Estate also submitted comments.

It is the intent of your Committee that this authority be limited to irrigation water projects only; authority is not extended to agricultural water planning and development projects.

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. 287, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee except Representatives Isbell, Ito, Marumoto and Ward.

SCRep. 1530 Finance on S.B. No. 853

The purpose of this bill is to require the Director of Transportation to provide for the undergrounding of utility facilities for the construction of all new or reconstruction of existing federal-aid highways upon a determination that federal aid is available to do so.

The Department of Transportation, the Outdoor Circle and four of its members, testified in support of this measure. The Hawaiian Electric Company, Inc., and GTE Hawaiian Telephone, Inc., submitted testimony on this 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. 853, S.D. 1, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee except Representatives Isbell, Ito and Ward.

SCRep. 1531 Finance on S.B. No. 1141

The purpose of this bill is to provide matching funds to maintain current minimum levels of sugarcane research and to make available the resources of the Hawaiian Sugar Planters' Association experiment station for diversified agricultural research.

The Hawaii Farm Bureau Federation, the Mark A. Robinson Trusts, and the Pineapple Growers Association of Hawaii testified in support of this measure. The Department of Agriculture and the President and the Chairman of the Board of Directors of the Hawaiian Sugar Planters' Association testified in support of the intent of 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. 1141, S.D. 2, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee except Representatives Isbell, Ito and Ward.

SCRep. 1532 Human Services on H.C.R. No. 219

The purpose of this concurrent resolution is to request the President of the United States to convene a White House Conference on children and youth in 1996.

The Department of Health testified in strong support of this concurrent resolution.

Your Committee finds that there exists increasing threats to the health, safety, and welfare of children and youth and that there is a need for a national discussion of strategies to aid children and youth in America.

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. 219 and recommends its adoption.

Signed by all members of the Committee except Representatives Hamakawa and Pepper.

SCRep. 1533 Energy and Environmental Protection on S.B. No. 201

The purpose of this bill is to create a temporary task force to convene representatives from the communities throughout the State for the development of a comprehensive program for improving Hawaii's ability to protect its environment.

It has been unfortunate that Hawaii's laws and programs aimed at environmental protection have suffered from a lack of definition of the State's objectives in this realm, which has also contributed to the lack of a coordinated effort. This proposed task force is one way of dealing with this problem, and seeks to mobilize the resources of both government and the community.

Your Committee has determined that the number of people originally envisioned for this task force, eleven, was much too small to be in any way a representative cross-section of our island community, and has amended the bill to expand the number to twenty-five. This will allow for more public participation, especially from community and environmental organizations and the neighbor islands.

Furthermore, your Committee feels strongly about increasing public participation in environmental enforcement and regulation, recognizing the "watchdog" role community organizations and citizens' groups have had in the past, and has inserted a section into the bill allowing the Director of the Department of Land and Natural Resources to consider forming a citizen-based extension service to assist state personnel in monitoring and enforcement of environmental regulation.

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

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. 201, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 201, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Santiago, Takamine, Yamane and Yoshinaga.

SCRep. 1534 Finance on S.B. No. 493

The purpose of this bill is to establish an electronic prescription accountability system within the Department of Public Safety (DPS) to monitor the prescribing and dispensing of Schedule II controlled substances.

The DPS and the City and County of Honolulu Department of the Prosecuting Attorney testified in support of this measure.

Your Committee has amended this bill 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 is in accord with the intent and purpose of S.B. No. 493, 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. 493, S.D. 1, H.D. 2.

Signed by all members of the Committee.

SCRep. 1535 Finance on S.B. No. 1749

The purpose of this bill is to increase managerial and fiscal flexibility for the Hawaii Public Broadcasting Authority (HPBA) in the administration of its exempt employees by:

- (1) Requiring that full-time permanent exempt professional and technical employees of the HPBA be hired on a contractual basis not to exceed one year; and
- (2) Requiring renewal or nonrenewal notification thirty days before the contract expires.

The HPBA submitted testimony in support this measure.

Your Committee has amended this bill by:

- (1) Repealing the exception of the chief engineer and assistant chief engineer of the HPBA, making all employees of the HPBA subject to these employment requirements; and
- (2) Inserting an effective date of July 1, 1995.

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. 1749, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1749, H.D. 2.

Signed by all members of the Committee except Representatives Isbell, Ito and Ward.

SCRep. 1536 Consumer Protection and Commerce on S.B. No. 961

The purpose of this bill is to permit financial services loan companies to charge an annual fee and over-limit charge when open-end credit is extended.

Testimony in support of this bill was received from the Hawaii Financial Services Association, Inc. Testimony was also received from the Commissioner of Financial Institutions (Commissioner) in which the Commissioner took no position. The Commissioner testified that these charges were allowed under previous law and inadvertently omitted during the recodification process.

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. 961 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 Cachola, Hiraki, Swain, Tom and White.

SCRep. 1537 Consumer Protection and Commerce on S.B. No. 1381

The purpose of this bill is to add a new section to Chapter 490, Article 3, Hawaii Revised Statutes, which establishes procedures for claims involving lost, destroyed, or stolen cashier's checks, teller's checks, and certified checks.

Testimony in support of this bill was received from the Hawaii Bankers Association and the Commission for the Promotion of Uniform Legislation.

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. 1381 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 Herkes, Hiraki, Swain, Tom, White and Meyer.

SCRep. 1538 Consumer Protection and Commerce on S.B. No. 1638

The purpose of this bill is to clarify and streamline the recordation process within the Bureau of Conveyances and the Office of the Assistant Registrar of the Land Court.

The Bureau of Conveyances (Bureau) and the Land Court record over 300,000 documents annually. The work is highly labor-intensive, tedious, and time-consuming. To ensure compliance with many statutory requirements, the personnel of both offices must carefully scrutinize each document. The provisions in this measure will help streamline the

recording process. Terms unique to the recording process have been defined to prevent confusion or ambiguity. Specific requirements have been provided to standardize document submittals and increase staff efficiency.

The Department of Land and Natural Resources submitted testimony in support of this measure.

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. 1638 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 Herkes, Hiraki, Swain, Tom and White.

SCRep. 1539 Consumer Protection and Commerce on S.B. No. 1722

The purpose of this bill is to make a technical correction to the definition of capital of a financial institution.

Specifically, this bill is an administrative measure that makes a technical correction to the definition of capital of a financial institution as stated in Section 412:1-109, Hawaii Revised Statutes, which was enacted as part of Act 350, 1993 Session Laws of Hawaii. This bill clarifies the words "mutual association" by adding the words "savings and loan" without changing the intent of Act 350, 1993 Session Laws of Hawaii.

Testimony in strong support of this bill was received from the Commissioner of Financial Institutions.

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. 1722 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 Cachola, Hiraki, Swain, Tom and White.

SCRep. 1540 Consumer Protection and Commerce on S.B. No. 1723

The purpose of this bill is to make a technical amendment relating to a consent order of removal or prohibition for any financial institution affiliated party.

Specifically, this bill is an administrative measure that makes a technical correction to Section 412:2-309, Hawaii Revised Statutes, which was enacted as part of Act 350, 1993, Session Laws of Hawaii. This measure adds one word (or) that was intended to be included, but inadvertently was left out of Act 350, 1993, Session Laws of Hawaii.

Testimony in strong support of this bill was submitted by the Commissioner of Financial Institutions.

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. 1723 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 Cachola, Hiraki, Swain, Tom and White.

SCRep. 1541 Consumer Protection and Commerce on S.B. No. 1725

The purpose of this bill is to provide the Commissioner of Financial Institutions (Commissioner) with some flexibility when an incorrect report is submitted by a financial institution.

This administrative measure would give the Commissioner the discretion, for good cause shown, to grant a reasonable extension of not more than forty-five days for the filing of a corrected report.

The Department of Commerce and Consumer Affairs submitted testimony in support of this 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. 1725 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 Cachola, Hiraki, Swain, Tom and White.

SCRep. 1542 Consumer Protection and Commerce on S.B. No. 1726

The purpose of this bill is to clarify the requirements of the Code of Financial Institutions as it relates to the Hawaii Business Corporation Act in conversion, merger, or consolidation situations.

This administrative measure clarifies the procedures necessary to convert, merge, or consolidate financial institutions and harmonizes the procedures with the requirements of chapter 415, Hawaii Revised Statutes.

The Department of Commerce and Consumer Affairs submitted testimony in support of this measure.

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. 1726 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 Cachola, Hiraki, Swain, Tom and White.

SCRep. 1543 Consumer Protection and Commerce on S.B. No. 1727

The purpose of this bill is to correct an erroneous reference to a section of law that does not exist.

Section 412:4-101, Hawaii Revised Statutes (HRS), enacted as part of Act 350, Session Laws of Hawaii 1993, refers to section 412:8-205, a section of law that does not exist. This bill provides the correct reference to section 412:8-200, HRS, as set out by the legislative intent of Act 350, Session Laws of Hawaii 1993.

The Department of Commerce and Consumer Affairs submitted testimony in support of this measure.

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. 1727 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 Cachola, Hiraki, Swain, Tom and White.

SCRep. 1544 Consumer Protection and Commerce on S.B. No. 1728

The purpose of this bill is to repeal the prohibition against trust companies to issue drafts.

The provision that prohibits trust companies from issuing drafts could be interpreted to mean that trust companies may not write checks against their checking accounts because the term "draft" includes checks, and the writer of the check is considered the issuer. This measure eliminates the word "draft".

Testimony in support of this measure was submitted by the Commissioner of Financial Institutions of the Department of Commerce and Consumer Affairs.

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. 1728 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 Cachola, Hiraki, Swain, Tom and White.

SCRep. 1545 Consumer Protection and Commerce on S.B. No. 1729

The purpose of this bill is to require the approval of the Commissioner of Financial Institutions (Commissioner) for all changes to a Hawaii credit union's field of membership.

Previous law required the approval of the Commissioner for all changes to articles and bylaws, including field of membership changes. Changes to articles and bylaws no longer need to be approved; however, approvals of field of membership changes are still necessary. This bill would grant the Commissioner the same authority over state chartered credit union fields of membership as exercised by the National Credit Union Administration over federally chartered credit unions.

Testimony in support of this bill was submitted by the Commissioner. The Hawaii Credit Union League submitted comments on 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. 1729 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 Cachola, Hiraki, Swain, Tom and White.

SCRep. 1546 Consumer Protection and Commerce on S.B. No. 1747

The purpose of this bill is to amend section 521-71(c), Hawaii Revised Statutes, to clarify when a tenant may vacate the unit after a landlord has terminated a month-to-month tenancy with the intent to demolish the dwelling units, convert the dwelling units to a condominium property regime, or change the use of the building to transient vacation rentals, and indicate the amount of rent that the tenant is responsible to pay.

Testimony in strong support of this bill was submitted by the Department of Commerce and Consumer Affairs. Testimony in support of the intent of the bill was also submitted by the Legal Aid Society of Hawaii.

Your Committee finds that enactment of this measure will clarify Section 521-71(c), Hawaii Revised Statutes, by providing that a unit may be vacated at any time within the one hundred twenty-day period, the tenant is required to notify the landlord of the date of vacating the unit, and the tenant is responsible to pay a prorated rent for the period of occupation.

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. 1747 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 Herkes, Hiraki, Swain, Tom and White.

SCRep. 1547 Consumer Protection and Commerce on S.B. No. 433

The purpose of this bill is to establish the Uniform Management of Institutional Funds Act. This bill clarifies legal issues and restrictions concerning endowment funds by providing guidelines for the management, investment, and expenditure of endowment funds of educational, religious, and charitable organizations.

The State Attorney General, the Chairman of the Hawaii Commission to Promote Uniform Legislation, and the Hawaii'i Community Foundation testified in support of this bill.

Your Committee agrees that the passage of this bill will enhance the ability of grant making organizations to manage their assets and enable them to maximize their resources for the benefit of the charitable needs of the State.

Your Committee made amendments to section 7 of the bill regarding delegation of investment management and section 8 of the bill regarding standard of conduct. These amendments provide increased safeguards for the beneficiaries by helping to insure a charitable organization's financial solvency.

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. 433, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 433, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Herkes, Hiraki, Swain, Tom and White.

SCRep. 1548 Consumer Protection and Commerce on S.B. No. 526

The purpose of this bill is to increase the number of barrels of malt beverages a brewpub may produce.

The Wholesale Liquor Dealers Association testified in support of this bill. The brewpub class of license was established in 1994 by the enactment of Act 174, Session Laws of Hawaii. The law limited the maximum number of barrels of beer produced on the brewpub's premises to 3,000.

Your Committee recognizes that the limit of 3,000 barrels is insufficient to meet unexpected consumer demands and that an increase to 5,000 barrels is necessary.

The bill has been amended to delete reference to the limitation of the sale of malt beverages to fifteen percent of the licensee's total production of malt beverages manufactured by the licensee in brewery-sealed packages to class 3, wholesale dealer licensees. Your Committee has also 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. 526, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 526, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Cachola, Hiraki, Swain, Tom and White.

SCRep. 1549 Consumer Protection and Commerce on S.B. No. 532

The purpose of this bill, as received by your Committee, is to clarify ambiguous language in the Mandatory Seller Disclosures in Real Estate Transactions law by, among other things:

- (1) Requiring that any action for rescission brought under the aforementioned law, commence prior to the recorded sale of the real property; and
- (2) Specifying that if the seller of real property discovers an inaccuracy in the initial disclosure statement, the seller is required to provide an amended statement to the buyer within ten calendar days after the discovery, but no later than twelve o'clock noon of the last business day prior to the recorded sale of the real property.

The provisions contained in this bill would help ensure that the Mandatory Seller Disclosures in Real Estate Transactions law does not unintentionally invite attempts to reverse real estate transactions after all documents have been recorded, financing has been extended, title and property insurance are in place, and replacement property is identified and purchased.

The effects of the bill's provisions would be that sellers would not have a duty to monitor properties for modifications that affect material facts after ownership has changed hands.

Testimony in support of this bill was received from the Real Estate Commission, the Hawaii Association of Realtors, and a concerned citizen. The Real Property and Financial Services Section of the Hawaii State Bar Association submitted comments on the bill.

After carefully considering the merits of the bill and the testimony received, your Committee has amended the measure by:

- (1) Including language specifying that the initial sale of new condominiums is exempt from the requirements of the Mandatory Seller Disclosures in Real Estate Transactions law. As this law is primarily directed at resales, this amendment is appropriate;

- (2) Deleting the proposed deadline that would require sellers to provide an amended disclosure statement no later than twelve o'clock noon of the last business day prior to the recorded sale of the real property if the seller discovers an inaccuracy in the initial statement prior to the recorded sale of the real property; and
- (3) Making technical, nonsubstantive amendments for purposes of style, clarity, and consistency.

Your Committee notes that the bill, as amended, essentially is consistent with the House position as reflected in H.B. No. 994, H.D. 1, the House companion to this bill, which passed Third Reading in the House.

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. 532, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 532, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Herkes, Hiraki, Swain, Tom and White.

SCRep. 1550 Consumer Protection and Commerce on S.B. No. 958

The purpose of this bill is to allow depository financial services loan companies to invest their own assets in securities issued by diversified investment management companies, commonly known as diversified mutual funds.

More specifically, the bill, among other things, would:

- (1) Permit these loan companies to invest assets only in diversified mutual funds that have been in existence for at least five years; and
- (2) Limit the aggregate amount that these loan companies may invest in any one diversified mutual fund to twenty percent of the loan company's capital and surplus.

Currently, the law allows depository financial services loan companies to, among other things, invest assets directly in certain stocks and bonds. Diversified mutual funds are an indirect means to invest in stocks and bonds and are regulated by the Investment Company Act of 1940 and the Securities and Exchange Commission.

The Hawaii Financial Services Association, Inc. (HFSA) testified in support of this measure. According to the HFSA, the inclusion of mutual funds in permitted investments will allow smaller depository financial services loan companies to have a more diverse portfolio under professional management. The Commissioner of Financial Institutions of the Department of Commerce and Consumer Affairs took no position on the measure.

Technical, non-substantive amendments for the purposes of style, clarity, and consistency were made to the measure.

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. 958, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 958, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Cachola, Hiraki, Swain, Tom and White.

SCRep. 1551 Consumer Protection and Commerce on S.B. No. 959

The purpose of this bill is to allow the issuance of a limited license to anyone who sells policies of individual or group credit personal property insurance and credit involuntary unemployment insurance.

The Hawaii Financial Services Association (HFSA) strongly supported the bill. HFSA testified that financial services loan companies would be able to issue group credit property insurance and group credit involuntary unemployment insurance under the same umbrella as group credit life and accident and health insurance. Sales would be voluntary and only to applicants who have qualified for loans.

The State Insurance Commissioner (Commissioner) did not oppose the bill but testified that he was concerned that the bill did not provide guidelines on examination procedures, standards, and investigatory procedures. Accordingly, the Commissioner recommended an amendment to the bill.

Your Committee understands the benefit derived by the public in allowing financial services loan companies to offer credit protection on a limited basis through authorized insurance companies in the State. Customers will be able to purchase insurance that will protect against losses that may occur as a result of a job loss or a loss of residence due to a fire. The bill has been amended to authorize the Commissioner to develop standards and regulations for the granting of limited licenses.

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. 959, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 959, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Herkes, Hiraki, Swain, Tom and White.

SCRep. 1552 Consumer Protection and Commerce on S.B. No. 960

The purpose of this bill as received by your Committee is to raise the fee allowed to be charged on a "non-filing fee" to what the Bureau of Conveyances can charge on a financing statement (UCC-1).

A "non-filing fee" is an alternative a financial services loan company (FSLC) can offer its customers to filing a UCC-1. This fee was capped at \$4.00 when it was first enacted by the Legislature. At that time, the Bureau of Conveyances charged \$2.00 to record and \$2.00 to file and release a UCC-1. Since then, the same fee has increased to \$20.00 to record and \$20.00 to release a UCC-1.

Supportive testimony was received from the Hawaii Financial Services Association, Inc. The Commissioner of Financial Institutions took no position regarding the measure.

Your Committee made the following amendments to the bill:

- (1) Retained section 1 of the original bill but deleted "non-filing insurance" from subsection (6); and
- (2) Technical, non-substantive amendments to both section 1 and section 2 of 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. 960, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 960, 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, Hiraki, Swain, Tom and White.

SCRep. 1553 Consumer Protection and Commerce on S.B. No. 1368

The purpose of this bill as received by your Committee is to clarify the mandatory disclosure law relating to resales of residential real property.

Favorable testimony was received from the Land Use Research Foundation of Hawaii, the Hawaii Resort Developers Conference, and a private individual. The Hawaii State Bar Association (HSBA) suggested deferring the effective date of the measure and testified that extensive amendments to the disclosure law need to be made to address technical flaws in the law. The Department of Commerce and Consumer Affairs expressed reservations about the bill.

After carefully considering the merits of the bill and the testimony submitted, your Committee has made amendments to the measure, including, but not limited to, the following:

- (1) Provided an exemption from the real estate transaction disclosure law for the sale of time share interests duly registered under a current effective disclosure statement pursuant to Chapter 514E;
- (2) Changed the effective date of the measure to July 1, 1996;
- (3) Changed the effective date of the other provisions of Chapter 508D to July 1, 1996; and
- (4) Retained the provision regarding new single family project sales being exempt from the mandatory seller disclosure requirements if they are under a current public offering statement.

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. 1368, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1368, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Herkes, Hiraki, Swain, Tom and White.

SCRep. 1554 Consumer Protection and Commerce on S.B. No. 1744

The purpose of this bill is to clarify the implementation of provisions which are administrative in nature. The bill's provisions allow the Department of Commerce and Consumer Affairs (DCCA) to immediately enforce current provisions of chapter 436B, Hawaii Revised Statutes (HRS), without the need to promulgate rules. Chapter 436, HRS, was enacted to serve as a single law which contained common provisions found in the different licensing laws or which contained provisions applicable to all licensing areas under the jurisdiction of the DCCA.

Specifically, the bill clarifies the DCCA's Professional and Vocational Licensing Division's (PVLVD) responsibilities by:

- (1) Providing that an application filed with PVLVD and left incomplete for two years shall be considered abandoned. The time period for retention has been increased from one year to two years, to provide more benefit to the applicant;
- (2) Requiring that an applicant submit information including residence and business telephone numbers, citizenship, similar licensure in other jurisdictions, and any disciplinary actions taken against the applicant in the applicant's licensed capacity in other jurisdictions. The required information establishes a complete database, provides minimal information to evaluate whether an applicant is in good standing to receive licensure, and is required of all applicants no matter what the profession or vocation;
- (3) Providing that failure to submit any PVLVD requested information and any applicable fees shall be grounds for denial of the application; and

- (4) Providing PVLD with the authority to adopt rules pursuant to chapter 91, Hawaii Revised Statutes, to require any applicant to submit any additional information.

Your Committee has amended the bill by adopting the recommendation of the DCCA regarding disclosure of the applicant's social security number if the licensing authority is authorized by federal law to require the disclosure. This is to comport with federal law.

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. 1744, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1744, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Herkes, Hiraki, Swain, Tom, White and Meyer.

SCRep. 1555 Consumer Protection and Commerce on S.B. No. 1897

The purpose of this bill is to add mortgage loans secured pursuant to the Small Business Act and the Small Business Investment Act to the list of statutory exemptions from the usury law.

This measure adds loan transactions regulated federally by the U.S. Small Business Administration (SBA) to those loans which are exempted from the provisions of Chapter 478, Hawaii Revised Statutes. The measure will provide small business owners greater access to affordable SBA guaranteed loans and will allow lenders to continue to participate in these programs in a fluctuating interest rate economy. Because the SBA often requires a second position mortgage on a personal residence as additional collateral for the loan, many of the loans which might otherwise be made are not possible, due to the 12% cap on interest rates for "home business loans." This measure would exclude such loans, still carefully regulated by the SBA, from that cap.

Due to funding problems within the SBA, lenders must use companion financing and the Section 504 program in order to meet the needs of the small business borrower. In both the companion and Section 504 transactions, the two loans are legally inseparable and dependent upon each other, and the entire transaction is subject to the review and approval of the SBA. It is your Committee's intent that Hawaii's small businesses have full access to federally guaranteed SBA financing, and that both loans in these transactions are exempt from the usury statute.

Your Committee received testimony in support of the bill from The Money Store Investment Corporation.

A technical, non-substantive amendment was made 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. 1897, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1897, 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, Hiraki, Swain, Tom and White.

SCRep. 1556 Consumer Protection and Commerce and Judiciary on S.B. No. 1721

The purpose of this bill is to repeal the section of the law which required charitable organizations conducting charitable solicitations to:

- (1) Inform donors of their right to be deleted from donor mailing lists; and
- (2) Have procedures to effect such a deletion.

Your Committees find that the requirement is extremely difficult to enforce and may be unfair in practice to charitable organizations which do not belong to a mailing list clearinghouse. The Department of Commerce and Consumer Affairs (DCCA) strongly supported the bill. According to the testimony of the DCCA, repeal of this provision would bring Hawaii in line with all other states, none of which statutorily address donor mailing lists. The Legislative Information Services of Hawaii had no objections to the bill.

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. 1721 and recommend that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representatives Cachola, Hiraki, McMurdo, Kawanakoa and Meyer.

SCRep. 1557 Consumer Protection and Commerce and Judiciary on S.B. No. 1753

The purpose of the bill is to clarify the role of the Regulated Industries Complaints Office (RICO) with regard to client referrals between attorneys and health care providers.

The Director of RICO testified that the bill is necessary to clarify the jurisdiction of RICO with respect to actions against attorneys who violate Section 431:10C-308.7, Hawaii Revised Statutes. RICO's jurisdiction is limited by statute to only

those professions and vocations licensed by the Department of Commerce and Consumer Affairs and the Office of Disciplinary Counsel has jurisdiction over attorneys.

Your Committees believe that the measure will clarify the existing law by stating that reports of alleged violations by attorneys will be referred to the appropriate regulatory body, the Office of Disciplinary Counsel, for investigation and disciplinary action. RICO will continue to have investigative and prosecutorial jurisdiction over health care providers.

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. 1753 and recommend that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representatives Cachola, Hiraki, McMurdo and Kawananaoia.

SCRep. 1558 Consumer Protection and Commerce and Judiciary on S.B. No. 1560

The purpose of the bill as received by your Committees is to require the Liquor Commission to notify by mail the owners and lessees situated within five hundred feet of the premises of a liquor licensee of a public hearing regarding the transfer of a liquor license.

The Department of Finance of the City and County of Honolulu testified in support of this bill. The liquor administrators of the County of Maui, Kauai, and Hawaii testified in opposition to the bill. The Retail Liquor Dealers Association submitted comments.

After carefully considering the merits of the bill and the testimony received, your Committees have amended the measure by, among other things:

- (1) Deleting the provision requiring the Liquor Commission to notify by mail the owners and lessees situated within five hundred feet of the premises of a liquor licensee of a public hearing regarding the transfer of a liquor license; and
- (2) Inserting a provision allowing the county liquor commissions to revoke, suspend, or place conditions or restrictions on any liquor license for the purpose of preventing activities within the licensed premises or adjacent areas under the licensee's control that are potentially injurious to the health, safety, and welfare of the public, upon petition of the director of the appropriate county agency charged with regulating liquor licenses, proper notice to the licensee, and a hearing before the appropriate county liquor commission.

Currently, the law allows the county liquor commissions to withhold the issuance of renewed licenses if noise created by the licensee's patrons exceed standards contained in state or county noise or vibration codes. However, the current law is silent regarding the county liquor commission's authority with respect to criminal activities occurring on liquor licensee's premises. Your Committees believe the amended measure will help to prevent activities potentially injurious to the health, safety, and welfare of the public, including criminal activities, in areas under the control of liquor licensees. The aforementioned amendments are consistent with the provisions of a similar bill which the House had passed out earlier H.B. No. 1485, H.D. 2.

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. 1560, S.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1560, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representatives Cachola, Hiraki, McMurdo, Kawananaoia and Meyer.

SCRep. 1559 Consumer Protection and Commerce and Judiciary on S.B. No. 1732

The purpose of this bill is to protect the privacy interests of licensed massage therapists to the same extent that privacy interests of other professionals licensed by the Department of Commerce and Consumer Affairs (DCCA) are protected under Chapter 92F, the Uniform Information Practices Act (UIPA).

The Office of Information Practices submitted testimony concerning this bill. The previous provision of section 452-9, Hawaii Revised Statutes, expressly made all records of the Board of Massage Therapy (Board) available for public inspection and copying in their entirety. In comparison, public access to the records of other professional and vocational licensing boards under the DCCA are governed by the UIPA and not by specific statutes pertaining to the boards. The Board testified in support of this bill. Testimony opposing this bill was received from several massage therapists.

Your Committees agree that this bill promotes the UIPA's goal of establishing uniform standards relating to the disclosure of government records. It also protects the right to privacy of personal and confidential information filed by an applicant while still assuring that other information concerning a licensee will remain public.

Your Committees amended the measure to clarify that the provisions of the UIPA would prevail in the disclosure of information maintained by the Board.

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. 1732, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1732, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representatives Cachola, Hiraki, McMurdo and Kawananaoia.

SCRep. 1560 Labor and Public Employment on S.B. No. 1256

The purpose of this bill is to allow the nonpatient-spouse or companion of a patient, who is residing in a facility exclusively for the care and treatment of persons with Hansen's disease, to reside with the patient-resident without being required to work or volunteer services at the facility.

Pursuant to administrative rules, which originated in the 1800s, if a nonpatient-spouse wishes to remain with the patient-spouse, the nonpatient-spouse must work forty hours a week in the Kalaupapa Settlement (Settlement). The intent of this rule was to prevent freeloaders from creating problems at the Settlement.

The population of the Settlement has declined significantly since the 1800s. At most, there are 70 residents in the Settlement, most of whom are between the ages of 75 and 85. Under the circumstances, your Committee finds that this bill is needed to correct an archaic rule that no longer serves the purpose for which it was intended.

The Department of Health, the Kalaupapa Patient Council, and several concerned individuals testified in support of this measure.

Concerns were raised that making an allowance for nonpatient companions, in addition to nonpatient-spouses, may be detrimental to the Settlement because it may adversely affect the safety, privacy, and security of patients.

Upon further consideration, your Committee has amended this measure to provide that only nonpatient-spouses be allowed to reside with their patient-spouses without being required to work or volunteer services at the facility. Other technical, nonsubstantive amendments were made for purposes of style, clarity, and consistency, and to correct a drafting error.

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. 1256, 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. 1256, S.D. 2, H.D. 2.

Signed by all members of the Committee.

SCRep. 1561 Judiciary on S.B. No. 6

The purpose of this bill is to streamline the procedures under Chapter 576, Hawaii Revised Statutes, for collection and payment of child support.

Existing law makes it mandatory for the Child Support Enforcement Agency (CSEA) to collect and disburse child support payments in every instance when a court order requires such collection or disbursement. Presently, all collections and disbursements are done manually, and custodial parents who are supposed to regularly receive payments often receive these payments late, resulting in considerable hardship.

Testimony in support of this measure was received from a custodial parent who has experienced delays in receiving her child support payments from CSEA, usually an average of 12 days from the obligor parent's payday, causing great hardship to her and to her four children.

The Department of Human Services (Department) provided unfavorable testimony because this bill would circumvent the requirement that all recipients of public assistance assign all rights to support payments to their Department, and not enable assignment because employers would be making direct payments to custodial parents. The Department would then have to go to court for each recipient of public assistance.

Comments and amendments were suggested by CSEA. CSEA also expressed concern regarding the potential for circumventing the assignment requirement by recipients of public assistance, and also raised concerns regarding accountability and record-keeping. The two-day requirement for disbursement provided in the bill would create a strain on the operations of CSEA, and therefore, a three-day requirement was proposed as an amendment.

Your Committee recognizes the need for streamlining the receipt of child support payments by custodial parents, while at the same time, retaining the requirement that recipients of public assistance make assignment of their child support payments to the Department of Human Services.

Therefore, your Committee has amended the bill by providing that parents should be allowed to enter into a written agreement to allow direct payments from the obligor parent to the custodial parent, with court approval of the agreement.

Your Committee finds that court approval is necessary to validate the agreement and to provide the means for enforcement in the event either parent later seeks the assistance of CSEA. Furthermore, the court would not approve the agreement if a public assistance debt exists, and unless the obligor parent is able to provide evidence of continued employment.

In the interest of granting the court the broadest discretion possible, your Committee added language that the court review the circumstances existing between the parents before approving the written agreement.

Your Committee omitted the requirement of sending the CSEA a receipt from the obligor parent, since the agreement would be between the parents and no longer involve CSEA. The provision for voiding the agreement at any time was retained, with the entitlement for either parent to seek services from CSEA.

Also, your Committee provided an amendment that CSEA would assist the custodial parent in recovering the delinquent payments accruing only from the date of application for assistance, since it would be difficult for CSEA to verify past payments. Since a concern was raised that this measure may be construed to state that collection of child support arrearages could only be sought through the CSEA, a paragraph was added that the custodial parent may independently recover any delinquency in payments accruing prior to the date of application of services to CSEA.

The five-day requirement that is contained in the present law for employers to process income withholding orders was retained, inasmuch as a two-day processing deadline would be unduly burdensome for many employers.

Finally, rather than a two-day period for disbursement from the CSEA, a three-day period was provided, based upon testimony from CSEA that a two-day requirement would create a strain on the operations of the agency.

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. 6, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 6, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Menor and Kawanakoa.

SCRep. 1562 Judiciary on S.B. No. 85

The purpose of this bill, as received by your Committee, is to require prompt judicial review of bail status at the preliminary hearing or arraignment or within ten days of the arraignment.

Your Committee received testimony in support of this bill from the Office of the Public Defender, the Judiciary, and the Department of the Attorney General. The City and County of Honolulu Prosecuting Attorney submitted testimony in opposition to this bill.

Your Committee finds that pretrial detainees who are unable to post the initial bail set pursuant to the court's bail schedule should have an expeditious review of their bail status by the courts. Many of these defendants are not flight risks and are not unacceptable risks to the community. These persons should not have to remain incarcerated for prolonged periods of time prior to a bail review hearing.

This bill allows up to ten days after arraignment for a bail review hearing to occur. The ten day period recognizes that there are cases in which the necessary reports and data required to make an informed bail decision may not always be available immediately.

In misdemeanor cases in which a defendant cannot post the initial bail, trial is typically held within two court days. Your Committee has amended this bill to clarify that only in felony cases should the bail review hearing be continued within ten days of arraignment.

For purposes of clarity, your Committee has also amended this bill by designating the hearing as a "bail review" hearing.

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. 85, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 85, 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, Menor and Yoshinaga.

SCRep. 1563 Judiciary on S.B. No. 159

The purpose of this bill, as received by your Committee, is to extend the sunset provision for the expedited sentencing program.

Your Committee received testimony in support of this bill from the County of Hawaii Office of the Prosecuting Attorney, the County of Kauai Office of the Prosecuting Attorney, the County of Maui Department of the Prosecuting Attorney, the Department of the Attorney General, the Department of Public Safety, the Department of Human Services, the Office of the Public Defender, the Child Welfare Services State Advisory Council, the Friends of the East Hawaii Children's Advocacy Center, the Friends of the Children's Advocacy Center of Oahu, and the Friends of the Children's Advocacy Center of Maui. Your Committee received testimony in opposition to this bill from the City and County of Honolulu Department of the Prosecuting Attorney, the Kapiolani Health Care System, and the Hawaii State Commission on the Status of Women.

In 1993, Section 706-606.3, Hawaii Revised Statutes, was created to provide for an expedited sentencing procedure in intra-family sexual assault cases. The intent of the legislation was to provide an additional option within the criminal justice system for the handling of these cases in a manner which would concentrate on the needs of the child victim.

The prosecuting attorneys from the three counties who have utilized the program all presented positive testimony as to its merits. Your Committee agrees that the two-year experience with this legislation has proven to be a success.

Your Committee finds that cases processed through the expedited sentencing program have been handled in an expeditious and victim-sensitive manner. Significantly, the expedited sentencing program removes the pressure of a criminal case from the child victim and permits the child to quickly commence the healing process.

The Department of the Attorney General analyzed the impact of the expedited sentencing program and made the following conclusions:

- (1) Because the perpetrator was required to leave the home, child victims were able to remain in their home and avoid foster placement, thereby retaining the support of their families;
- (2) Pressure was removed from the child victims in that they did not have to be involved in lengthy and adversarial legal proceedings where the child was the primary witness against a family member;
- (3) Overall criminal convictions, punishment, deterrence for perpetrators, and protection for child victims were increased;
- (4) The effectiveness of the police, prosecutors, and courts in investigating, prosecuting, and sentencing in intra-family sexual assaults was increased; and
- (5) In each community in which the program was used, there was a positive impact upon the children's families, social workers, treatment providers, and the child protective system.

Your Committee finds that the program has succeeded in coordinating the civil and criminal process for victims of intra-familial child sexual assault. Children have benefitted by being able to remain in their homes with the non-abusive caretaker and other family members. The emotional support provided by family members enables children to more effectively participate in treatment.

Further, therapy for child victims has been able to proceed at a more rapid and effective pace because these children have not had to spend months or years dealing with the anxiety generated by a trial. Children do not always fully understand the reason for trial delays. They also may agonize over their role in the judicial process and may have anxieties about how the case will proceed and be resolved. Indeed, the many rigors of a trial for child victims in the adversarial court system cannot be understated.

In the expedited sentencing program, the prosecutor, guardian ad-litem for the child, and the court must all agree to the appropriateness of expedited sentencing. Your Committee finds that this approach ensures that both the child victim's and the community's needs are satisfied.

Under the expedited sentencing program, the offender is required to fully admit guilt and is required to do so in an expeditious manner. By requiring offenders to enter expeditious guilty pleas, the expedited sentencing program assures validation for the child victim who has had the courage to make a disclosure of sexual abuse. In contrast, where the offender pleads not guilty, children sometimes face serious doubts, if not complete disbelief, by their family members. As a result, children experience a loss of support at the time when the belief and support of their families is crucial in enabling them to proceed rapidly with their recovery from the effects of the abuse.

Under the program, the offender must avoid all contact with the child victim. The offender must also participate in a sexual offender treatment program until clinically discharged. The person is monitored by the probation division and may be sentenced to twenty years imprisonment, in the case of an A felony, if conditions of probation are violated.

In sum, your Committee concurs with a comment in a report prepared by the Children's Advocacy Center of the Judiciary concluding that "[t]he law's full potential for enhancing the protection of Hawaii's children and the community has barely been tapped and will only grow with time and experience." Your Committee encourages the county prosecutors to utilize the expedited sentencing program when appropriate.

Your Committee has amended this bill by making the expedited sentencing program a permanent option to prosecutors in cases of intra-family child sexual assault. Additionally, this bill has been amended by delineating its effective date as June 29, 1995.

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. 159, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 159, H.D. 1, and be placed on the calendar for Third Reading.

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

SCRep. 1564 Judiciary on S.B. No. 337

The purpose of this bill is to grant District Courts jurisdiction in civil cases involving equity claims or defenses.

Favorable testimony was received from the Judiciary and from the Hawaii State Bar Association.

Under present law, District Courts have jurisdiction over civil cases valued under \$20,000, but do not have the power to issue equitable or declaratory relief in those cases. Such relief is reserved for the Circuit Courts, and, therefore, cases must be transferred from the District Court to the Circuit Court in order to obtain the relief. It is more complicated and often more expensive to pursue a case in the Circuit Court, which makes it difficult for those persons with cases having a smaller monetary value to continue to seek relief once their cases are transferred to Circuit Court.

Your Committee believes that the proposed bill would result in quicker and less expensive handling of smaller cases.

Therefore, your Committee finds that the District Court should be allowed to grant equitable relief in certain instances rather than having cases transferred to Circuit Court for this purpose.

Accordingly, your Committee amended the bill by granting District Courts original jurisdiction of suits for specific performance and for injunctive relief in residential landlord-tenant cases. However, your Committee was of the opinion that relief by declaratory judgment should be reserved for the Circuit Court.

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. 337, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 337, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Cachola, Menor and Yoshinaga.

SCRep. 1565 Judiciary on S.B. No. 431

The purpose of this bill is to create the offense of aggravated harassment by stalking.

Your Committee received testimony in support of this bill from the Honolulu Police Department, Parents and Children Together, Child and Family Service, and the Department of the Prosecuting Attorney of the City and County of Honolulu. The Office of the Public Defender testified in opposition to this bill.

A stalker's behavior is often characterized by a progressive series of more serious acts. Your Committee believes that punishment should be enhanced for the repeat offender.

However, Your Committee finds that to enhance a harassment by stalking conviction because a defendant has, by committing the offense, also violated a court order or a condition of probation or pretrial release, would doubly punish the defendant because violations of court orders, conditions of probation, and conditions of pretrial release may also all result in the incarceration of the defendant. Moreover, elevating an offense simply because it violates a court order or a condition of probation or pretrial release is unprecedented in and inconsistent with the Hawaii Penal Code.

Your Committee believes that a person who is placed on probation for the offense of harassment by stalking should undergo appropriate treatment. Additionally, your Committee finds that the alleged victim of a stalker should receive notice by the appropriate county law enforcement agency if the stalker is released on bail or on recognizance. Further, the county should be immune from liability for failing to make reasonable attempts to notify the alleged victim.

Therefore, your Committee has amended this bill by:

- (1) Eliminating language in section 1;
- (2) Providing for an elevation of the class of offense for repeat offenders;
- (3) Requiring appropriate counseling if an offender is placed on probation;
- (4) Requiring notification to the alleged victim if a person charged with violating this section is released on bond or recognizance and providing immunity from liability for county law enforcement agencies, officers, and employees should there be a failure to make reasonable attempts to notify the alleged victim; and
- (5) Making technical, non-substantive 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. 431, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 431, 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, McMurdo and Menor.

SCRep. 1566 Judiciary on S.B. No. 722

The purpose of this bill is to make permanent the provision which requires a person who has abused a family or household member to adhere to a twenty-four hour cooling off period.

Testimony was provided by the City and County of Honolulu Department of the Prosecuting Attorney, the County of Kauai Office of the Prosecuting Attorney, the Honolulu Police Department, Child and Family Service, the Hawaii State Commission on the Status of Women, and the Domestic Violence Clearinghouse and Legal Hotline in support of this measure.

Your Committee finds that the "cooling off" period imposed by police in certain circumstances has been highly successful in preventing further domestic violence by creating a "safe" period within which the victim of abuse may seek refuge in a shelter or utilize other safety options. This measure will allow police to continue to utilize this effective tool in the prevention of domestic abuse.

Your Committee has amended this bill by delineating its effective date as June 29, 1995. This provision is to ensure that any delays in approving the bill do not cause the temporary repeal of the Act.

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. 722, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 722, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative McMurdo.

SCRep. 1567 Judiciary on S.B. No. 945

The purpose of this bill, as received by your Committee, was to establish two types of offenses for prostitution.

Testimony in support of the intent of the measure was received from representatives of the Police Department and the Office of the Managing Director of the City and County of Honolulu, the Chamber of Commerce of Hawaii, and the Waikiki Improvement Association. Testimony in opposition was received from the Department of Public Safety, the Office of the Public Defender, and the ACLU.

Your Committee finds that the level of street solicitation for the purposes of prostitution in Waikiki has become intolerable. Visitors and residents alike are repeatedly being accosted for purposes of solicitation.

Your Committee notes that these street solicitors are frequently non-residents who confine their activity to the streets of Waikiki because the large number of tourists on the sidewalks offers a money-making opportunity with few disincentives to the prostitutes in terms of personal consequences.

Your Committee finds that these prostitutes would not practice their trade on the streets if they were convinced that the costs to themselves, in terms of confinement, were too high. Therefore, many of the prostitutes will forgo their sojourns to Hawaii, dramatically reducing the number of active street-walkers.

Your Committee is convinced that the only way to have an immediate effect upon the level of street solicitation for purposes of prostitution is to make the "business climate" for this activity as unfriendly as possible.

Therefore, your Committee has amended the measure by eliminating the current language in the bill and substituting a new misdemeanor offense of street solicitation in Waikiki for the purposes of prostitution which imposes a mandatory six-month imprisonment.

In addition, your Committee has added a provision which will prohibit bail pending appeal after conviction for the offense.

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. 945, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 945, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Cachola.

SCRep. 1568 Judiciary on S.B. No. 1254

The purpose of this bill is to provide statutory authority for a notary to sign for a person unable to do so, with the proper safeguards to ensure that the disability is medically certified, and that the person is capable of communicating his or her intentions concerning the document signed.

Testimony in support of the bill was submitted by the Commission on Persons with Disabilities and a private citizen.

Your Committee agrees that persons who are physically unable to sign documents should be able to have a notary public execute the document, under certain conditions. However, your Committee was of the opinion that greater safeguards were needed to avoid if at all possible, the opportunity for fraudulent execution without the person's consent or knowledge.

Therefore, your Committee amended the bill by adding language providing that the notary must be satisfied that the person understood the contents of the document, that the person has given his or her consent for the notary to sign on the person's behalf, that a doctor's certificate must be provided to the notary certifying that the person is unable to sign by reason of his or her disability, and further certifying that the person is capable of communicating his or her intentions.

A further amendment was made concerning the type of identification which would be acceptable for a notary's acknowledgment of a person's signature. The bill was amended to provide that the identification card may be issued by the United States, any state, or a national government.

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. 1254, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1254, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Herkes and Menor.

SCRep. 1569 Judiciary on S.B. No. 1286

The purpose of this bill is to clarify the existing statute regarding restrictions on post employment of legislators and employees.

The Hawaii State Ethics Commission submitted testimony supporting this bill, and suggested amendments.

Under current law, a former legislator or employee is prohibited from assisting any person or business in a representative capacity for a fee or other consideration in matters in which the person participated, or in matters involving official action by the agency or subdivision with which the person served or was employed, within twelve months after termination of the person's service or employment.

Your Committee agrees that this prohibition should apply to a legislator or employee of either the House of Representatives or the Senate.

Your Committee also agrees that the prohibition against merely assisting a person or business is overly restrictive since such a prohibition would not only discourage qualified individuals from seeking legislative office or employment, but would make it virtually impossible for such individuals to seek employment with the State for a one-year period following separation.

However, your Committee was of the opinion that the prohibition should apply to representation for a fee or other consideration. Greater accountability by legislators and employees is needed in order to instill public confidence in our legislative body.

Furthermore, your Committee was of the opinion that the prohibition as to a legislator and as to an employee should be separated for clarity, since the criteria for both differ.

Accordingly, your Committee amended the bill by deleting references to assistance, separating prohibition of former legislators from former employees, and adding a definition of the term "represent".

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. 1286, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1286, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Cachola.

SCRep. 1570 Judiciary on S.B. No. 1771

The purpose of this bill is to clarify that income withholding must be implemented by the employer upon being served with a certified copy of an order for income assignment, to:

- (1) Ensure that allocation of support payments received through withholding does not result in any of the obligations not being implemented; and
- (2) Ensure that the income withholding order for the payment of child support has priority over any other orders.

Your Committee received testimony in support of this bill from the Department of the Attorney General.

Presently, Hawaii law prioritizes income withholding for the payment of child support over all other income withholding orders, unless the court orders otherwise. Federal regulations, however, require that the income withholding order for the payment of child support have priority over any other order. The Department of the Attorney General testified that it was necessary to delete the provision stating "unless otherwise ordered" in section 576E-16 so that Hawaii would obtain federal State plan approval and receive federal matching funds. This bill ensures compliance with federal law.

The Department of the Attorney General testified that federal regulations require state child support enforcement agencies to allocate support received through income assignment in such a way as to ensure that the allocation does not result in a withholding for one of the support obligations not being implemented. Your Committee finds that this bill complies with the Code of Federal Regulations.

Your Committee finds that the current language of the statute is unclear as to whether copies of income assignment orders must be certified by the court or whether copies of the orders may be certified by the court or the Child Support Enforcement Agency. Whenever a child support obligor changes employment, a certified copy of the court order must be served on the obligor's employer. It is a time-consuming process for the Child Support Enforcement Agency to obtain certified copies of the order from the court when an obligor changes employment.

Your Committee recognizes that a need exists to enable the Child Support Enforcement Agency to expeditiously obtain certified copies of income assignment orders. However, your Committee believes that the Child Support Enforcement Agency should not be permitted to certify copies of the very orders which they have the mandate to enforce.

Accordingly, this bill has been amended to allow copies of the income assignment orders to be certified by the court or by the office of child support hearings.

Your Committee was concerned that there was not an allocation methodology amongst the persons ordered to receive support payments. While this bill conforms with federal regulations by providing that the allocation of support payments will not result in one of the support obligations not being implemented, the lack of a specific allotment methodology and the potential for misallocation of support payments was troublesome to your Committee.

Therefore, your Committee amended this bill by requiring that the support payments received through the income withholding order be allocated based on each obligee's proportionate share of the order.

Further, your Committee amended this bill by clarifying that the allocation applies only where there is more than one obligee.

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. 1771, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1771, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Herkes, Menor and Kawanakoa.

SCRep. 1571 Judiciary on S.B. No. 1773

The purpose of this bill is to eliminate the right to bail for persons arrested and held on a Governor's extradition warrant and to deny the right to bail for persons who waive the extradition proceedings, except where the prosecuting attorney with the concurrence of the demanding state has stipulated to the setting of bail.

Your Committee received testimony in support of this bill from the Attorney General and the Honolulu Police Department. The Office of the Public Defender testified in opposition to this bill.

Hawaii has adopted the Uniform Extradition Act which is codified in chapter 832, Hawaii Revised Statutes (HRS). In general, an extradition proceeding is initiated when the police arrest a suspect on information that the person is wanted in another state. There are two methods under the Uniform Extradition Act by which an accused may be extradited to the demanding state. The accused may waive extradition proceedings and consent to return to the demanding state, or a Governor's warrant may be issued requiring the arrest and detention of the accused until agents of the demanding state take custody of the accused.

Under the Uniform Extradition Act, bail is specifically authorized pending receipt of the Governor's warrant while the accused is being held to await requisition. The Act is silent on the issue of the right to bail after the Governor's warrant has been issued. Jurisdictions are split on whether a person is entitled to bail after the Governor's warrant is issued.

The most recent revised version of the Uniform Law adopted by the National Conference of Commissioners, however, expressly provides for post-warrant bail upon conditions that will reasonably assure the person's availability for extradition. This amendment to the Uniform Act was meant to clarify the ambiguity relating to the right to bail following issuance of the Governor's warrant. The comments to the amendment state that the sections "do not even remotely suggest that the conditional release provision constitute a change from the present Uniform Law."

Your Committee finds that chapter 832, HRS, should maintain conformity with the Uniform Extradition Act. There has not been a sufficient showing of necessity to revise state laws in a manner different from the Uniform Extradition Act. Accordingly, this bill has been amended by deleting the provisions relating to the denial of a right to bail after the Governor's warrant has been issued.

This bill would also propose to deny bail where the accused waives the extradition proceedings, unless the Prosecuting Attorney with the concurrence of the demanding state stipulates to the setting of bail. In addition to this provision deviating from the Uniform Extradition Act, your Committee believes that the right to set bail should not be delegated to the Prosecuting Attorney because it has always been a power which rested with the discretion of the court.

Further, the denial of a right to bail may give rise to more challenges to extradition because the accused may not be inclined to waive the extradition proceedings. Increased challenges to extradition would negatively impact the already burdened court system.

Accordingly, this bill has been further amended by deleting the provisions relating to the denial of bail unless the Prosecuting Attorney and the demanding state concur with the imposition of bail.

While your Committee believes that the current system works satisfactorily, there was concern that situations arise where a judge should consider additional information in setting bail. Presently, a judge will typically defer to the demanding state in the amount at which bail is set.

To provide additional assurances that public safety is protected, your Committee believes that the judge should review pertinent information provided by the Prosecuting Attorney in situations where bail for an accused should be increased. Further, your Committee believes that the demanding state should be consulted at all pertinent stages in the extradition proceedings to ascertain the appropriate amount at which bail should be set.

Consequently, this bill in its current form ensures that the judge considers relevant information pertaining to the appropriate setting of bail and that the demanding state is contacted at all pertinent stages to ascertain whether the amount of bail should be adjusted.

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. 1773, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1773, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Menor and Kawanakoa.

SCRep. 1572 Judiciary and Public Safety and Military Affairs on S.B. No. 92

The purpose of the bill, as received by your Committees, was to permit the family court to retain jurisdiction over a juvenile for certain offenses until the person reaches the age of twenty-three years.

Testimony in support of the measure was received by your Committees from representatives of the Judiciary, the Office of Youth Services, and the Public Defender.

A representative of the Department of the Prosecuting Attorney of the City and County of Honolulu submitted testimony to your Committees in opposition to this bill but in support of the provisions of a House companion measure which lowered the discretionary waiver age for certain offenses.

Your Committees are concerned that extending family court jurisdiction to age 23 with respect to certain offenders is not the most appropriate way to deal with the problem of juveniles who commit murder or older juveniles who commit other serious offenses.

Your Committees find instead that discretion should be placed in the hands of the family court judges to determine whether it is appropriate for jurisdiction over a particular minor to be waived by the family court when it appears that the minor is a habitual serious offender or when the offense is particularly heinous.

Your Committees find that minors who are accused of the most serious crime, murder, should be subject to the possibility that jurisdiction may be waived by the family court regardless of the minor's age.

In addition, your Committees are of the opinion that youths who are above the age of fourteen when they commit certain serious offenses or who are over fourteen and have two prior felony type offenses should also be subject to the possibility of a waiver of jurisdiction.

Therefore, your Committees have amended the measure by eliminating references to the retention of jurisdiction to age 23 and substituting provisions which permit discretionary waiver at any age for murder and discretionary waiver at age 14 for minors who commit certain serious offenses or for those who have two prior felony type offenses.

In addition, your Committees have added language to permit the sentencing court, in cases where a juvenile has been waived, to commit a youth under 18 to the youth correctional facilities for later transfer at age eighteen, if the sentence is not yet completed, to an adult facility under the custody of the Department of Public Safety.

As affirmed by the records of votes of the members of your Committees on Judiciary and Public Safety and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 92, S.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 92, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representatives Cachola, Chun Oakland, Menor, Swain and Yoshinaga.

SCRep. 1573 Consumer Protection and Commerce on S.B. No. 927

The purpose of this bill as received by your Committee is to allow financial services loan companies to charge for and retain reasonable and bonafide attorney fees associated with preparing documents relating to consumer loan transactions which are secured by an interest in real property. This would include, for example, attorney's fees for preparing deeds or other conveyance documents, promissory notes, mortgages, and reconveyance, settlement, and similar or related documents, as necessary, in a consumer loan transaction which is secured by an interest in real property.

The Commissioner of Financial Institutions of the Department of Commerce and Consumer Affairs submitted testimony in support of the bill. The Hawaii Financial Services Association, Inc. submitted comments.

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. 927, S.D. 1, and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Hiraki, Tom and Thielen.

SCRep. 1574 Consumer Protection and Commerce on S.B. No. 1912

The purpose of this bill is to amend section 521-7, Hawaii Revised Statutes, to exclude the tenancy of an employee whose tenancy is conditional upon employment, or for a period of up to four years after employment has been terminated if there is a plan to transfer the dwelling unit or property to the occupant/employee.

Testimony in support of this bill was submitted by the Office of Consumer Protection and the International Longshoremen's & Warehousemen's Union, Local 142.

Under this bill, entities which assume ownership of former employee housing will be treated like a company providing employee housing and exempted from the Landlord-Tenant Code. An entity such as the Hamakua Housing Corporation accordingly would not be responsible for bringing deteriorating plantation homes and inadequate infrastructure up to acceptable standards. Without this bill, the cost of bringing deteriorating plantation homes up to standard would be prohibitive and might result in the closure of the plantation camp.

Your Committee recognizes the need for this measure because housing is a benefit rarely provided to employees and further, that the sugar plantation is the exception. Although the housing that is provided may be substandard, the need for these homes is great. Your Committee also understands that the impact of this bill will be minimal.

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. 1912, S.D. 1, and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Herkes, Hiraki, Swain, Tom and White.

SCRep. 1575 Consumer Protection and Commerce and Judiciary on S.B. No. 487

The purpose of this bill, as received by your Committees, is to extend the moratorium on manufacturers and jobbers of petroleum products from opening any additional company-operated retail service stations.

Specifically, this bill, among other things, proposes to:

- (1) Extend the effective period prohibiting manufacturers and jobbers of petroleum products from opening any additional company-operated retail service stations;
- (2) Establish penalties for violations of the aforementioned moratorium;
- (3) Extend the period that retail service stations may be company-operated in cases where dealers vacate the location before replacement dealers are found; and
- (4) Require the Attorney General to provide a legal opinion to the Legislature regarding whether permanent divorcement would constitute a "taking" in violation of the Fifth Amendment of the United States and Hawaii Constitutions.

The moratorium is intended to provide the time needed for the Legislature to obtain the information and data that is necessary to formulate policies to protect the long-term interests of Hawaii's gasoline consumers.

Testimony supporting this bill was received from a number of noncompany-operated retail service stations and the Hawaii Retail Gasoline Dealers Association. Testimony opposing the measure was submitted by Chevron; Aloha Petroleum, LTD.; Hawaii Petroleum Marketers Association; BHP Hawaii, Inc.; the Western States Petroleum Association, through its representative, Public Affairs Consultants-Hawaii; and a number of employees of petroleum companies that operate retail service stations. Two University of Hawaii professors submitted comments on the bill. Unocal submitted testimony opposing the moratorium and requested that suppliers with no company-operated retail outlets be allowed to open a limited number of retail outlets.

After carefully considering the merits of the bill and the testimony received, your Committees have amended the measure by:

- (1) Allowing manufacturers and jobbers of petroleum products to open two additional company-operated retail service stations during the effective period of the moratorium;
- (2) Specifying that manufacturers and jobbers of petroleum products may replace company-operated retail service stations that have closed due to the expiration or termination of the station's ground lease, provided that:
 - (A) The manufacturer or jobber negotiates in good faith to renew the ground lease; and
 - (B) The replacement station is located within a two-mile radius of the station that it replaces;
- (3) Requiring the Legislative Reference Bureau (Bureau), in consultation with other parties, to conduct a study that will provide the Legislature with useful information and data to assist lawmakers in formulating policies that protect the long-term interests of Hawaii's gasoline consumers; and
- (4) Making technical, nonsubstantive amendments for purposes of style, clarity, 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. 487, S.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 487, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representative Garcia.
(Representatives McMurdo, Kawanakoa and Meyer voted no.)

SCRep. 1576 Consumer Protection and Commerce; Judiciary; and Finance on S.B. No. 1762

The purpose of this bill, as received by your Committees, is to establish a "pure" no-fault motor vehicle insurance system by eliminating lawsuits based on motor vehicle accident injuries, except for criminal or civil liability for intentional injury or criminal conduct.

The cost of motor vehicle insurance in the state is prohibitively high. Hawaii has consistently been ranked at the top of all states in premium rates for motor vehicle insurance. According to the March 28, 1994, edition of Auto Insurance Report, Hawaii had the "highest personal auto insurance premiums in the United States in 1992".

In light of this and many other factors, your Committees believe that the state's current motor vehicle insurance system is in need of improvements.

Your Committees received voluminous testimonies on this bill. The following is a list of some of the testimonies your Committees received:

- (1) Supporting the bill: State Farm Insurance Companies, the Hawaii Independent Insurance Agents Association, the National Association of Independent Insurers, the United Armed Forces Association, and a few concerned citizens. A Councilmember of the County Council of the County of Hawaii submitted testimony supporting the intent of the bill;
- (2) Opposing the bill: the Hawaii Trial Lawyers Association, the Tort and Insurance Section of the American Bar Association, Hawaii Women Lawyers, the Hawaii State Chiropractic Association, the Hawaiian Society of Naturopathic Physicians, and numerous attorneys and concerned citizens; and
- (3) Commenting on the bill: the Lieutenant Governor, the Insurance Division of the Department of Commerce and Consumer Affairs, and a number of other concerned parties.

After carefully considering the merits of the bill and the testimony received, your Committees have amended the measure by deleting its substantive contents and inserting therein, the substance of H.B. No. 2286, H.D. 1, with some technical, nonsubstantive changes. Your Committees note that H.B. No. 2286, H.D. 1, passed Third Reading in the House.

Basically, the bill, as amended by your Committees, proposes to establish a system of motor vehicle insurance that allow motorists to choose the:

- (1) Kind of personal injury protection they want for themselves and their family members; and
- (2) Amount of financial protection they deem appropriate;

by allowing motorists to:

- (1) Purchase a new personal injury protection (PIP) coverage to protect themselves and their family members in the event of a motor vehicle accident; or
- (2) Elect traditional tort liability coverage. This option would include an inverse liability coverage (tort maintenance) to provide protection in the event injury is caused by someone who has elected the personal injury protection option.

As affirmed by the records of votes of the members of your Committees on Consumer Protection and Commerce; Judiciary; and Finance that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1762, S.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1762, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representatives Alcon, Hiraki, Kahikina, McMurdo and Nakasone.

SCRep. 1577 Finance on S.B. No. 1375

The purpose of this bill is to:

- (1) Require the parties to the Mutual Publishing Plan Agreement (Agreement), which granted Hawaii's two major newspapers special permission by the federal government to operate jointly outside federal anti-trust statutes, to provide the Attorney General with an annual report that includes an annual financial statement; and
- (2) Require the Attorney General to share this information with the United States Department of Justice.

The Hawaii Newspaper Agency and the Hawaii Publishers Association submitted testimony on this measure.

Your Committee has amended this bill by:

- (1) Deleting the requirement for parties to the Agreement to submit an annual report to the Attorney General;
- (2) Including a requirement for parties to the Agreement to submit an annual income tax return to the Attorney General; 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. 1375, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1375, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Isbell, Ito and Ward.
(Representative Marumoto voted no.)

SCRep. 1578 Finance on S.B. No. 1828

The purpose of this bill, as received by your Committee, is to provide aid to the residents of the Hilo-Hamakua Coast area on the island of Hawaii affected by the closure of the Hilo Coast Processing Corporation and the Hamakua Sugar Company by:

- (1) Extending to fiscal year 1995-1996 the time during which funds appropriated in 1994 may be expended; and
- (2) Appropriating funding to further support recovery efforts by:
 - (a) Ensuring the continued operation of lower Hamakua Ditch, funding various agricultural projects, and the hiring of an agricultural specialist and an aquacultural specialist;
 - (b) Creating sustainable and expandable systems for community-based economic development;
 - (c) Providing wage-subsidized training opportunities for displaced sugar workers in skilled occupational areas;
 - (d) Promoting electronic communications applications for the Hamakua-Hilo Coast Teleservice/Telework Center;
 - (e) Providing a variety of services to continue the Hilo-Hamakua Support Program and for rural South Hilo; and
 - (f) Enabling former sugar plantation dwelling units to comply with Department of Health sewage disposal requirements.

The ILWU Local 142, the High-Tech Task Force, the Hilo-Hamakua High Technology Task Force, the Hamakua Housing Corporation, the Hilo-Hamakua Employment and Training Task Force, and the Hamakua/North Hilo Agricultural Cooperative testified in support of this measure. The Housing Finance and Development Corporation, the Department of Labor and Industrial Relations, the Department of Health, the Department of Business, Economic Development, and Tourism, and the Office of State Planning testified in support of the intent of this measure. The Department of Budget and Finance provided comments on the bill.

Your Committee notes that this bill is similar, in general purpose, intent, and content, to H.B. No. 1787, H.D. 1, which was previously reported from your Committee.

Your Committee has amended this bill by deleting its contents and:

- (1) Inserting the substance of H.B. No. 1787, H.D. 1;
- (2) Adding a new part, which includes:
 - (A) A new section stating the purpose of the new part, which is to authorize public financing for the repair and maintenance of the lower Hamakua Ditch to protect the public health, safety, and welfare of all people in Hawaii;
 - (B) An appropriation for the continued operation of lower Hamakua Ditch to ensure a source of water for Hamakua farmers; and
 - (C) The authorization to issue general obligation bonds for capital improvement projects for major repair and maintenance to the lower Hamakua Ditch and a marshalling yard;
- (3) Inserting the sum of \$1 in each of the appropriation sections contained in parts III and IV of the bill to facilitate continued discussion; and
- (4) Making other 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. 1828, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1828, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Ward.

SCRep. 1579 Judiciary on S.B. No. 84

The purpose of the measure is to provide a civil remedy for damages to persons injured as a result of illegal drug use by allowing a plaintiff to recover from persons who knowingly distribute or participate in the chain of distribution of an illegal drug.

Your Committee received testimony in support of the measure from representatives of the Police Department of the City and County of Honolulu, as well as from several attorneys in private practice, several private businesses and members of the general public.

Your Committee received testimony in opposition to the measure from a representative of the Office of the Public Defender and a private citizen.

Your Committee finds the approach taken by this bill to be a novel attempt to impose market share liability upon an illegal industry in an attempt to disrupt the flow of illegal drugs.

Your Committee was concerned, however, that in making use of the civil law, fairness be retained as part of the system.

In addition, your Committee was concerned that this bill lumped together all illegal drugs in a single category while this legislature has adopted a policy of treating marijuana offenses in a different category than the "hard" drugs such as cocaine, ice, and heroin.

For these reasons, your Committee amended the bill by:

- (1) Eliminating all references to marijuana;
- (2) Adding the word "illegal" where appropriate to ensure that legal possession and distribution are not covered by the bill;
- (3) Changing the limitations period by tying it to the participation in the illegal market by the Defendant but tolling it for periods when the Defendant is under investigation or under a criminal drug charge;
- (4) Amending the definition of "period of illegal drug use" to include the entire period of use. Your Committee intends the language used to reflect that the period includes the entire span of time from first to last use of an illegal drug by an individual, notwithstanding that there may be some periods of nonuse;
- (5) Changing the presumption with respect to period of illegal drug use;
- (6) Eliminating references to state representative districts and substituting tax map designations;
- (7) Eliminating the definition of "specified illegal drug";
- (8) Eliminating, as redundant, certain language relating to who is liable for damages and who may recover;
- (9) Providing language clarifying that law enforcement investigations or other types of legal use are not subject to the measure;
- (10) Providing that a Plaintiff who was the drug user turn over twenty-five per cent of the recovery of damages to the State;
- (11) Providing that claims for contribution shall, except as otherwise provided, follow current law;
- (12) Eliminating all language relating to prejudgment attachment and execution on judgments; and
- (13) Substituting a sunset date for the proposed report by the Attorney General;

In addition, numerous technical, nonsubstantive amendments were made for the purpose of style and clarity.

Your Committee notes that this new chapter is not the exclusive remedy in civil law with respect to recovering damages from drug dealers and wishes to emphasize that this chapter is not intended to exclude or diminish any remedy that is permitted by statute or case law.

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. 84, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 84, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Hamakawa, Menor, Saiki, Yoshinaga and Thielen.

SCRep. 1580 Judiciary on S.B. No. 158

The purpose of this bill is to hold parents of minors who are found responsible for graffiti damage jointly and severally liable for the damage, and to give counties the authority to impose civil fines on minors and their parents for graffiti damage.

Favorable testimony was received from the Honolulu Police Department, the Office of the Managing Director of the City and County of Honolulu, and the City Council of the City and County of Honolulu. Comments were received from the Judiciary, and amendments were suggested by the Office of the Managing Director and the City Council.

Your Committee recognizes that graffiti is a serious problem. According to the Police Department's testimony, incidents of graffiti have increased, and holding parents liable for civil fines will serve as a deterrent. Your Committee agrees to deter further incidents of graffiti, parents of minors who place graffiti on public or private property should be held jointly and severally liable along with the minors. This measure would also enable the imposition of a civil fine for graffiti damage to county property and allow the fine to include costs to restore, repair or replace the damaged property.

Your Committee was of the opinion that the intent and purpose of this measure would be better expressed and more appropriately enacted by adding a new section to Chapter 577 which governs family court jurisdiction over juveniles. Therefore, the bill was amended accordingly.

The amendment suggested by the City Council and the Office of the Managing Director would enable the respective counties to impose the fine administratively, thereby avoiding the cumbersome judicial process to collect the fine.

Your Committee concurs that the respective counties should have administrative authority to impose this fine, without the need to go to court. Therefore, your Committee amended this measure by adding a new section to provide authority for each county to impose civil fines on any property owned, managed, or maintained by the county. A fine of \$1,000 was designated since your Committee was of the opinion that said amount would be a sufficient deterrent to placing graffiti on county property.

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. 158, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 158, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Menor.

SCRep. 1581 Judiciary on S.B. No. 334

The purpose of this bill is to designate the Administrative Director of the Court as the Compact Administrator instead of the Administrator of the Traffic Violations Bureau of the Judiciary.

The Judiciary testified in support of this measure.

Your Committee finds that the nonresident violator compact allows the State to prosecute individuals who reside out-of-state and leave without paying fines. Currently, the compact administrator and licensing authority named in the nonresident violator compact is the administrator of the Traffic Violations Bureau. The measure is necessary because there is currently no Administrator of the Traffic Violations Bureau in the Judiciary.

Your Committee has amended this 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 Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 334, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 334, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Cachola, Herkes and Menor.

SCRep. 1582 Judiciary on S.B. No. 1521

The purpose of the bill, as received by your Committee, is to safeguard the use of physician-specific aggregate data by excluding this data from discovery or admission into evidence during a judicial or administrative proceeding.

Your Committee finds that there are increasing demands for public accountability of the medical profession, particularly from consumers, corporate purchasers of health care, and publicly supported health programs. Consumer advocates, health care providers, health insurance companies, and governmental entities also want information related to quality and costs of care provided by both hospitals and physicians in order to make informed purchasing decisions. In order to encourage the proper use of data collected for valid purposes, the safeguards contained in this bill are needed to protect the confidentiality of individuals and prevent the misuse of data.

Your Committee received testimony in support of this measure from the Department of Health, the Hawaii Nurses Association, the Hawaii Medical Association, the Healthcare Association of Hawaii, and the Chamber of Commerce of Hawaii, all of whom emphasized the importance of these safeguards for protecting the privacy of personal health and medical information.

Your Committee has amended the bill by adding language to clarify that documents and records made in the regular course of business by a hospital or other health care provider are not subject to immunity in a civil proceeding. This clarification was needed to balance the protection afforded by this bill to physician-specific aggregate data with the need to maintain the discoverability of medical records in civil proceedings.

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

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. 1521, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1521, S.D. 2, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Menor.

SCRep. 1583 Judiciary on S.B. No. 1778

The purpose of this bill is to authorize boards to hold closed meetings when it is necessary for the board to meet at a site which cannot safely accommodate the public.

Your Committee received testimony in support of this bill from the Department of the Attorney General and the Board of Land and Natural Resources. Common Cause submitted testimony in opposition to this bill.

Your Committee finds that situations may arise where boards need to meet at sites which cannot safely accommodate the public. The Kahoolawe Island Reserve Commission is an example of a board which may require a closed to the public "limited meeting" if it feels that a meeting on Kahoolawe is essential for certain purposes.

This bill sets forth procedures required to be met by a board prior to meeting at a dangerous location. It also requires that at a "limited meeting" the board must videotape the meeting, comply with the sunshine laws, and refrain from decision-making.

Your Committee finds that the Attorney General should concur with a board's determination to meet at a dangerous location. Closed meetings pursuant to this bill should be infrequent, and the concurrence of the Attorney General will serve as a safeguard against abuse by boards of the power to hold such meetings.

Additionally, your Committee finds that the Attorney General should have the discretion to waive the requirement that the meeting be videotaped because situations may arise where it is impracticable to transport equipment or it is culturally disrespectful or inappropriate to videotape the meeting.

Further, your Committee believes that the videotape should be made available at the next regular meeting. Interested parties would then have the opportunity to view the meeting or excerpts from the meeting within a proximate time period following the closed meeting.

Accordingly, this bill has been amended to require the Attorney General's concurrence with a board's decision to hold a "limited meeting" and to permit the Attorney General to waive the requirement that such a meeting be videotaped. Also, a provision to make the videotape, if one is made, available at the next regular meeting has been added.

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. 1778, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. 1778, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Menor.

SCRep. 1584 Judiciary on S.B. No. 171

The purpose of the bill is to prevent the disclosure of the names of administratively disciplined police officers, unless they have been discharged from the force.

Testimony in support of the bill was received by your Committee from the Chief of Police of the City and County of Honolulu and a representative of the State of Hawaii Organization of Police Officers.

Testimony in opposition to the measure was received by your Committee from representatives of the Office of Information Practices, the Society of Professional Journalists, Hawaii Chapter, Common Cause Hawaii, and from private individuals.

Your Committee finds that police officers, unlike most government and private employees, are subject to para-military discipline which manifests itself in the form of frequently applied suspensions from duty for misconduct or violation of departmental rules. Your Committee further finds that the use of such tough disciplinary measures is accepted by most officers because they realize the necessity for strict regulation of the broad powers they wield.

Your Committee also finds that, unlike most government agencies, there is an independent body set up outside of the Police Department which is specifically charged with overseeing the conduct of the department and its officers. The county police commissions perform this function, and, in addition, have the power to remove the Chief of Police should the Chief fail to meet his or her obligation to appropriately supervise and discipline police officers.

Your Committee has concluded that the release of police officers' names simply because they have been suspended is not appropriate since they are subject to more stringent standards and tougher discipline than most other government employees, and their conduct is overseen by the county police commissions.

Because the reporting requirements in the measure seem unnecessary as the information requested is already being provided, your Committee has amended the measure to delete the annual report to the Legislature.

In addition, your Committee has added a purpose clause and limited the statutory revisions to subsection (b) of §92F-14.

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. 171, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 171, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Hamakawa, Menor, Saiki, Yoshinaga and Thielen.
(Representatives Case and McMurdo voted no.)

SCRep. 1585 Judiciary on S.B. No. 562

The purpose of the bill, as received by your Committee, was to create the offense of ticket scalping.

Testimony in support of the measure was received by your Committee from a representative of the University of Hawaii.

Your Committee does not believe it necessary to adopt a new law on ticket scalping at this time.

Your Committee is concerned, however, that the Legislature address a comprehensive review of the Penal Code this session.

For that reason, your Committee has deleted the provisions of this measure and substituted the contents of a measure previously passed by the House as H.B. No.182, H.D.1.

Your Committee notes that H.B. No. 182, as originally introduced, contained 94 sections which encompassed the recommendations by the Committee to Conduct a Comprehensive Review of the Hawaii Penal Code (Review Committee), established pursuant to Act 284, Session Laws of Hawaii 1993.

To the extent that such sections were not modified by your Committee, your Committee has adopted the proposals and the rationale for such recommendations as set out in the "Final Report of the Committee to Conduct Comprehensive Review of the Hawaii Penal Code" submitted to the Eighteenth Legislature of the State of Hawaii on December 28, 1994.

Your Committee expresses its deep appreciation to the members of the Review Committee, its chair and its reporter for the many excellent recommendations which have been adopted by your Committee, including proposals to clarify and simplify procedures when a defendant invokes the insanity defense, raising manslaughter to a Class A felony, simplifying the description of the murder offenses, and making lack of knowledge of age an affirmative defense as it relates to certain sex offenses, together with numerous other substantive and technical changes to the penal code.

Your Committee finds, however, that certain of the recommendations should be revised.

Your Committee is of the opinion that reducing the maximum penalty associated with the crime of abuse of family and household members, while adding a new crime of assault in the fourth degree, carries the danger that certain individuals will not be sentenced appropriately. Section 709-906, Hawaii Revised Statutes, is a very broadly worded statute which encompasses a wide range of conduct. Your Committee believes, therefore, that the Court should retain the discretion to sentence certain individuals who commit that offense to a full year in jail.

Your Committee also was of the opinion that following an acquittal by reason of insanity, the application for conditional release should be extended from 90 days following commitment to 120 days.

Your Committee was concerned with the proposed addition to the repeat offender statute of language which suggested that the mandatory minimums were not to be imposed in the usual case. Your Committee therefore eliminated the "not to exceed" language which appears in Section 33. In place thereof, and in recognition of the problem that the current law is so restrictive it inhibits the efforts of the prosecutor to reach a plea bargain when the prosecutor deems the bargain to be in the interest of public safety, the measure allows the sentencing court to reduce the mandatory minimum when the court finds that doing so is in the interest of public safety. This, for example, may occur when the public safety is better served by lessening the mandatory minimum so that a guilty plea will be obtained and a defendant imprisoned, as opposed to failing to secure a plea and running the risk that the accused will not be convicted at trial.

Your Committee wishes to emphasize that "the interests of public safety" as used in this measure does not refer to the public safety department, and emphatically does not refer to any conditions of prison overcrowding. Rather, it refers to the safety of the public.

Your Committee has also deleted Class A felonies from the list of crimes where the court could dismiss a prosecution and commit the defendant to the hospital.

Your Committee finds that the proposal to permit probation for all Class A felonies should not be extended to the crimes of Sexual Assault in the First Degree and Promoting Child Abuse in the First Degree. Your Committee does not believe, given the conduct which these crimes entail, that probation would ever be an appropriate sentence.

Your Committee does find that there could be certain rare and unusual circumstances which might arise where a term of probation may be appropriate in the remaining Class A felonies for which probation is not presently an option.

Yet, your Committee is concerned that even a single inappropriate sentence in such a case could undermine public confidence in both the Judiciary and the criminal justice system. In order to ensure that this discretion is not unfettered, your Committee is requiring the written approval of a second judge before a term of probation could be imposed in such cases.

In this connection, the sentencing section with respect to Class A felonies was drafted so that sentencing for Class A felonies would mesh with the language in the section dealing with probation.

Your Committee also finds that good, solid policy reasons exist to continue the special protection afforded the elderly, children, and the handicapped in the penal code. For this reason, your Committee reinstated these provisions while at the same time making their application similar to that of the repeat offender section, i.e., providing for the possibility of a reduction when do to so is in the interests of public safety or there are strong mitigating circumstances.

Your Committee wishes to emphasize that the phrase "strong mitigating circumstances" is intended to reflect the Legislature's belief that the mere presence of mitigating circumstances is not sufficient for the sentencing court to deviate from the policy expressed in this section. The mitigating circumstances must be strong, i.e., they must be of such a nature that in light of those circumstances, a sentence which fully implemented the punishments contained in that section would severely trouble a fair minded person.

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. 562, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 562, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Hamakawa, Menor, Saiki, Yoshinaga and Thielen.

SCRep. 1586 Judiciary on S.B. No. 944

The purpose of the bill is to create a more comprehensive money laundering statute in the criminal code.

Testimony in support of the measure was received by your Committee from representatives of the Office of the Prosecuting Attorney of the City and County of Honolulu and the Police Department of the City and County of Honolulu.

Testimony suggesting revisions to the measure was received by your Committee from a representative of the Office of the Public Defender.

Your Committee finds that current law with respect to money laundering contains numerous loopholes that can be used to defeat the intent of the statute.

Hawaii needs a comprehensive strategy to combat the economic effects of money laundering, which is an integral element of criminal networks.

In order to more closely parallel the federal money laundering statute, your Committee has amended the bill as follows:

- (1) Providing that "specified unlawful activity" must be committed for financial gain of \$10,000 or more instead of placing the limit in the definition of "transaction";
- (2) Revising §3 of the Chapter to provide that the transaction be designed in whole or part to avoid reporting requirements or to disguise or conceal the nature of the transaction; and
- (3) Adding language related to transmitting or transferring property.

In addition, technical, nonsubstantive amendments were made for the purpose 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. 944, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 944, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Hamakawa, Menor, Saiki, Yoshinaga and Thielen.

SCRep. 1587 Consumer Protection and Commerce on S.B. No. 365

The purpose of this bill, as received by your Committee, is to protect the public against unsafe and shoddy workmanship by ensuring that those who perform specialty contractor work are qualified by training and experience to do such work.

More specifically, the bill proposes to prohibit general engineering contractors and general building contractors from performing the work of specialty contractors, unless the Contractors License Board (Board) specifically includes the specialty classification when granting the general contractors license.

Testimony supporting the bill was received from the Iron Workers Stabilization Fund; the Plumbers and Fitters Union Local 675; the Sheet Metal Contractors Association; the Painting and Decorating Contractors Association of Hawaii; the Sheet Metal Workers' International Association Local Union No. 293; the Pacific Electrical Contractors' Association; the Painting Industry of Hawaii Market Recovery Fund; the United Union of Roofers, Waterproofers, and Allied Workers Local 221; the Subcontractors Association of Hawaii; and numerous specialty contractors. The General Contractors Association of Hawaii; the Contractors License Board; the Hawaii Island Contractors' Association; and a number of contractors submitted testimony opposing the bill.

Your Committee believes that the scope of specialty contracting work performed by general contractors needs to be clarified and appropriately limited. However, since the Board has the expertise with respect to contractors, the Board should have the discretion to establish appropriate limits on the scope of work of general contractors. The Legislature is not in a position to second-guess the Board at this time as to the appropriate scope of work that general contractors should be deemed qualified to perform.

Accordingly, your Committee has amended the bill by, among other things, requiring the Board to:

- (1) Limit the scope of work that may be performed by general contractors;
- (2) Limit the scope of incidental and supplemental work performed by specialty contractors; and
- (3) Adopt rules to effect the classification of contractors in a manner consistent with established usage and procedure.

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 Consumer Protection and Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 365, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 365, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Garcia and Hiraki.

SCRep. 1588 Consumer Protection and Commerce on S.B. No. 500

The purpose of this bill, as received by your Committee, is to specify that the requirement to use devices that automatically compensate for temperature when dispensing liquid petroleum products only applies to metered sales that have a rated capacity of two hundred or more gallons per minute.

Supportive testimony on the bill was received from the Western States Petroleum Association; Chevron, USA; Aloha Petroleum, LTD.; the Hawaii Petroleum Marketers Association; Garlow Petroleum; and Senter Petroleum. The Department of Agriculture ("Department") and two retired employees of the Measurement Standards Division of the Department of Agriculture submitted testimony opposing the bill.

As with other products in liquid form, liquid petroleum products are affected by thermal expansion and contraction. The expansion and contraction of the product affects the accuracy in which meters measure the amount of product that is dispensed. Automatic Temperature Compensating (ATC) devices account for the thermal expansion and contraction of the product being dispensed, thereby resulting in more accurate product measurements.

However, your Committee finds that:

- (1) Currently, all liquid petroleum products dispensed at refinery racks are continuously compensated for the effects of thermal expansion and contraction by ATC devices;
- (2) Most refinery racks deliver liquid petroleum products at rates between four hundred and six hundred gallons per minute;
- (3) Typically, gasoline pumps at retail service stations dispense gasoline at a rate of ten gallons per minute;
- (4) The effects of thermal expansion and contraction is compensated for at the gasoline pumps by using a formula that adjusts the measurement of gasoline to the sixty degree standard;
- (5) The temperature in Hawaii is predictable, with little variation compared to the mainland United States;
- (6) The cost of installing ATC devices at gasoline pumps would be prohibitively high. The cost would be between \$1,225 to as much as \$4,800 per pump; and
- (7) Even under the most extreme temperature variations, if ATC devices are required at gasoline pumps, the typical consumer would incur a gain or loss of less than five gallons of gasoline over a year.

In light of the aforementioned information, your Committee believes that the costs of requiring liquid petroleum products delivered at a rate less than two hundred gallons per minute to be continuously compensated for temperature fluctuations by using ATC devices far exceeds the potential benefits to the consumer, and the consumer will ultimately pay for the cost increase, while enjoying very little or no increase in benefits. Nevertheless, concerns have been expressed that ATC devices should apply for metered truck deliveries (partial deliveries) which would benefit small dealers or businesses.

After carefully considering the merits of the bill and the testimony received, your Committee has amended the measure by:

- (1) Specifying that manufacturers, jobbers, and retailers may not intentionally:
 - (A) Affect the temperature of liquid petroleum products to benefit from the effects of thermal expansion and contraction; and
 - (B) Schedule the delivery of liquid petroleum products to benefit from the effects of thermal expansion and contraction;
- (2) Requiring that partial compartment or partial tank truck deliveries shall be through a meter that meets the requirements specified in rules promulgated by the Department;
- (3) Establishing a civil penalty for violations of the above referenced prohibitions; and
- (4) Making technical, nonsubstantive amendments for purposes of style, clarity, and consistency.

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. 500, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 500, H.D. 1, and be placed on the calendar for Third Reading.

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

SCRep. 1589 Consumer Protection and Commerce on S.B. No. 1161

The purpose of this bill is to amend Section 412:6-306 of the Hawaii Revised Statutes, to provide that under limited circumstances, securities or shares in federally registered investment companies or trusts whose portfolios are limited to investments which a state savings bank could invest in directly, are permissible investments of a state savings bank.

There are currently no state-chartered savings banks in the State, however, various sections of the Hawaii Revised Statutes refer to the permissible investments of a state savings bank.

This bill would authorize the State of Hawaii Director of Finance (the "Director"), the Housing, Finance and Development Corporation (the "HFDC") and the Hawaii Housing Authority (the "HHA") to invest their funds in investment companies or investment trusts registered under federal law. This bill would not authorize a state savings-bank to invest its funds in the same obligations, unless approved by the appropriate federal agency which regulates insured banks.

Investment companies and investment trusts operate mutual funds. Thus, this bill would allow the Director, the HFDC and the HHA to invest in mutual funds comprised wholly of obligations in which a savings bank may invest directly without limitation.

The Commissioner of Financial Institutions of the Department of Commerce and Consumer Affairs (the "DCCA") submitted testimony that there are presently no state-chartered savings banks in existence and that no regulatory issues are raised by this bill. The DCCA, therefore, does not take a position on this bill.

Your Committee finds that the bill would provide various state agencies additional flexibility in investments which are safe and would not materially increase risk.

Your Committee has amended the bill to narrow its application.

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. 1161, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1161, H.D. 1, and be placed on the calendar for Third Reading.

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

SCRep. 1590 Consumer Protection and Commerce and Judiciary on S.B. No. 1745

The purpose of this bill is to clarify the powers and duties of the Contractors License Board (Board).

More specifically, the bill, among other things:

- (1) Clarifies that:
 - (A) Unlicensed experience may qualify for licensure;
 - (B) Contracting entities may be excluded from providing evidence of workers' compensation coverage;
 - (C) Licensees are required to provide satisfactory evidence of continuous workers' compensation and liability insurance and bonding, if applicable, to restore a forfeited license;
 - (D) The Board may impose a bond or restrict a license as a condition for restoration of a forfeited license;
 - (E) Inactive licenses are prohibited from contracting; and
 - (F) Disclosures regarding terms of a contract must be provided when contracting for new home construction; and
- (2) Establishes:
 - (A) A specific period after which an application shall be considered abandoned by the applicant; and
 - (B) A definition for "homeowner".

Testimony in support of this bill was submitted by the Board.

Your Committees have amended the measure by:

- (1) Further clarifying that the Board may delegate its summary suspension powers in accordance with the Professional and Vocational Licensing Law;
- (2) Further clarifying that contractors shall, in addition to disclosing all information pertaining to the contract and its performance, disclose any other relevant information the Board may require by rule;
- (3) Further clarifying that written contracts shall contain, in addition to all information disclosed verbally to homeowners, any other relevant information the Board may require by rule; and
- (4) Making technical, nonsubstantive amendments for purposes of style, clarity, 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. 1745, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1745, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representatives Cachola, Hiraki, McMurdo and Kawanakoa.

SCRep. 1591 Consumer Protection and Commerce on S.B. No. 807

The purpose of this bill as received by your Committee is to require the labeling of a patient's prescription drug receptacle to include the symptom or condition for which the drug is prescribed when so specified by the medical practitioner.

Testimony in support of this bill was received from the Department of Health (DOH). DOH noted that the measure would help prevent a patient from taking the wrong medication when taking medication for more than one condition. DOH also recommended that the bill be amended to include reference to the symptom or condition for which the drug is prescribed when specified by the physician who has the patient's consent. Hawaii Medical Association testified against the measure. The Hawaii Pharmaceutical Association (Association) testified concerning the bill and strongly recommended the amendment of the bill to make housekeeping and substantive changes to Section 328-16, Hawaii Revised Statutes.

Your Committee agrees that the labeling of prescription drugs as proposed in the bill will minimize the possibility of a patient taking the wrong medication for a particular ailment. The bill has been further amended as follows:

- (1) Provides that the business address of the seller of the prescription drug is the physical location of the pharmacy or dispensing practitioner's office;
- (2) Defines a drug that has met or exceeded the manufacturer's expiration date as misbranded;
- (3) Includes language that the consent of the patient or consumer is required;
- (4) Specifies where the symptom or condition shall be printed on the label; and,
- (5) Makes 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. 807, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 807, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Cahola, Hiraki, Swain, Tom and White.

SCRep. 1592 Water and Land Use Planning on S.B. No. 15

The purpose of this bill is to expedite the state land use decision-making process.

This bill would require the State Land Use Commission (LUC) to approve, deny, or modify a land use petition no later than one year after a petition is filed with the LUC. Currently, the law requires the LUC to make a decision no later than 120 days after the close of the hearing unless otherwise ordered by a court.

The Land Use Research Foundation of Hawaii, the Hawaii Business Roundtable, the Office of Hawaiian Affairs, the Chamber of Commerce of Hawaii, and Hawaiian Electric Company testified in support of this measure. The LUC and the Office of State Planning opposed this bill. The Environmental Center of the University of Hawaii at Manoa offered comments.

Your Committee has amended this bill by:

- (1) Exempting a petition from the 365-day deadline if there is an intervenor or if a time extension is stipulated by the parties;
- (2) Deleting the requirement that the LUC must decide on a petition within 120 days after the close of the hearing; and
- (3) Making technical, nonsubstantive revisions for the purpose of style.

With these amendments, this bill duplicates H.B. No. 1591, H.D. 1, which was reported out of your Committee and passed Third Reading in the House earlier this session.

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. 15, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 15, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Kanoho, Yamane, Yoshinaga and Meyer.

SCRep. 1593 Water and Land Use Planning on S.B. No. 639

The purpose of this bill is to amend the Hawaii Revised Statutes relating to historic preservation by inserting a provision that concurrence and non-concurrence determinations made by the Department of Land and Natural Resources (DLNR) pursuant to section 6E-8 (review of effect of proposed state projects), Hawaii Revised Statutes (HRS), may be appealed to the Hawaii Historic Places Review Board.

Your Committee heard testimony in support of the bill with proposed amendments from DLNR and a concerned citizen. The City and County of Honolulu also offered comments.

Your Committee finds that an appeal process should be made available to members of the public with regards to the DLNR concurrence and non-concurrence determinations. Such a process will provide the public with the same opportunities available to agencies and officers of the state or its political subdivisions.

Based upon testimony at the hearing, your Committee further finds that a similar opportunity for public input should exist concerning proposed private projects. In most instances where DLNR reviews and comments on the effect of a proposed private project on historic properties or burial sites, there is an existing avenue for public notification and input. DLNR is involved presently in ongoing discussions concerning the best means to ensure that the public receives some notification and an opportunity to be heard in the circumstances where public notification is not already required.

Your Committee has amended the bill by:

- (1) Clarifying the process by which appeals may be made; and
- (2) Including a section that amends section 6E-42, HRS, to require that DLNR inform the public of project proposals under section 6E-42, which are not otherwise subject to the requirement of a public hearing or other public notification.

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. 639, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 639, S.D. 2, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Kanoho, McMurdo, Tarnas and Meyer.

SCRep. 1594 Water and Land Use Planning; Energy and Environmental Protection; and Ocean Recreation and Marine Resources on S.B. No. 1645

The purpose of this bill is to replace obsolete statutory references to the recently repealed section 183-41, Hawaii Revised Statutes (HRS), with the newly established chapter 183C, HRS.

The Department of Land and Natural Resources submitted testimony in support of this bill.

Your Committees note that S.B. 1645, S.D. 1, is similar to H.B. 2012, H.D. 1, "Relating to Chapter 183C".

Your Committees have made technical, nonsubstantive amendments to this bill for purposes of style and clarity.

As affirmed by the records of votes of the members of your Committees on Water and Land Use Planning; Energy and Environmental Protection; and Ocean Recreation and Marine Resources that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1645, S.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1645, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representatives Nekoba, Garcia, Kanoho, Yoshinaga, Meyer and Anderson.

SCRep. 1595 Consumer Protection and Commerce on S.B. No. 1367

The purpose of this bill as received by your Committee is to increase from \$1,000 to \$5,000 the monetary penalty for any violation of state law relating to real estate sales.

The Real Estate Commission ("Commission") of the Department of Commerce and Consumer Affairs ("DCCA") expressed no position on the proposed increase in the penalty and deferred to the DCCA's Regulated Industries Complaints Office ("RICO"). However, the Commission testified in strong support of its recommendation that the contents of House Bill No. 1938 and House Bill No. 864, H.D. 1, and some additional amendments be incorporated into this bill.

RICO testified in support of the proposed increase in monetary penalties because of its greater deterrent effect. The Hawaii Association of Realtors testified in support of the amendments proposed by the Commission and the Hawai'i Civil Rights Commission testified in favor of the Commission's recommendation that the language of House Bill No. 1938 be incorporated.

Upon careful consideration, your Committee agrees with the Commission's recommendation and has accordingly amended the bill to incorporate House Bill No. 1938, House Bill No. 864, H.D. 1, and other housekeeping amendments. In addition to numerous housekeeping details, these amendments:

- (1) Allow the commission to produce seminars and workshops and to require real estate brokers and salespersons to complete educational courses;
- (2) Allow the commission to waive license renewal requirements under certain circumstances and set out some appropriate subjects for continual legal education;
- (3) Allow the commission to use fines as penalties in appropriate situations; and
- (4) Allow the commission to expend real estate recovery funds to:
 - (a) Retain legal counsel to represent the commission;
 - (b) Retain a certified public accountant;
 - (c) Employ personnel; and
 - (d) Retain a consultant.

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. 1367, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1367, H.D. 1, and be placed on the calendar for Third Reading.

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

SCRep. 1596 Finance on S.B. No. 872

The purpose of this bill is to resolve uncertainties in the law relating to various statutory provisions that are subject to automatic repeal (a "drop dead" provision) by operation of law.

The Legislative Reference Bureau commented 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. 872 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Ward.

SCRep. 1597 Finance on S.B. No. 873

The purpose of this bill is to resolve uncertainties with regard to section 42D-1, Hawaii Revised Statutes (HRS), which will be subject to automatic repeal by operation of law.

The Legislative Reference Bureau commented on this measure.

Your Committee has amended this bill by clarifying that the amendment made to section 42D-1, HRS, by Act 8, Special Session Laws of Hawaii 1993, which substituted the reference to chapter 103, HRS, with reference to chapter 103D, HRS, in the definition of "purchase of service," will continue in effect after the repeal and reenactment of section 42D-1, as provided in section 20 of Act 194, Session Laws of Hawaii 1992.

Other technical, nonsubstantive amendments were made 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. 873, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 873, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Ward.

SCRep. 1598 Finance on S.B. No. 1806

The purpose of this bill is to transfer the Information and Communication Services Division (ICSD) from the Department of Budget and Finance (B&F) to the Department of Accounting and General Services (DAGS).

B&F submitted testimony on this measure.

Your Committee has amended this bill by:

- (1) Allowing DAGS to operate and implement a program to provide a means for public access to the State's Information Network System and public information;
- (2) Providing that the transfer of the ICSD will not commence until two years after the effective date of this Act; and
- (3) Making technical, nonsubstantive amendments for purposes of clarity, style, 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. 1806, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1806, S.D. 2, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Ward.

SCRep. 1599 Finance on S.B. No. 1797

The purpose of this bill is to appropriate and authorize funds for collective bargaining cost items for Units 3, 4, and 13, and their excluded counterparts for the salary adjustments negotiated between the State and the respective exclusive bargaining unit representatives in the fiscal biennium 1993-1995.

The Office of Collective Bargaining testified in support of this measure. In supporting the bill, the Governor also recommended specific amounts to be appropriated and authorized relative to employees of the executive branch. The Judiciary also submitted specific amounts relative to employees of the judicial branch.

Your Committee has amended the bill by:

- (1) Inserting the amounts submitted by the Governor and the Judiciary;
- (2) Changing the format of the bill to separate appropriations and authorizations for the various collective bargaining units; and
- (3) Making a technical, nonsubstantive revision for stylistic reasons.

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. 1797, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1797, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Marumoto.

SCRep. 1600 Finance on S.B. No. 1930

The purpose of this bill is to appropriate funding for the plans, design, and preparation of an environmental impact statement for the Ala Wai Canal Improvement Project (Project) that includes:

- (1) Dredging to remove sediment buildup; and
- (2) A flushing system to improve water circulation and quality.

The Office of the Managing Director of the City and County of Honolulu, the President of the Royal Hawaiian Rowing Challenge, and the Waikiki Improvement Association testified in support of this measure. The Department of Land and Natural Resources testified in support of the intent of the measure. The Department of Transportation, Save Our Surf, and an individual commented on this measure.

Your Committee has amended this bill by:

- (1) Authorizing funding for the Project in the form of reimbursable general obligation bonds;
- (2) Providing that the Project be paid for as follows:
 - (A) The State is to contribute ten percent;
 - (B) The City and County of Honolulu is to contribute ten percent; and
 - (C) The remaining eighty percent is to come from the federal Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA); and
- (3) Making other 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. 1930, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1930, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

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

SCRep. 1601 Higher Education and the Arts on H.R. No. 295

The purpose of this resolution is to reaffirm the Legislature's commitment and urge the Governor and the University administration to involve students in the budget and legislation of the University of Hawaii.

The University of Hawaii submitted testimony in support of this resolution which identifies specific impacts on students as a result of the current and projected budget cuts and encourages student participation in the governance of the University. The University of Hawaii Student Caucus and the University of Hawaii radio station, KTUH-FM, also testified in support of the measure.

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. 295 and recommends its adoption.

Signed by all members of the Committee except Representatives Lee, Shon, Stegmaier, Takumi and Yonamine.

SCRep. 1602 Higher Education and the Arts on H.C.R. No. 319

The purpose of this concurrent resolution is to reaffirm the Legislature's commitment and urge the Governor and the University administration to involve students in the budget and legislation of the University of Hawaii.

The University of Hawaii submitted testimony in support of this concurrent resolution which identifies specific impacts on students as a result of the current and projected budget cuts and encourages student participation in the governance of the University. The University of Hawaii Student Caucus and the University of Hawaii radio station, KTUH-FM, also testified in support of the measure.

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. 319 and recommends its adoption.

Signed by all members of the Committee except Representatives Lee, Shon, Stegmaier, Takumi and Yonamine.

SCRep. 1603 Economic Development and Business Concerns on H.R. No. 219

The purpose of this resolution is to promote dual-use technology by requesting:

- (1) Hawaii's Congressional Delegation to:
 - (a) Identify how the federal government can promote dual-use technology; and
 - (b) Arrange an informational briefing for the State Legislature in 1995 on dual-use technology; and
- (2) The private industry in Hawaii to develop proposals for dual-use technology for State review and forwarding the proposals to Hawaii's Congressional Delegation.

Testimony in support of this measure was received from a private citizen. The Department of Business, Economic Development, and Tourism and the High Technology Development Corporation submitted testimony supporting the intent of this measure.

Your Committee has amended this measure by:

- (1) Deleting the section that requests private industry to develop proposals for dual-use technology;
- (2) Adding two sections that requests:
 - (a) Private industry in Hawaii to identify dual-use subject areas which they believe should be funded by the federal government and to develop proposals for dual-use technology programs offered by the federal government; and
 - (b) The State to help private industry be aware of the availability of dual-use technology funds and to provide assistance as resources permit; 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 Economic Development and Business Concerns that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 219, as amended herein, and recommends its adoption, in the form attached hereto as H.R. No. 219, H.D. 1.

Signed by all members of the Committee except Representative Herkes.

SCRep. 1604 Economic Development and Business Concerns on H.C.R. No. 198

The purpose of this concurrent resolution is to promote dual-use technology by requesting:

- (1) Hawaii's Congressional Delegation to:

- (a) Identify how the federal government can promote dual-use technology; and
- (b) Arrange an informational briefing for the State Legislature in 1995 on dual-use technology; and
- (2) The private industry in Hawaii to develop proposals for dual-use technology for State review and forwarding the proposals to Hawaii's Congressional Delegation.

Testimony in support of this measure was received from a private citizen. The Department of Business, Economic Development, and Tourism and the High Technology Development Corporation submitted testimony supporting the intent of this measure.

Your Committee has amended this measure by:

- (1) Deleting the section that requests private industry to develop proposals for dual-use technology;
- (2) Adding two sections that requests:
 - (a) Private industry in Hawaii to identify dual-use subject areas which they believe should be funded by the federal government and to develop proposals for dual-use technology programs offered by the federal government; and
 - (b) The State to help private industry be aware of the availability of dual-use technology funds and to provide assistance as resources permit; 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 Economic Development and Business Concerns that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 198, as amended herein, and recommends its adoption, in the form attached hereto as H.C.R. No. 198, H.D. 1.

Signed by all members of the Committee except Representative Herkes.

SCRep. 1605 Economic Development and Business Concerns on H.R. No. 239

The purpose of this resolution is to request the Governor to urge the Director of Business, Economic Development, and Tourism and all state agencies that deal with small businesses to adopt a statewide policy that supports small business entrepreneurs.

Testimony in support of this measure was received from the Department of Business, Economic Development, and Tourism, the Democratic Party of Hawaii, the National Federation of Independent Business, the Small Business Council, and a private individual.

Your Committee has amended this measure by:

- (1) Adding a section stating the importance of small business in expanding and diversifying our island economy; and
- (2) Making technical, nonsubstantive amendments for purposes of clarity 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. 239, as amended herein, and recommends its adoption, in the form attached hereto as H.R. No. 239, H.D. 1.

Signed by all members of the Committee except Representative Herkes.

SCRep. 1606 Economic Development and Business Concerns on H.C.R. No. 251

The purpose of this concurrent resolution is to request the Governor to urge the Director of Business, Economic Development, and Tourism and all state agencies that deal with small businesses to adopt a statewide policy that supports small business entrepreneurs.

Testimony in support of this measure was received from the Department of Business, Economic Development, and Tourism, the Democratic Party of Hawaii, the National Federation of Independent Business, the Small Business Council, and a private individual.

Your Committee has amended this measure by:

- (1) Adding a section stating the importance of small business in expanding and diversifying our island economy; and
- (2) Making technical, nonsubstantive amendments for purposes of clarity 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. 251, as amended herein, and recommends its adoption, in the form attached hereto as H.C.R. No. 251, H.D. 1.

Signed by all members of the Committee except Representative Herkes.

SCRep. 1607 Finance on H.C.R. No. 57

The purpose of this concurrent resolution is to authorize the Board of Land and Natural Resources to issue a lease for fast and submerged lands at Kawaihae for the development of marina facilities.

The Department of Land and Natural Resources testified in support of this measure. Ka Lahui Hawai'i submitted testimony 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 concurs with the intent and purpose of H.C.R. No. 57, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representative Marumoto.

SCRep. 1608 Finance on H.C.R. No. 280

The purpose of this concurrent resolution is to authorize the Board of Land and Natural Resources to issue a lease to a private developer for approximately 650 acres of fast and submerged lands at Honokohau Harbor for the development of marina facilities.

The Department of Transportation and the Board of Land and Natural Resources testified 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 concurs with the intent and purpose of H.C.R. No. 280, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representative Marumoto.
(Representative Isbell voted no.)

SCRep. 1609 Higher Education and the Arts on S.B. No. 1433

The purpose of this bill is to exempt individuals who enroll in short-term, non-credit courses lasting less than fifteen days within the University of Hawaii system from producing a tuberculosis clearance certification.

Supportive testimony was received from the University of Hawaii and a concerned citizen.

The Department of Health currently exempts foodhandlers who work for less than fifteen days at carnivals, fairs, and other temporary activities from producing tuberculosis clearance certification. There are over 125,000 non-credit enrollments each year at the ten campuses within the University of Hawaii system. The recordkeeping functions are enormous in comparison with the risk factor involved with short-term students. Therefore, non-credit students should be able to receive the same type of waiver now being granted for certain types of foodhandlers.

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. 1433 and recommends that it pass Third Reading.

Signed by all members of the Committee except Representatives Lee, Stegmaier, Takumi, Tarnas and Yonamine.

SCRep. 1610 Consumer Protection and Commerce on S.B. No. 867

The purpose of this bill is to amend Act 268, Session Laws of Hawaii 1991, making permanent the health care coverage that was extended to the date of birth of any newborn child adopted by an insured.

Section 431:10A-116, Hawaii Revised Statutes (HRS), was amended by Act 268. The new paragraph which is Section 5 of the Act provided for the repeal of the HRS section on June 30, 1995, and has not been amended to change the repeal date.

Upon careful consideration, your Committee understands the necessity in continuing this service provided by the Act and that the program should be made permanent.

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. 867, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee except Representatives Hamakawa, Herkes, Hiraki, Tom and White.

SCRep. 1611 Consumer Protection and Commerce on S.B. No. 926

The purpose of this bill is to allow financial services loan companies to charge nonrefundable discount, points, loan fees, and loan origination charges on unsecured consumer loans to lessees of land subject to the Hawaiian Homes Commission Act.

Currently, under the Hawaiian Homes Commission Act, a mortgage on a lessee's leasehold interest is permitted only under a few special permanent mortgage programs insured by the Farmers Home Administration, Federal Housing Administration, and the Veterans Administration. Lessees can only get permanent long term loans from a few lenders

who use these special government insured loan programs. Further, until recently, no financing for construction or home improvement loans were available. Your Committee notes that financial services loan companies are interested in making unsecured and home equity loans to Hawaiian Home Lands lessees but find it uneconomical to do so because points cannot be charged under section 412:9-304(4)(B), Hawaii Revised Statutes.

Supportive testimony was received from the Hawaii Financial Services Association, Inc. and the Department of Hawaiian Home Lands. The Commissioner of Financial Institutions also submitted comments on this bill. Your Committee believes that this bill will increase the loans available to finance construction and home improvements for lessees of Hawaiian Home Lands.

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. 926 and recommends that it pass Third Reading.

Signed by all members of the Committee except Representatives Hamakawa, Herkes, Hiraki, Tom and White.

SCRep. 1612 Consumer Protection and Commerce on S.B. No. 1742

The purpose of this bill is to add new licensing requirements for pharmacists in the State and to allow pharmacists to fill prescriptions or orders from any practitioner licensed in the State.

Specifically, the bill proposes to:

- (1) Add a licensing requirement that applicants verify for both license by examination and license by reciprocity that they do not have encumbered licenses or pending disciplinary actions or unresolved complaints in the practice of pharmacy in any state or territory of the United States. If any license is or has been encumbered, applicants must provide the information requested by the Board of Pharmacy.
- (2) Require an applicant to establish proficiency in English only if the pharmacy school is located outside the United States in a country where the official language is not English.
- (3) Clarify that every applicant, except an applicant applying by reciprocity under Section 461-8.5, is required to take an examination and file the application form at least 60 days before the exam. If an applicant is taking the exam in another state pursuant to the National Association of Boards of Pharmacy Score Transfer Program, the applicant must file the application form no later than 90 days after the date of examination.
- (4) Delete language that provides an exception for reciprocity applicants to meet the minimum experience requirement, which is otherwise required of all other applicants.
- (5) Amend the definition of prescription to allow pharmacists to fill orders or prescriptions from any practitioners licensed by the State to prescribe prescription drugs within the scope of the practitioner's scope of practice. Recent legislative enactments gave naturopaths and advanced nurse practitioners some prescriptive authority. Accordingly, the amended definition of prescription will allow pharmacists to accept these orders or prescriptions. Additionally, the measure proposes to allow these practitioners to dispense the prescription drugs that fall within their scope of authorized practice from their offices.

Supportive testimony was received from the Board of Pharmacy, the Hawaii Pharmaceutical Association, and the Kokua Council for Senior Citizens.

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. 1742, H.D. 1, and recommends that it pass Third Reading.

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

SCRep. 1613 Consumer Protection and Commerce on S.B. No. 1746

The purpose of this bill is to establish a permit requirement to practice as an acupuncture intern within the State.

Specifically, the bill proposes:

- (1) To set forth that no person shall practice as an acupuncture intern in the State without having first obtained a permit from the Board of Acupuncture (Board);
- (2) To set a four-year time limit for the duration of the permit and to allow for a one-time extension which shall not exceed one year; and
- (3) To provide the Board with clear statutory authority to adopt rules to define the functions of an acupuncture intern and to establish the requirements for an acupuncture intern permit.

Supportive testimony was received from the Board. Your Committee agrees that the safety of the public will be better served with these statutory revisions.

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. 1746, H.D. 1, and recommends that it pass Third Reading.

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

SCRep. 1614 Consumer Protection and Commerce on S.B. No. 1748

The purpose of this bill is to amend section 521-64, Hawaii Revised Statutes, to increase a tenant's remedy of repair and deduction for minor defects from \$300 to \$500.

The bill allows a tenant who has repaired a health or safety violation or a defective condition in that tenant's dwelling unit when the landlord has failed to do so to deduct not more than \$500 for the tenant's rent for actual expenditures.

The Department of Commerce and Consumer Affairs and the Legal Aid Society of Hawaii testified in support of 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. 1748, S.D. 1, and recommends that it pass Third Reading.

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

SCRep. 1615 Finance on S.B. No. 310

The purpose of this bill is to repeal the sunset provision with regard to the issuance of special purpose revenue bonds to assist not-for-profit corporations that provide health care facilities to the general public.

The Healthcare Association of Hawaii 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. 310, S.D. 1, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee except Representative Ward.

SCRep. 1616 Finance on S.B. No. 1022

The purpose of this bill is to:

- (1) Authorize the issuance of \$45,000,000 in special purpose revenue bonds for the Kapiolani Health Care System and its nonprofit subsidiaries; and
- (2) Repeal the June 30, 1995, sunset provision for issuing special purpose revenue bonds to assist not-for-profit corporations that provide health care facilities to the general public.

The Kapiolani Health Care System and the Kokua Council for Senior Citizens 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. 1022, S.D. 1, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee except Representative Ward.

SCRep. 1617 Finance on S.B. No. 1627

The purpose of this bill is to authorize the Board of Regents to establish application processing charges to be deposited into the University of Hawaii Student Application Revolving Fund and to be used to pay the costs of processing applications for all graduate programs.

The University of Hawaii and a private citizen 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. 1627, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee except Representative Ward.

SCRep. 1618 Finance on S.B. No. 1699

The purpose of this bill is to increase the authorization limit for tax exempt revenue bonds for the Hula Mae single family mortgage purchase program from \$1,275,000,000 to \$1,775,000,000.

The Housing Finance and Development Corporation and the City and County of Honolulu's Department of Housing and Community Development 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. 1699, S.D. 2, and recommends that it pass Third Reading.

Signed by all members of the Committee except Representative Ward.

SCRep. 1619 Finance on S.B. No. 1712

The purpose of this bill is to ensure that adequate funding will be available to compensate and reimburse insurance examiners in conducting examinations of insurers by:

- (1) Extending the repeal date of the Insurance Examiner's Revolving Fund (Fund) from June 30, 1996, to June 30, 1999, by amending Act 190, Session Laws of Hawaii (SLH) 1994;
- (2) Replacing the Fund, when terminated, with statutory provisions requiring moneys needed to compensate and reimburse examiners to be appropriated by the Legislature from the general fund; and
- (3) Requiring each authorized insurer to deposit, when directed by the Insurance Commissioner, \$200 with the Insurance Commissioner for deposit into the general fund.

The bill also extends from June 30, 1996, to June 30, 1999, certain other provisions of the insurance law amended by Act 190, SLH 1994, such as those relating to risk-based capital for life and health insurers.

The Hawaii State Association of Life Underwriters testified in support of this measure. The Insurance Division of the Department of Commerce and Consumer Affairs submitted testimony in general agreement with 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. 1712, S.D. 2, and recommends that it pass Third Reading.

Signed by all members of the Committee except Representative Ward.

SCRep. 1620 Transportation on S.B. No. 1320

The purpose of this bill, as received by your Committee, is to reduce the use of herbicides in public roadside maintenance.

This bill proposes to prohibit the use of herbicides in public roadside maintenance except under specified conditions and requires the use of non-chemical methods. The bill prohibits herbicide use, except as follows:

- (1) As specified under manufacturer's written usage directions;
- (2) Where run-off will not enter directly into an open body of water;
- (3) Where run-off will not enter into any source of drinking water; and
- (4) Where the public has been duly notified of the use of herbicides.

Your Committee on Transportation finds that integrated vegetation management is important to establish and maintain aesthetically pleasing roadsides and to protect the environment. Your Committee recognizes that an integrated vegetation management program would not be an herbicide-free solution since it too requires some chemical weed control to prevent scarring of the landscape and soil erosion.

Furthermore, concerns were raised regarding the higher cost of maintaining integrated vegetation along roadsides because of the need for additional manpower and equipment. In addition, your Committee finds that although there are numerous concerns that herbicides are harmful to the health, no data currently exists which correlates the use of herbicides to health problems, especially when applied by trained applicators.

Your Committee received testimony in support of this bill from the Department of Transportation, the Life of the Land, and the Department of Health. The Department of Agriculture supports the bill with modifications to increase the situations where herbicides would be permitted. Testimony was also received from a concerned citizen who supports a stronger measure.

Testimony in opposition to this bill was received from the Western Crop Protection Association which disagrees with the definition of "integrated vegetation management"; Brewer Environmental Industries which states that proper use of herbicides is not harmful to humans and the environment; the Honolulu Department of Public Works which is concerned about the funding for more expensive non-chemical methods of roadside maintenance; and the Hawaii Sugar Planters' Association which fears creation of roadside fire hazards and nurseries for noxious and alien weed species.

Your Committee finds that the circumstances in which herbicide use would be permitted in the bill are so vague and ambiguous that they may serve to be unenforceable. Therefore, your Committee has amended the bill to delete the specific conditions under which herbicide use may be utilized in roadside maintenance. Further deliberation of this measure in Conference Committee is necessary to provide suitable language for conditions under which herbicide use would be permitted.

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. 1320, 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. 1320, S.D. 1, H.D. 2.

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

SCRep. 1621 Consumer Protection and Commerce on S.B. No. 995

The purpose of this bill is to transfer the authority and supervision of independent private schools from the Department of Education (DOE) to a commission for the purposes of licensing private schools and teacher certification.

Testimony in support of this bill was submitted by a University of Hawaii student. The Hawaii Association of Independent Schools (HAIS) indicated that they were ready to assume the responsibility for the operation of their schools and submitted a report containing their rationale for supporting this proposal to establish a commission for the regulation and supervision of independent private schools.

Your Committee recognizes that this bill would be beneficial to both the DOE and the HAIS. Time and resources of the DOE can be more effectively expended to address the needs of public schools which are the primary responsibility of the DOE. The establishment of an independent commission will enable private schools to be more effectively regulated because of the commission's ability to concentrate on the specific concerns of private schools.

After careful consideration, your Committee has amended the bill to delete the provisions concerning appropriations for the establishment of the commission.

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. 995, 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. 995, S.D. 1, H.D. 2.

Signed by all members of the Committee except Representatives Garcia, Hiraki and Tom.

SCRep. 1622 Consumer Protection and Commerce on S.B. No. 1743

The purpose of this bill is to clarify that licensed physical therapists are permitted to utilize support or auxiliary personnel.

Your Committee recognizes the importance of support or auxiliary personnel in the delivery of physical therapy services. To insure consumer safety, however, the bill provides that the services of such personnel in the practice of physical therapy may be delivered only under the supervision and direction of a physical therapist. Your Committee notes that the Board of Physical Therapy is empowered to set forth rules for physical therapists to follow to insure that only qualified support personnel are utilized and that their duties are effectively carried out. Further, the Board of Physical Therapy should insure that the duties assigned to support personnel by physical therapists are confined to only those duties which the support personnel are qualified to carry out.

The Hawaii Chapter of the American Physical Therapy Association submitted supportive testimony. The Hawaii Nurses' Association submitted testimony in qualified support of the bill. The Board of Physical Therapy supported the intent of the bill.

An amendment to the bill was made to delete the word "only" from the last proviso in section 1, subsection (e) of 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. 1743, 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. 1743, S.D. 1, H.D. 2.

Signed by all members of the Committee except Representatives Herkes, Hiraki, Tom and White.
(Representative Thielen voted no.)

SCRep. 1623 Consumer Protection and Commerce and Judiciary on S.B. No. 244

The purpose of this bill is to encourage and facilitate further development of the State's telecommunications industry.

The bill provides for the following:

- (1) Requires each carrier to provide to a new provider of telecommunications services, among other things, interconnection to the carrier's facilities at the current interstate tariff until the Public Utilities Commission (PUC) adopts a new intrastate tariff, nondiscriminatory access to poles, ducts, conduits, and rights-of-way, and nondiscriminatory access to the carrier's network functions;
- (2) Requires each carrier to provide nondiscriminatory access of customers to the carrier of their choice without the need to dial additional digits or access codes, when technically feasible, and requires the PUC to determine the equitable distribution of costs among the carriers that will use such access;
- (3) Mandates the PUC to preserve and advance universal service;
- (4) Requires the PUC to ensure the availability of number portability, as soon as it is technically feasible and economically reasonable;

- (5) Requires the PUC to ensure fair compensation of carriers for termination of services on each other's networks;
- (7) Enables the PUC to allow carriers to have pricing flexibility for competitive services;
- (8) Requires the PUC to ensure that noncompetitive services do not cross-subsidize competitive services;
- (9) Requires the PUC to ensure that all consumers are provided with nondiscriminatory, reasonable, and equitable access to high quality telecommunications network facilities and capabilities; and
- (10) Provides definitions for the terms "telecommunications carrier," "telecommunications common carrier," "telecommunications service," and "telecommunications."

Your Committees note the efforts of the parties involved in Docket No. 7702, the communications infrastructure docket, toward developing the framework necessary to support the deployment of new technologies and the orderly introduction of competition in the telecommunications industry in the State. Although the development of Hawaii's telecommunications industry should proceed in an orderly and prudent fashion, your Committees believe that it is imperative to move swiftly. Without a strong signal from our State that this industry is welcome, capital funds will not flow into our State to assist us in developing this industry.

Testimony in support of the bill was received from the PUC, the Department of Business, Economic Development, and Tourism, the Executive Director of the Division of Consumer Advocacy, Oceanic Cablevision and its telecommunications affiliate, Oceanic Communications, and a concerned citizen. Testimony in support of the intent of the bill was received from Hawaiian Electric Company, 'Olelo: The Corporation for Community Television, and the Hawai'i Educational Networking Consortium. Comments were received from GTE Hawaiian Telephone Company, Honolulu Cellular Telephone Company, the Honolulu Community-Media Council, AT & T, and a private citizen.

Your Committees have made the following amendments:

- (1) Amended the definition of "telecommunications service" or "telecommunications" to reference the correct statutory section of 440G-3 instead of 440C-3; and
- (2) Under the "Cross-subsidies" section, revised subsection (2) to indicate that cross-subsidization will be deemed to have occurred if competitive services, taken as a whole, fail to cover their direct and allocated, joint, and common costs as determined by the PUC.

As affirmed by the record 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. 244, S.D. 1, H.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 244, S.D. 1, H.D. 2.

Signed by all members of the Committees except Representatives Herkes, Hiraki and McMurdo.

SCRep. 1624 Consumer Protection and Commerce and Judiciary on S.B. No. 1846

The purpose of this bill is to specify requirements relative to mammography facilities, exposure limits, use of physicists in the healing arts, and radiation protection programs. Civil penalties are also specified.

The bill establishes minimum radiation safety requirements during the interim necessary to replace administrative rules on radiation control. Your Committees believe the provisions of the bill are necessary for the regulation of radiation control for public safety.

Testimony in favor of the bill was received from the Department of Health, the Hawaii Health Physics Society, and the Hawaii Federation of Physicians & Dentists.

Your Committees made the following amendments:

- (1) Provided that medical physicists who have a master's degree in a physical science need to work under the "supervision" of a certified medical physicist instead of under "direct supervision"; and
- (2) Made technical, non-substantive amendments for purposes of style, clarity, 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. 1846, S.D. 1, H.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 1846, S.D. 1, H.D. 2.

Signed by all members of the Committees except Representatives Herkes, Hiraki and McMurdo.

SCRep. 1625 Judiciary and Public Safety and Military Affairs on S.B. No. 1766

The purpose of this bill is to provide that the counties are responsible for housing prearrest detainees.

Your Committees received testimony in support of this bill from the Department of the Attorney General, the Department of Public Safety, the Corrections Population Management Commission, and the American Civil Liberties Union. The County of Hawaii Office of the Corporation Counsel submitted testimony in opposition to this bill.

Your Committees find that a conflict has arisen between the State and the County of Hawaii over the responsibility of assuming custody of prearrestment detainees. The State contends that it is the responsibility of the respective counties to take custody of prearrestment detainees and that it only assumes responsibility for the custody of inmates in its State-administered community correctional centers after arrestment. Until last year, however, the State has willingly accepted custody of prearrestment detainees in the County of Hawaii at the Hawaii Community Correctional Center. The State has characterized this arrangement as an accommodation to the County of Hawaii.

The State accepts custody of prearrestment detainees in the County of Kauai because the Kauai Police Department does not have any holding cells to accommodate these persons. Presently, the State does not exercise responsibility over prearrestment detainees in the City and County of Honolulu or in the County of Maui, as those counties have the ability to accommodate pre-arrestment detainees.

Last year, the State refused to accept custody of pre-arrestment detainees at the Hawaii Community Correctional Center because of overcrowding at that facility. As a result, the County of Hawaii filed suit against the State. On January 20, 1995, a judge of the Circuit Court of the Third Circuit, held that the State was responsible for taking custody of prearrestment detainees. The case centered around the interpretation of section 353-6(1), Hawaii Revised Statutes (HRS). The State has appealed the ruling, and it is now pending before the Hawaii Supreme Court.

The Department of the Attorney General testified that if the State is statutorily responsible for prearrestment detainees, the annual financial impact to the State to house the detainees, or reimburse the counties for such costs, would be \$129,426 for the County of Hawaii, \$824,237 for the County of Maui, \$43,364 for the County of Kauai, and \$3,600,742 for the City and County of Honolulu. Thus, should the County of Maui or the City and County of Honolulu decide to challenge section 353-6, HRS, in its present form, and thereafter obtain a favorable judgment, the financial consequences to the State would be staggering.

When section 353-6(1), HRS, was enacted in 1973, section 1 of the Act stated that "[t]he purpose of this act is to adopt and implement that portion of the Hawaii Correctional Master Plan pertaining to the management and establishment of intake service centers, correctional facilities and programs." Your Committees believe that the Hawaii Correctional Master Plan intended for the counties to have responsibility of prearrestment detainees, and that consequently this was the intent when section 353-6, HRS, was enacted. Therefore, to resolve ambiguity in interpretation of the law, your Committees find that section 353-6, HRS, must be clarified to provide that the counties are responsible for prearrestment detainees.

Your Committees believe that a literal reading of this bill may suggest that counties are still not responsible for prearrestment detainees. Therefore, your Committees have amended this bill by adding subsection (b) to section 353-6, HRS, in order to unequivocally state that the counties are responsible for providing residential detention for persons who are prearrestment detainees.

Your Committees emphasize that the State should continue to assist the County of Kauai in the housing of prearrestment detainees because Kauai does not presently have the ability to house such persons. Your Committees also believe that the State should continue its assistance to the other counties with respect to prearrestment detainees. The Department of Public Safety testified that it provides assistance, such as food and bedding materials, to the County of Hawaii, and your Committees feel that this type of assistance should continue.

As affirmed by the records of votes of the members of your Committees on Judiciary and Public Safety and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1766, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 1766, H.D. 1.

Signed by all members of the Committees except Representatives Menor and Yoshinaga.
(Representatives Hamakawa, Saiki and Thielen voted no.)

SCRep. 1626

Judiciary on S.B. No. 288

The purpose of this bill, as received by your Committee, is to prohibit the intentional harassment of hunters engaged in lawful activity.

Your Committee received testimony in support of this bill from the Board of Land and Natural Resources, the National Rifle Association, the Wildlife Conservation Association of Hawaii, and the National Wild Turkey Federation.

Your Committee finds that hunters should be protected from intentional harassment when they are engaged in the lawful taking of game. Hunters pay hunting license fees and often expend significant funds to engage in hunting activities. This bill provides assurances to hunters that their ability to lawfully hunt is protected by Hawaii's criminal laws.

Your Committee was concerned that some recreational users of lands may inadvertently interfere with hunters. For example, persons who are lawfully bird-watching may, through their actions, affect the behavior of game to be taken. Your Committee emphasizes that a person must intentionally prevent or attempt to prevent the taking of game and that inadvertent interference is not encompassed by this bill.

This bill is essentially a criminal statute; mandating a maximum fine of \$500 or thirty days imprisonment, or both, for intentionally preventing or attempting to prevent the lawful taking of game by certain specified actions. Because of the bill's intent to impose criminal sanctions, your Committee finds that most of the subsections in the bill are superfluous and should be eliminated. Consequently, your Committee has amended this bill by deleting subsections (b) through (e), and (g) through (i).

Subsection (b) has been deleted because the de minimis defense codified in HRS §702-236 covers situations set forth in that subsection. Moreover, this bill requires an intentional state of mind to prevent the taking of game. Thus, if a person engages in activity that is not intended to violate the statute, there is no violation.

Subsection (c) has been deleted because this bill already requires the hunter to be engaged in lawful activity. Also, if the hunter is hunting on someone else's land, then HRS §183D-26 deems such activity unlawful, and the owner of the land or a person acting on behalf of the owner can interfere with the taking.

Subsections (d) and (e) have been eliminated because criminal trespass statutes already exist, and if a law enforcement officer observes conduct in violation of this bill, then the person has committed the criminal offense of interference of hunters and can simply be arrested for that offense.

Subsections (g) and (h) have been eliminated because these provisions are civil matters and this bill is a criminal statute. Also, a bereaved hunter presently has the option of filing a suit to enjoin a party from engaging in conduct detrimental to the hunter's activities, and also has the ability to file a suit seeking damages for losses relating to another person's unlawful conduct. Further, in a prosecution brought pursuant to this law, a court has the power to issue a stay away order enjoining the defendant from engaging in similar conduct and has the power to order restitution to the hunter for damages incurred by the hunter. Your Committee also believes that a punitive damages award may be excessive.

Subsection (i) has been eliminated because if a defendant desires to raise a first amendment defense as applied to the defendant's case, the ability to do so already exists. No laws can legally supersede or affect the legitimate exercise of one's first amendment rights.

Your Committee believes the provision requiring that a defendant's interference with hunters be in a manner which makes it impossible to take game was overly burdensome to the prosecution of such cases. Consequently, your Committee has amended this bill by requiring that the interference be "substantially more difficult or impossible to take the game".

Testimony was presented by the National Rifle Association that hunter harassment has also included situations where access roads to hunting areas have been blockaded, thereby preventing hunters from entering such areas. Your Committee finds that rendering a hunting area inaccessible to hunters should be encompassed by this bill. Consequently, this bill has been amended by adding a subsection making it illegal to obstruct a hunter's access to areas in which the hunter intends to lawfully take game. Your Committee believes that the provision requiring the interference to be substantially more difficult or impossible to take game, safeguards a person against prosecution for insubstantial disruptions of a hunter's access to hunting areas.

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. 288, 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. 288, S.D. 1, H.D. 2.

Signed by all members of the Committee except Representative Menor.

SCRep. 1627 Judiciary on S.B. No. 385

The purpose of this bill, as received by your Committee, is to define any public assistance obtained by fraudulent device as an act of theft.

The Department of Human Services submitted testimony in support of this bill.

Currently, all offenses identified in Hawaii Revised Statutes (HRS) §346-34 are classified as misdemeanors regardless of the amount of money involved. The Department of the Attorney General informed your Committee, however, that it presently prosecutes certain welfare fraud cases pursuant to the theft statutes, which are based on the monetary amount of the public assistance benefits fraudulently obtained. Therefore, if the monetary amount involved in the fraud exceeds \$300, a prosecution for a class C felony, rather than a misdemeanor, is undertaken.

The intent of this bill, as received by your Committee, was to classify the offenses in HRS §346-34 as theft offenses. Based on the information received by the Attorney General and the Hawaii Supreme Court's decision in *State v. Kuuku*, which held that welfare fraud cases can be prosecuted under the theft statutes, your Committee finds that several of the offenses enumerated in HRS §346-34 are already prosecuted under the theft statutes. Your Committee believes that the trafficking of food stamps, however, does not come within the purview of the theft statutes and that it should be prosecuted based upon the monetary amount of food stamps involved. This bill, as amended, seeks to address that situation.

Your Committee finds that HRS §§346-34(a), (b), and (f) do not involve offenses similar to theft in which specific monetary amounts are fraudulently obtained. Therefore, these offenses should not be treated as theft offenses. Consequently, your Committee has amended this bill by retaining the existing classification of these offenses as misdemeanors.

Your Committee finds that HRS §§346-34(c), (d), and (e) involve offenses similar to theft, and that when a person violates these subsections, the person commits an act of theft and should be prosecuted based upon the monetary amount involved. Accordingly, this bill has been amended to bring these offenses within the purview of HRS §708-830. Section 2 of this bill has also been amended accordingly.

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. 385, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. 385, H.D. 2.

Signed by all members of the Committee except Representative Menor.

SCRep. 1628 Judiciary on S.B. No. 647

The purpose of this bill, as received by your Committee, is to provide for a one year exclusion from school for a student who is found to be in possession of a firearm while attending school.

Your Committee received testimony in support of this bill from the Department of Education and the Hawaii State Teachers Association.

Your Committee finds that this bill enacts the requirements of the federal Gun Free Schools Act. Pursuant to the Act, a student who is found to be in possession of a firearm must be excluded from school for at least one year. If Hawaii is not in compliance with the Act by October, 1995, the Department of Education may lose federal funds given to the state under the Elementary and Secondary Education Act.

Your Committee believes that expulsion from school for a period of one year is a serious disciplinary punishment necessitating certain procedural protections for the student. The Department of Education informed your Committee that the procedures delineated in §8-19-9 of their Administrative Rules, relating to suspension exceeding ten days, disciplinary transfers and dismissal, apply to the most serious disciplinary cases, including expulsion. Consequently, your Committee has amended this bill by ensuring that the due process procedures of Chapter 19 of the Department of Education, Hawaii Administrative Rules, apply.

Your Committee has also amended this measure by requiring that the superintendent ensure that "substitute" educational services or "other appropriate assistance" be given to those students who are expelled pursuant to this section. This language comports with the existing Department of Education, Hawaii Administrative Rules, set forth in §8-19-11, relating to substitute educational activities and other assistance when students are disciplined.

Technical, non-substantive amendments have also been made 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. 647, 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. 647, S.D. 2, H.D. 2.

Signed by all members of the Committee except Representative Menor.

SCRep. 1629 Judiciary on S.B. No. 828

The purpose of this bill is to assist in the determination of the rightful successors to 999-year homestead leases by:

- (1) Providing genealogy as well as general research assistance to individuals who believe they may have an interest in a homestead lease; and
- (2) Providing mediation, binding, and nonbinding arbitration services for disputes regarding interests in homestead lands.

The Office of Hawaiian Affairs and the Department of Land and Natural Resources (DLNR) testified in support of this measure.

Your Committee finds the inability of lessee families to determine the rightful successors to homestead leases causes tremendous conflicts among some families. Because many of these families have lost or have not kept accurate records regarding successorship, there is a need for the Office of Hawaiian Affairs to help resolve these title disputes.

Further, your Committee finds that rightful successors of a homestead lease have had problems in purchasing the lease in fee since DLNR requires an interested purchaser to submit a probate court determination that the person is the rightful successor to the lease. Without that determination, DLNR will not initiate the purchasing process.

Such a determination in court becomes costly and burdensome, and may lead to greater ill will among family members. Your Committee finds that the successor determination program proposed by this measure will provide persons interested in purchasing the lease in fee with an alternative to probate court.

Your Committee amended this measure by adding the language "under Chapter 91" in the paragraph providing for adoption of written procedures. Your Committee was of the opinion that the written procedures adopted under this measure should come within the purview of the administrative procedures statute, which governs the adoption, amendment or repeal of rules, contested case hearings, and appeals of decisions and orders.

Technical, non-substantive amendments were also made for the purposes of style, clarity, and consistency.

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. 828, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. 828, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representative Menor.

SCRep. 1630 Judiciary on S.B. No. 865

The purpose of the bill, as received by your Committee, is to limit the liability of government for certain injuries at recreational sites.

Testimony in support of the measure was received by your Committee from representatives of the Chamber of Commerce of Hawaii, the Hawaii Trial Lawyers Association, and a private attorney.

Testimony generally in support of the intent of the measure but suggesting additional language to provide government with greater protection from suit was received by your Committee from representatives of the Attorney General, the Department of Health, the Department of Land and Natural Resources, the Department of the Corporation Counsel of the City and County of Honolulu, the Department of Parks and Recreation of the City and County of Honolulu, the Department of the Corporation Counsel of the County of Maui, and the County Council of the County of Maui.

Your Committee finds that current law as it imposes liability upon the government for recreational injuries that occur on land owned by the government or in ocean waters encourages litigation over the adequacy of warnings given, or not given, by the government.

Lawsuits for failure to properly warn have become an enormous drain on government treasuries. Your Committee is concerned that if this trend continues, more and more areas will be posted as simply "off limits" to the recreational user as county governments attempt to limit their exposure.

Your Committee believes that government policy should ensure that citizens are free to use recreational lands and waters whenever possible. Many areas are, of course, dangerous by their very nature, but it is unreasonable and impractical to require the government to provide warnings in every area. Even if this were required, as a practical matter lawsuits would still be filed, as they are now, challenging the adequacy of the warning. The present law, then, is an invitation to non-meritorious lawsuits because there is always someone who will be willing to testify that even the most comprehensive warning was deficient, or in the wrong language, or in the wrong color, or posted in the wrong spot, etc.

Your Committee believes that the approach that should be taken on this issue should mirror the protection already given to private landowners. Your Committee wished to be cautious in this regard, however, in order to ensure that public safety is not diminished by the protection afforded to government by this measure, and, therefore, believes that the matter should be revisited in two years.

Therefore, your Committee has amended the measure by eliminating all language which created a new chapter of public land liability immunity and which codified county liability for failure to give warnings. Instead, your Committee has substituted provisions which will add government to the owners who are protected under Chapter 520, Hawaii Revised Statutes. These provisions, including a sunset clause, appeared in H.B. No. 2335, H.D. 1, a companion measure previously adopted by this body.

Additionally, technical, nonsubstantive revisions were made for purposes of style and clarity.

Your Committee notes that the City and County of Honolulu proposed an amendment to HRS §520-4 which attempted to address liability with respect to the provision of public services. Your Committee was concerned that the language might be overbroad and for this reason, has declined to adopt the suggested amendment at this time.

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. 865, 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. 865, S.D. 2, H.D. 2.

Signed by all members of the Committee except Representative Menor.
(Representatives Hamakawa and Saiki voted no.)

SCRep. 1631 Judiciary on S.B. No. 1291

The purpose of this bill is to provide greater openness in the proceedings of the State Ethics Commission (Commission).

Favorable testimony was received from the State Ethics Commission, the Office of Information Practices, the League of Women Voters of Honolulu, and Common Cause of Hawaii.

Your Committee finds that the public is entitled to disclosure of charges and alleged violations of the State Ethics Code upon a finding by the Commission of probable cause, and upon commencement of the hearing on the charges and alleged violations. Furthermore, hearings which are closed under present law should be open to the public, as well as the decision rendered after the hearing, the findings, and the record of the proceedings.

Testimony from the Commission opposed this 60-day time limit on the basis that there may be good reasons for a delay which the Commission may not be able to control. Their testimony indicated that taxpayer's money would be wasted in such cases where a dismissal results after 60 days for reasons beyond the Commission's control.

Your Committee concurs with the concerns of the Commission and, therefore, amended the bill by deleting the 60-day requirement and providing a 90-day time limit to commence the hearing. This additional 30 days should afford the Commission the additional time to conduct its investigation and to schedule a hearing, without prejudicing the alleged violator's rights to an expeditious hearing.

A further suggestion for an amendment made by the Commission to include former legislators and former delegates to the constitutional convention, for the purposes of completeness was well taken and, therefore, incorporated in this measure.

Finally, your Committee was of the opinion that the four-year statute of limitations rather than three years from an alleged violation of the ethics code would give the Commission a more adequate opportunity to take appropriate action on the alleged violation. Therefore, the bill was amended to provide a four-year statute of limitations rather than three years.

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. 1291, 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. 1291, S.D. 1, H.D. 2.

Signed by all members of the Committee except Representative Menor.

SCRep. 1632 Judiciary on S.B. No. 1642

The purpose of this bill is to establish criminal penalties for a person operating a recreational vessel in state waters while under the influence of intoxicating liquor.

Your Committee received testimony in support of this bill from the Board of Land and Natural Resources.

Your Committee finds that as an island state, Hawaii needs legislation to specifically address the issue of operating recreational vessels under the influence of intoxicating liquor.

Your Committee intends this bill to parallel the standards and procedures of state law pertaining to driving under the influence of intoxicating liquor. Thus, this bill incorporates the implied consent, penalties, and other similar provisions of Hawaii's DUI laws.

To maintain conformity with state DUI laws, your Committee has amended this bill by reducing the blood alcohol content level to .08 or more grams of alcohol per one hundred milliliters or cubic centimeters of blood or .08 or more grams of alcohol per ten liters of breath and by deleting the third criterion for committing the offense of operating a vessel under the influence of intoxicating liquor. Besides there being no similar provision in HRS §291-4 with respect to the third criterion, your Committee finds that the observed effect of an intoxicant on a person's speech, manner or appearance may not be indicative of the intoxicant's ability to impair the person in a manner sufficient to justify criminal prosecution.

Your Committee has also amended this bill by permitting hospital phlebotomists to withdraw blood for the purpose of determining blood alcohol content since these persons are indeed qualified to do so.

Additionally, this bill has been amended by requiring mandatory testing of a person's blood alcohol content and the procedures necessary for such testing in situations where a boating collision has resulted in an injury or death to any person.

Finally, your Committee was concerned that this bill was overbroad with respect to the persons who come within the purview of the offense of operating a vessel under the influence of intoxicating liquor. Your Committee believes that persons who perform incidental assistance to the operator of a vessel underway, such as those providing directional assistance or minor operational control, should not be prosecuted under this statute, and that only those who have a major or commanding role in the operation of the vessel should be prosecuted. Therefore, your Committee has amended this bill by deleting language regarding the inclusion and limitation of persons who have a commanding role in the operation of the vessel and by deleting the definition of "navigate".

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

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. 1642, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1642, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representative Menor.

SCRep. 1633 Judiciary on S.B. No. 1814

The purpose of this bill is to provide for a more disciplined school environment which would be more conducive to learning.

Favorable testimony was received from the Department of Education and the Hawaii State Teachers Association.

Testimony in opposition was received from the Hawaii Rifle Association.

Your Committee agrees that the learning environment on school campuses throughout the state needs improvement, both in terms of the physical facilities as well as discipline problems which have an impact on the safety of students, staff and teachers.

Moreover, it is apparent that teachers and administrative staff are overwhelmed with policing disciplinary problems such that their effectiveness is impaired. The problem with student discipline and school violence must be addressed to free teachers and staff to carry out their primary responsibility of producing a school environment which is more conducive to learning.

Criminal acts on school campuses continue in spite of efforts to curb these acts. These acts by a few unruly and undisciplined students threaten the academic environment for students who are in school to learn.

A collaborative effort is needed among departmental and school administrators, teachers, students, parents and the community to foster improvements in the school discipline and violence problem. This effort must focus on increased education and awareness, and affirmative steps to take tangible action such as volunteer groups of parents and community members to work with school security to patrol school grounds.

In the interest of the foregoing concerns for school discipline and safety, this measure was amended by adding a new subsection within the statute which addresses zero tolerance for firearms. The subsection provides for up to a one-year expulsion from school for students who are found in possession of a firearm. The measure provides, however, that the student is afforded due process pursuant to departmental rules. Also provided for by this measure is discretion for the superintendent to modify the expulsion on a case-by-case basis, and the assurance that the expelled student would be afforded the option of substitute educational activities or other assistance.

The provisions for suspension and expulsion from school on grounds other than possession of a firearm were not included in the amended version of this measure since these matters are already contained in the statute concerning schools and attendance and by the department's administrative rules.

However, this measure was also amended to provide that the family court judge has the discretion to impose remedies other than the \$1,000 fine for persistent truancy which is already contained in the statute. These remedies are to require parents or legal guardians to attend community education programs; to order appropriate treatment and education for the parents, legal guardians and the child; or to require the parents, legal guardians, or the child to perform community service.

An amendment was also made to grant the family court judge the discretion to suspend the child's driving privileges for up to one year rather than for a one-year period automatically. Your Committee was of the opinion that an automatic one-year period may be too severe a penalty and that the judge should be afforded the discretion to decide whether the driving privileges should be suspended for one year or less. Your Committee agrees that the suspension of driving privileges is an effective deterrent since driving is highly valued by students.

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. 1814, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1814, H.D. 2.

Signed by all members of the Committee except Representatives Hamakawa, Menor, Saiki, Yoshinaga and Thielen.

SCRep. 1634 Finance on S.B. No. 336

The purpose of this bill is to:

- (1) Increase the fine for violations relating to vehicles or their drivers or owners from \$5 to \$8;
- (2) Establish a fine of \$50 for persons convicted of driving under the influence of alcohol, which will be deposited into the Driver Education and Training Fund (Fund); and
- (3) Change the allocation of the Drivers Education Fund Underwriters Fee that is deposited into the Fund.

The Department of Education and the Judiciary commented on the measure.

Your Committee has amended the bill by making technical, nonsubstantive changes 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. 336, 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. 336, S.D. 1, H.D. 2.

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

SCRep. 1635 Finance on S.B. No. 424

The purpose of this bill, as received by your Committee, is to establish an interim study group to review the concept of providing authority to the Department of Education to enter into lease agreements for the acquisition of public school facilities.

Testimony in support of this bill was received from the Department of Education. The Department of Budget and Finance submitted testimony supporting its intent. A private citizen also provided comments regarding this measure.

Your Committee has amended this bill by deleting its contents and replacing it with the substance of H.B. No. 1404, H.D. 1, which was approved by your Committee earlier in the session.

The purpose of this bill, as amended, is to establish a pilot project to expand the Aikahi Elementary School Library and to construct ancillary special education facilities and administrative offices. In addition, technical, nonsubstantive revisions have been made 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. 424, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 424, S.D. 1, H.D. 1.

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

SCRep. 1636 Finance on S.B. No. 458

The purpose of this bill is to provide support for displaced sugar workers in danger of losing their homes by providing:

- (1) Strategies to provide affordable housing;
- (2) An emergency loan program; and
- (3) A grant program to finance the temporary relocation of families.

The Office of State Planning and the Kokua Council for Senior Citizens testified in support of this measure. The Housing Finance and Development Corporation testified in support of the intent of this measure. The Representative of District 37 also commented on the bill.

This bill has been amended by:

- (1) Providing that surviving spouses of former sugar company employees are eligible for low-interest loans and the grant program that would finance the temporary relocation of families;
- (2) Changing the effective date to take effect upon approval;
- (3) Inserting \$1 for the appropriations amounts for further discussion; and
- (4) Making technical, nonsubstantive amendments for the 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. 458, 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. 458, S.D. 1, H.D. 2.

Signed by all members of the Committee except Representative Ward.

SCRep. 1637 Finance on S.B. No. 478

The purpose of this bill is to ensure that all public buildings, facilities, and other public improvements conform with the Americans with Disabilities Act Accessibility Guidelines (ADAAG).

The Commission on Persons with Disabilities, the Architectural Access Committee, the Kokua Council for Senior Citizens, and the Department of Accounting and General Services testified in support of this measure. The Department of Housing and Community Development of the City and County of Honolulu submitted testimony supporting the concept of this bill.

Your Committee has amended this bill by:

- (1) Requiring that public buildings, facilities, and other public improvements conform not only to the ADAAG, but also to the accessibility guidelines adopted by the Architectural Access Committee;
- (2) Requiring that before final payment for, and acceptance of, a building, facility, or other public improvement, all involved agencies shall provide written assurance that:
 - (a) The project has been constructed and inspected, within construction tolerances, according to the plans and specifications approved by the Commission on Persons with Disabilities; and
 - (b) Any value engineering, field changes, change orders, or construction alterations or deviations are in compliance with the established guidelines;
- (3) Changing the approval date from July 1, 1995, to January 1, 1996; 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 Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 478, 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. 478, S.D. 2, H.D. 2.

Signed by all members of the Committee except Representative Ward.

SCRep. 1638 Finance on S.B. No. 889

The purpose of this bill is to change the law regarding the operations of Aloha Stadium by, among other things:

- (1) Expanding the powers and duties of the Stadium Authority to include planning, promotion, and marketing Aloha Stadium and its related facilities;

- (2) Establishing the salary of the manager and deputy manager appointed by the Stadium Authority as ninety five percent of the salary of a department head and deputy, respectively, rather than by setting a salary range;
- (3) Directing the Stadium Authority and other governmental agencies to work cooperatively:
 - (a) In marketing, promoting, and operating sporting events held at Aloha Stadium; and
 - (b) In generating positive national and international media exposure for Hawaii through sports and other events; and
- (4) Including that the Stadium Special Fund shall be used for promotion of the Aloha Stadium and other related facilities.

The bill also requires the Auditor to review sports promotion activities performed by the Department of Business, Economic Development, and Tourism (DBEDT).

The DBEDT testified in support of this measure. The Stadium Authority testified in support of the intent of the bill.

Your Committee has amended this bill by:

- (1) Making the Stadium Authority totally responsible for promoting sports events and generating national and international media exposure for Hawaii, rather than by having the Stadium Authority share the responsibility with the DBEDT; and
- (2) 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. 889, 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. 889, S.D. 2, H.D. 3.

Signed by all members of the Committee except Representatives Isbell, Ito and Ward.

SCRep. 1639 Finance on S.B. No. 1331

The purpose of this bill is to separate the responsibility of the administration of elections from the Office of Lieutenant Governor by establishing:

- (1) An Office of Elections administered by a Chief Election Officer; and
- (2) An Elections Appointment Panel to appoint the Chief Election Officer.

Testimony regarding this measure was received from the Office of the Lieutenant Governor.

Your Committee has amended this bill by:

- (1) Restricting the political activities of members of the Elections Appointment Panel;
- (2) Deleting the substitution of "chief election officer" for "lieutenant governor" in Section 11-1, Hawaii Revised Statutes, and instead revising the definition of "chief election officer" to conform with Section 2 of the bill;
- (3) Deleting the requirement to excuse the Lieutenant Governor from deciding whether the Circuit Court shall hear an objection to the nomination papers of any candidate for Lieutenant Governor;
- (4) Changing the effective date of the bill so that it takes effect in its entirety on July 1, 1995, rather than in stages;
- (5) Adding a sunset provision with a repeal date of June 30, 1999, and reflecting the temporary nature of the Act in the purpose section; and
- (6) 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. 1331, 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. 1331, S.D. 1, H.D. 2.

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

SCRep. 1640 Finance on S.B. No. 1410

The purpose of this bill is to authorize the issuance of up to \$6,000,000 in special purpose revenue bonds to relocate a medical waste incineration and disposal facility developed by Pacific Controls, Inc., from Waipahu to Campbell Industrial Park.

The Hawaii Federation of Physicians and Dentists, West Loch Estates Community Association, Waldron Steamship Company, Limited, Lavino Shipping Agencies, Inc., Jardine Shipping Agencies, and a number of individuals testified in support of this measure.

The Honokai Hale/Nanakai Gardens Community Association, Waste Management, Inc., NCNS Environmental Inc., and Hawaii Bio-Waste Systems submitted comments on this measure.

Your Committee has amended this bill by:

- (1) Deleting the prohibition of using revenues from the bonds to pay for land acquisition or lease rent; and
- (2) 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. 1410, 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. 1410, S.D. 2, H.D. 2.

Signed by all members of the Committee except Representatives Isbell, Ito and Ward.

SCRep. 1641 Finance on S.B. No. 1520

The purpose of this bill is to:

- (1) Mandate the Department of Health (DOH) to:
 - (a) Establish and require the use of a uniform standard claims form; and
 - (b) Establish a public health dataset for health assessment, policy development, and consumer information; and
- (2) Establish the Hawaii Health Council to:
 - (a) Analyze issues related to cost containment within the context of maintaining access to and quality of medical care; and
 - (b) Encourage health care quality and cost containment through incentives, system efficiency, and marketplace incentives, rather than regulation.

DOH, the Hawaii Medical Service Association, the Hawaii Nurses' Association, and the Healthcare Association of Hawaii testified in support of this measure.

Your Committee has amended this measure 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. 1520, 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. 1520, S.D. 1, H.D. 2.

Signed by all members of the Committee except Representatives Isbell, Ito and Ward.

SCRep. 1642 Finance on S.B. No. 1674

The purpose of this bill is to provide the community hospital system with increased flexibility in fiscal matters, purchasing procedures, and personnel management. Among other things, the bill:

- (1) Establishes separate operational funds for each of the public health facilities to expedite the payment for goods and services costing less than \$10,000;
- (2) Authorizes the transfer of special fund appropriations among any or all programs within the Division of Community Hospitals;
- (3) Authorizes the Community Hospital Division to increase rates, rents, fees, and charges up to five percent per fiscal year; and
- (4) Authorizes the Community Hospital Division to trade off and transfer, or establish positions within existing position ceilings.

The Department of Health, the Hawaii Government Employees Association, the Hawaii Medical Association, and the Kokua Council for Senior Citizens testified in support of this measure. Kaiser Permanente testified in support of the intent of the measure.

Your Committee has amended the bill by:

- (1) Deleting the prohibition restricting a physician from referring patients to an entity with which the physician or a physician's immediate family member has a financial relationship for performing specified health services;

- (2) Revising the sunset provision of Act 192, Session Laws of Hawaii 1994, to ensure the continuation of Section 323-70, Hawaii Revised Statutes, which is amended by this bill; and
- (3) Making technical, nonsubstantive revisions to properly quote the amended sections of the Hawaii Revised Statutes and 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. 1674, 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. 1674, S.D. 2, H.D. 2.

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

SCRep. 1643 Finance on S.B. No. 1763

The purpose of this bill is to appropriate funds to satisfy claims against the State for judgments, settlements, overpayment of taxes, and other liabilities.

The Department of the Attorney General testified in support of this measure.

Your Committee has amended the bill by including the additional claims recommended by the Department of the Attorney General.

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. 1763, 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. 1763, S.D. 1, H.D. 2.

Signed by all members of the Committee except Representative Ward.

SCRep. 1644 Finance on S.B. No. 1262

The purpose of this bill is to exempt the bonds, notes, and other obligations, together with interest income, of the Secondary Market Services Corp.--Hawaii from all state, county, and municipal taxation, except inheritance, transfer, and estate taxes.

The University of Hawaii at Manoa, Kapiolani Community College, Windward Community College, University of Hawaii-West Oahu, University of Hawaii at Hilo, Maui Community College, the Hawaii Education Loan Program, Bank of Hawaii, and American Savings Bank submitted testimony in support of this measure. The Department of Taxation 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. 1262 and recommends that it pass Third Reading.

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

SCRep. 1645 Finance on S.B. No. 102

The purpose of this bill is to expand the Hawaiian Language Immersion Program (Program) in the public school system by:

- (1) Requiring the Department of Education (DOE) to allocate six positions to the Program; and
- (2) Appropriating funds for specific costs.

The bill also:

- (1) Requires fluent speakers of the Hawaiian language who come from homes where Hawaiian is the dominant language to be given enrollment priority for programs taught through the Hawaiian language;
- (2) Authorizes the DOE to establish a Hawaiian Language Immersion Program within Holualoa Elementary School in Kona;
- (3) Requires the DOE to establish a Hawaiian Language Immersion Program within the Anuenue Elementary School on Oahu; and
- (4) Requires the DOE to establish a task force to study the establishment of a single Hawaiian language immersion campus system.

Testimony in support of this bill was received from the Office of Hawaiian Affairs, Ka Hui Makua o Punana Leo o Kona, the Kona Hawaiian Civic Club, Chapter V of the Women of Ahahui Kaahumanu o Kona, the Democratic Party of Hawaii, and many concerned citizens.

Your Committee has amended this bill by:

- (1) Deleting the requirement that enrollment priority be given to students who are fluent speakers of the Hawaiian language and reside in homes where Hawaiian is the dominant language; and

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

Your Committee encourages the DOE to provide preferential treatment to students who are fluent in Hawaiian and reside in homes where Hawaiian is the dominant language.

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. 102, 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. 102, S.D. 1, H.D. 3.

Signed by all members of the Committee except Representative Ward.

SCRep. 1646 Finance on S.B. No. 396

The purpose of this bill is to mandate the Department of Education (DOE) to provide schools that have only one class per grade level from kindergarten to sixth grade a minimum of one full-time teacher for every grade, provided there are at least twelve students in the grade.

The Hawaii State Teachers Association, the incoming Principal of Waiahole Elementary School, a Counselor at Waiahole Elementary School, the Corresponding Secretary for Waiahole Elementary School Student Council, the Wailupe Ohana Council, and many parents, teachers, and students testified in support of this measure. The DOE commented on this measure.

Your Committee has amended this bill by:

- (1) Requiring the DOE to transfer no fewer than one hundred ten resource teachers to full-time equivalent teaching positions in the classrooms;
- (2) Requiring the DOE to submit a report no later than twenty days prior to the convening of the 1996 regular session on the status of these transfers; and
- (3) Making technical, nonsubstantive amendments for purposes of clarity and consistency.

Your Committee is concerned with DOE's inaction to use its resources effectively and efficiently. Previous action could have been unilaterally taken by the DOE to utilize these resource teachers to address the class size and teacher allocation problems. Moreover, the Department of Education could not offer any legitimate reasons as to why it did not authorize these transfers at an earlier time. It is incumbent upon the DOE to maximize its use of available resources, particularly in light of the budgetary shortfalls faced by the State and the DOE.

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. 396, 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. 396, S.D. 2, H.D. 2.

Signed by all members of the Committee except Representative Marumoto.

SCRep. 1647 Finance on S.B. No. 596

The purpose of this bill is to provide funding for home construction and improvement loans for the residents of Maunalaha.

Specifically, this bill proposes to:

- (1) Require the Housing Finance and Development Corporation (HFDC) to establish and administer a home construction and improvement loan program for the residents of Maunalaha;
- (2) Exempt the Maunalaha subdivision from all state and county subdivision and housing development standards;
- (3) Require the Department of Land and Natural Resources (DLNR) to transfer the Maunalaha subdivision to the Office of Hawaiian Affairs (OHA); and
- (4) Appropriate funds to cover the Maunalaha subdivision improvement costs.

OHA, many residents of Maunalaha Valley, and members of the Maunalaha Valley Community Association testified in support of this measure. HFDC submitted testimony on the bill.

Your Committee has amended this bill by:

- (1) Replacing the servicing fee provision with language specifying that a mortgage recording fee will not be required;
- (2) Specifying that the appropriation is for the purpose of construction of homes;
- (3) Specifying that DLNR is authorized to negotiate the transfer of the Maunalaha subdivision to OHA; and
- (4) Making technical, nonsubstantive amendments 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. 596, 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. 596, S.D. 1, H.D. 2.

Signed by all members of the Committee.

SCRep. 1648 Finance on S.B. No. 869

The purpose of this bill is to extend the Non-Medicaid Personal Care Program until June 30, 1997.

The Department of Human Services testified in support of this measure.

Your Committee has amended the bill to facilitate the reenactment of Act 209, Session Laws of Hawaii 1988, by changing the effective date to take effect upon its approval. Other technical, nonsubstantive revisions 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 is in accord with the intent and purpose of S.B. No. 869, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 869, H.D. 2.

Signed by all members of the Committee except Representative Ward.

SCRep. 1649 Finance on S.B. No. 887

The purpose of this bill is to propose an amendment to the Constitution of the State of Hawaii to repeal the exception that permanently prevents the lapsing of unencumbered general obligation bond funds which are deemed necessary by the Legislature to qualify for federal aid financing and reimbursement.

This bill has been amended by making technical, nonsubstantive amendments for the purpose of 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. 887, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 887, H.D. 1.

Signed by all members of the Committee except Representative Marumoto.

SCRep. 1650 Finance on S.B. No. 942

The purpose of this bill is to improve the effectiveness of the school security attendant program by establishing a continuous training program for security attendants to be conducted jointly by the Department of Education (DOE), the Department of Public Safety (PSD), and the various county police departments.

Supporting testimony was submitted by the DOE, the PSD, and the PAC Chair of the Hawaii State Teachers Association.

Your Committee has amended this bill by:

- (1) Deleting the appropriation section and references to the appropriation section in the bill; and
- (2) 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. 942, 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. 942, S.D. 1, H.D. 3.

Signed by all members of the Committee except Representative Marumoto.

SCRep. 1651 Finance on S.B. No. 987

The purpose of this bill is to resolve uncertainties with regard to certain statutory provisions, which were subject to automatic repeal due to the passage of Act 281, Session Laws of Hawaii 1994 (Act 281).

The University of Hawaii testified in support of this measure. The Department of Budget and Finance testified in support of the intent of this measure.

Your Committee has amended this measure by:

- (1) Including a new section explaining the purpose for this bill;
- (2) Facilitating the reenactment of Sections 37-34, 37-35, 37-36, 37-37, and 37-74, Hawaii Revised Statutes, in the form these sections read as of June 29, 1994, as further amended by sections 5, 6, 7, 8, and 9 of Act 281;
- (3) Providing that this Act conform to all other acts passed during this session; and

- (4) Making other technical, nonsubstantive amendments 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. 987, 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. 987, S.D. 1, H.D. 2.

Signed by all members of the Committee except Representative Ward.

SCRep. 1652 Finance on S.B. No. 1298

The purpose of this bill is to transfer the responsibility for setting public school teacher certification standards from the Department of Education (DOE) to a Hawaii Teacher Standards Board (Board). This bill also establishes a mechanism for licensing and credentialing public school teachers.

The Hawaii State Teachers Association testified in support of this measure. A concerned citizen testified in support of the intent of this measure. Comments were submitted by the DOE.

Your Committee has amended the bill by:

- (1) Changing the total number of members on the Board from nine to eleven members;
- (2) Increasing the number of educational officers on the Board from one to three members;
- (3) Including the President of the exclusive collective bargaining representative for teachers or the president's designated representative on the Board;
- (4) Deleting the requirement that the certified teachers on the Board represent support teachers who are tenured in the DOE with less than five years of teaching experience;
- (5) Stipulating that teachers in service on the effective date of this Act be granted licenses and credentials in their area of certification, with no stipulations;
- (6) Stipulating that all Board members are to serve three-year terms and not on a staggered basis;
- (7) Changing the appropriation sums to \$1 for fiscal years 1995-1996 and 1996-1997;
- (8) Clarifying that the appropriated sums are to be paid into the Teacher Standards Board Special Fund and not the Teacher Licensing and Credentialing Special Fund;
- (9) Repealing this Act on June 30, 1998; and
- (10) 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. 1298, 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. 1298, S.D. 2, H.D. 3.

Signed by all members of the Committee except Representative Marumoto.

SCRep. 1653 Finance on S.B. No. 1650

The purpose of this bill is to enable the Department of Land and Natural Resources (DLNR) to complete a land exchange involving private lands north of Wahiawa and public lands in Kapolei.

The DLNR and the Office of Hawaiian Affairs testified in support of this measure.

Your Committee has amended the bill to facilitate the re-enactment of Act 177, Session Laws of Hawaii 1994, by changing the effective date to take effect upon its approval. Other technical, nonsubstantive amendments were made 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. 1650, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1650, H.D. 2.

Signed by all members of the Committee except Representatives Isbell, Ito, Marumoto and Ward.

SCRep. 1654 Finance on S.B. No. 1670

The purpose of this bill is to ensure public health and safety by:

- (1) Allowing the Radiologic Technology Board to update licensure standards of technologists for all diagnostic and therapeutic uses of ionizing radiation; and
- (2) Making the review process more efficient.

The Department of Health, the Radiologic Technology Board, the Hawaii Federation of Physicians and Dentists, the Kokua Council for Senior Citizens, and a radiologic technologist testified in support of this measure.

Your Committee has amended the bill by:

- (1) Facilitating the reenactment of sections 466J-4 and 466J-5, Hawaii Revised Statutes; 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. 1670, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1670, S.D. 1, H.D. 1.

Signed by all members of the Committee.

SCRep. 1655 Finance on S.B. No. 1717

The purpose of this bill is to require captive insurance companies to meet the same statutory standards imposed upon other insurance companies concerning:

- (1) Financial reporting;
- (2) The penalty for the late filing of financial reports; and
- (3) The due date for premium taxes.

The Insurance Commissioner testified in support of this measure.

Your Committee has amended this bill to facilitate its re-enactment by:

- (1) Adding re-enactment language; and
- (2) Making technical, nonsubstantive amendments for the purpose of 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. 1717, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1717, H.D. 1.

Signed by all members of the Committee except Representative Ward.

SCRep. 1656 Finance on S.B. No. 1739

The purpose of this bill is to clarify the legislative intent to provide operational authority for the Clean Hawaii Center and its board.

Specifically, this bill transfers the Clean Hawaii Fund from the Department of Health to the Department of Business, Economic Development, and Tourism (DBEDT).

The DBEDT, the Hawaii Food Industry Association, and the Chair of the Governing Board of the Clean Hawaii Center testified in support of this measure.

Your Committee has amended this bill by:

- (1) Changing the appropriation for the Clean Hawaii Center to \$1;
- (2) Changing the effective date to July 1, 1995; and
- (3) Making technical, nonsubstantive amendments for purposes of clarity, style, 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. 1739, 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. 1739, S.D. 2, H.D. 2.

Signed by all members of the Committee except Representative Ward.

SCRep. 1657 Finance on S.B. No. 1905

The purpose of this bill is to create a task force to plan a pilot child care/park and ride facility project at Aloha Stadium.

Your Committee has amended this bill by:

- (1) Inserting the sum of \$1 as the appropriation amount to facilitate further discussion; and
- (2) 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. 1905, 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. 1905, S.D. 2, H.D. 2.

Signed by all members of the Committee except Representative Marumoto.

SCRep. 1658 Finance on S.B. No. 1920

The purpose of this bill is to:

- (1) Establish the Waikiki Aquarium (Aquarium) as the State Aquarium; and
- (2) Authorize the University of Hawaii (UH) to contract with a private nonprofit entity for the operation and management of the Aquarium.

The Friends of the Waikiki Aquarium testified in support of this measure. The Director of the Waikiki Aquarium submitted testimony on this measure.

Your Committee has amended this bill by:

- (1) Clarifying a provision relating to aquarium employees to specify that all permanent general fund positions currently held by state employees, shall remain as such;
- (2) Specifying that in the event that a management arrangement with a nonprofit corporation is approved by the UH Board of Regents, state employees presently assigned to the aquarium shall be under supervision of that nonprofit corporation; 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. 1920, 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. 1920, S.D. 2, H.D. 2.

Signed by all members of the Committee except Representatives Isbell, Ito, Marumoto and Ward.

SCRep. 1659 Finance on S.B. No. 68

The purpose of this bill is to appropriate funds to conduct a study of the feasibility of an Electronic Benefit Transfer (EBT) system for the payment of certain public assistance benefits.

The Department of Human Services (DHS) and the Hawaii Food Industry Association testified in support of this measure. Also testifying in support of this measure, the Hawaii Bankers Association committed to financially supporting the feasibility study in partnership with the federal and state governments.

Your Committee has amended this bill by:

- (1) Authorizing DHS to plan and implement an EBT system;
- (2) Authorizing the funds appropriated to be used to implement the EBT system if it is determined to be feasible;
- (3) Inserting the sum of \$1 to facilitate further discussion; and
- (4) 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. 68, S.D. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 68, S.D. 2, H.D. 1.

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

SCRep. 1660 Finance on S.B. No. 550

The purpose of this bill is to authorize the Housing Finance and Development Corporation (HFDC) to plan, develop, construct, and finance educational facilities and related infrastructure ancillary to the needs of its housing projects.

The bill would also require the Board of Land and Natural Resources to transfer the title of a parcel of land in Kapolei to the HFDC for the development of a high school.

The Hawaii State Teachers Association and a Village of Kapolei resident testified in support of this measure. The Department of Education testified in support of the intent of this bill. The Board of Land and Natural Resources, the Department of Accounting and General Services, and the HFDC commented on this measure.

This bill has been amended by:

- (1) Deleting the authorizations for the HFDC to develop, construct, and finance educational facilities, thus only authorizing the HFDC to plan educational facilities and related infrastructure ancillary to the needs of its housing projects;
- (2) Deleting section 3, which would have:
 - (a) Authorized the HFDC to make loans or grants to cover planning, engineering, feasibility studies, and other expenses related to providing educational facilities and related infrastructure ancillary to the needs of its housing projects; and
 - (b) Required the Department of Education to reimburse the HFDC for expenses, excluding land costs, related to providing educational facilities;
- (3) Deleting section 5, which would have required the HFDC to use all means within its authority and at its disposal to plan and design a high school on a site in Kapolei; 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 Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 550, 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. 550, S.D. 2, H.D. 2.

Signed by all members of the Committee except Representative Marumoto.

SCRep. 1661 Finance on S.B. No. 1568

The purpose of this bill is to enable the Department of Taxation to monitor and enforce the payment of taxes due upon the bulk transfer of property by:

- (1) Clarifying and updating the bulk sales law for a broader application to transfers;
- (2) Incorporating remedies under the Uniform Fraudulent Transfer Act in Chapter 651C, Hawaii Revised Statutes (HRS); and
- (3) Removing bulk sales from the general excise tax law in Chapter 237, HRS, and placing it in Chapter 231, HRS, to make bulk sale provisions applicable to all state tax laws.

The Department of Taxation testified in support of this measure. The Tax Foundation of Hawaii submitted comments on this measure.

Your Committee has amended this bill by making 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. 1568, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. 1568, S.D. 2, H.D. 2.

Signed by all members of the Committee except Representative Marumoto.

SCRep. 1662 Finance on S.B. No. 593

The purpose of this bill is to enable the Department of Land and Natural Resources (DLNR) to complete the negotiation process to provide long-term state leases to certain permittees who have occupied state lands on a month-to-month basis for long periods of time, by extending the repeal date of Act 237, Session Laws of Hawaii 1988, from July 1, 1995, to July 1, 1996.

This bill also provides that if the appraisal is not completed before December 31, 1995, the annual lease rent shall be based on real property assessed valuations of the respective properties as of December 31, 1995, at an annual rate of return of three and one-half percent.

The DLNR testified in support of this measure.

Your Committee has amended this bill to facilitate the reenactment of Act 237, Session Laws of Hawaii 1988. Other technical, nonsubstantive amendments were also made for 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. 593, 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. 593, S.D. 1, H.D. 2.

Signed by all members of the Committee except Representatives Isbell, Ito, Marumoto and Ward.

SCRep. 1663 Finance on S.B. No. 1336

The purpose of this bill is to formally reauthorize the Hui 'Imi Task Force for the implementation phase of its recommendations by:

- (1) Establishing the Hui 'Imi Pono Advisory Council (Council); and

- (2) Making it a permanent part of the Office of the Lieutenant Governor.

Supportive testimony was received from the President of the Kamehameha Schools, the Department of the Attorney General, the Hui 'Imi Task Force for Hawaiian Services, and the Office of the Lieutenant Governor.

Your Committee has amended this bill by:

- (1) Inserting a repeal date of June 30, 2003, to ensure that the Council is a temporary Council;
- (2) Inserting the sum of \$1 for each of the \$40,500 appropriations, to facilitate further discussion;
- (3) Providing that each organization listed as a part of the Council shall designate a member to represent the organization on the Council;
- (4) Extending to fiscal year 1995-1996, the appropriation contained in Section 12 of Act 200, Session Laws of Hawaii 1994, to enable the Native Hawaiian people to establish their own sovereignty;
- (5) Inserting the sum of \$1 for fiscal year 1995-1996, for completing the plebiscite-related functions and planning an election of delegates;
- (6) Inserting the sum of \$1 for fiscal year 1996-1997, for conducting an election of delegates and for expenses incurred during the first month of Hawaii convention costs; and
- (7) Making technical, nonsubstantive amendments for purposes of clarity, style, 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. 1336, 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. 1336, S.D. 2, H.D. 2.

Signed by all members of the Committee except Representative Ward.

SCRep. 1664 Finance on S.B. No. 1910

The purpose of this bill is to appropriate funds to plan the transfer of the Del Monte camp at Poamoho and Kunia from pineapple plantation housing to collective ownership.

The ILWU Local 142 testified in support of this measure.

Your Committee has amended this bill by inserting the sum of \$1 to facilitate further discussion.

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. 1910, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1910, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representatives Isbell, Kanoho and Marumoto.
(Representative Ward voted no.)

SCRep. 1665 Finance on S.B. No. 1509

The purpose of this bill is to require the Office of Veterans' Services to inspect all state war memorials and veterans' cemeteries for repair and maintenance deficiencies each year.

In addition, the Office of Veterans' Services must report all repair and maintenance problems to the Adjutant General, the Comptroller, and the Legislature to ensure that potential problems are detected and corrected as expeditiously as possible.

Testimony was received from the Department of Accounting and General Services in support of this measure; the Director of the Office of Veterans' Services supported the intent and purpose of this 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. 1509, S.D. 2, and recommends that it pass Third Reading.

Signed by all members of the Committee except Representatives Isbell, Kanoho and Marumoto.

SCRep. 1666 Finance on S.B. No. 1720

The purpose of this bill is to create a new business structure called the limited liability partnership, which incorporates some of the characteristics of a corporation and some of the characteristics of a partnership. The bill also creates or revises other laws related to business registration.

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. 1720, S.D. 1, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee except Representatives Isbell, Ito, M. Oshiro, Marumoto and Ward.

SCRep. 1667 Finance on S.B. No. 937

The purpose of this bill is to enable the University of Hawaii (University) to use funds received from:

- (1) Fees for tuition;
- (2) Income derived from sale of goods or services; and
- (3) All other income raised by the University that is not described in other special or revolving funds.

The University testified in support of the intent of this measure. The Department of Budget and Finance commented on this measure.

Your Committee has amended this measure by:

- (1) Adding an effective date of July 15, 1995; and a repeal date of July 15, 1999;
- (2) Deleting the provision requiring full appropriations for tuition waivers or cost-incurring programs; 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 Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 937, 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. 937, S.D. 2, H.D. 2.

Signed by all members of the Committee except Representative Ward.

SCRep. 1668 Finance on S.B. No. 1804

The purpose of this bill is to mandate the Governor to appoint a commission to explore different funding, eligibility requirements, and benefit structures, and the actuarial effect of these alternatives with regard to the Hawaii Public Employees' Health Fund. The bill also appropriates \$100,000 from the Hawaii Public Employees' Health Fund to pay the expenses of the commission.

The Department of Personnel of the City and County of Honolulu testified in support of this measure. The Department of Budget and Finance testified in support of the intent of this measure. The Department of Health (DOH) and the Hawaii Housing Authority (HHA) submitted comments regarding the bill.

Your Committee has amended this bill by inserting provisions that clarify that one hundred percent of the vacated positions under the following departments and entities may be refilled by the head of their respective departments:

- (1) Positions in the Hawaii State Hospital and the community hospital facilities of the DOH;
- (2) Positions in correctional facilities of the Department of Public Safety;
- (3) Positions in programs that are one hundred percent federally funded;
- (4) Positions in the HHA that are one hundred percent specially funded;
- (5) Department heads and executive officers;
- (6) Deputies or assistants to department heads; and
- (7) The Administrative Director of 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. 1804, 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. 1804, S.D. 1, H.D. 2.

Signed by all members of the Committee except Representatives Isbell, Ito and Ward.

SCRep. 1669 Finance on S.B. No. 1218

The purpose of this bill is to require the following bargaining units:

- (1) Bargaining Unit 2 (Supervisory Employees in Blue Collar Positions);
- (2) Bargaining Unit 3 (Nonsupervisory Employees in White Collar Positions);
- (3) Bargaining Unit 4 (Supervisory Employees in White Collar Positions);
- (4) Bargaining Unit 6 (Educational Officers and Other Personnel of the Department of Education under the same salary schedule);

- (5) Bargaining Unit 8 (Personnel of the University of Hawaii and the Community College System, other than Faculty);
- (6) Bargaining Unit 9 (Registered Professional Nurses); and
- (7) Bargaining Unit 13 (Professional and Scientific Employees, other than Registered Professional Nurses),

to rely on binding arbitration as a means of settling disputes over the terms of an initial or renewed agreement.

The Chief Negotiator for the State of Hawaii, the Department of Human Resources Development, the Hawaii Government Employees Association, and the Hawaii Fire Fighters Association testified in support of the intent of this measure. The Department of Personnel of the City and County of Honolulu and the Department of Civil Service of the County of Hawaii commented 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. 1218, S.D. 1, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee except Representatives Isbell, Kanoho and Marumoto.

SCRep. 1670 Finance on S.B. No. 1626

The purpose of this bill is to address the housing issue at the University of Hawaii by:

- (1) Creating a revolving fund for student housing; and
- (2) Extending the sunset date for the Housing Assistance Revolving Fund from the end of the 1995-1996 fiscal year to the end of the 1997-1998 fiscal year.

Testifying in support of the intent of the bill, the University of Hawaii recommended deleting the sunset date for the Housing Assistance Revolving Fund entirely.

Your Committee has amended this measure by:

- (1) Deleting the revolving fund for student housing; and
- (2) Repealing the sunset date for the deposit of overhead funds into the Housing Assistance Revolving Fund.

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. 1626, 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. 1626, S.D. 1, H.D. 2.

Signed by all members of the Committee except Representatives Isbell, Kanoho and Marumoto.
(Representative Ward voted no.)

SCRep. 1671 Finance on S.B. No. 1233

The purpose of this bill is to amend the insurance law by:

- (1) Creating a structure for the regulation of health maintenance organizations (HMOs);
- (2) Giving the Insurance Commissioner additional powers; and
- (3) Clarifying certain provisions or adding requirements related to insurance agencies, insurers, and no-fault insurance policies.

The Hawaii Federation of Physicians and Dentists submitted testimony in support of this bill. The Department of Commerce and Consumer Affairs supported the intent of the bill. The Hawaii Medical Service Association, the Hawaii Trial Lawyers Association, the Hawaii Insurers Council, Budget Rent A Car, Catrala-Hawaii, the Hertz Corporation, and Alamo Rent A Car submitted comments on this bill.

Your Committee has amended this bill by:

- (1) Deleting the structure for the regulation of HMOs;
- (2) Adding a new section allowing the Insurance Commissioner to adopt rules for the implementation of Article 5 of the Insurance Code, which relates to the financial condition of insurers;
- (3) Adding a provision allowing the Insurance Commissioner to keep confidential any information received from the National Association of Insurance Commissioners or insurance departments of other states;
- (4) Deleting the requirement that a no-fault policy issued to a motor vehicle shall be primary, with certain exceptions;
- (5) Facilitating the reenactment of Sections 431:2-307 and 431:3-302, Hawaii Revised Statutes, in the form in which they read as of June 30, 1994, as further amended by this bill;

- (6) Inserting the sum of \$1 as the amount to be appropriated to facilitate further discussion;
- (7) Changing the effective date from January 1, 1996, to July 1, 1995; and
- (8) 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. 1233, 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. 1233, S.D. 2, H.D. 2.

Signed by all members of the Committee except Representative Marumoto.

SCRep. 1672 Finance on S.B. No. 1461

The purpose of this bill is to provide for services in the community for those persons with developmental disabilities who are now institutionalized at Waimano Training School and Hospital (WTSH). The bill eliminates WTSH and mandates all programs and services for developmentally disabled persons to be provided in the community by June 30, 1998.

The Association for Retarded Citizens (ARC) in Hawaii, the Executive Director and the President of the ARC of Kauai, Ka Lima O Maui, the Director of Programs for the Protection and Advocacy Agency of Hawaii, Goodwill Industries of Honolulu, and three concerned individuals testified in support of this measure. The Department of Health, the State Planning Council on Developmental Disabilities, the Commission on Persons with Disabilities, and an individual testified in support of the intent of the bill. The ARC of Maui, the Hawaii Government Employees Association, and two concerned individuals commented on this measure.

Your Committee has amended this bill by:

- (1) Specifying that individuals eligible for community services but not eligible for Medicaid waiver services or other federally reimbursed programs or for whom such services are not available based on their individual service plan shall receive services and supports with one hundred percent state funds;
- (2) Specifying that the Director of Health shall:
 - (a) Cease to be guardian of persons incapacitated as defined in Section 560:5-151, Hawaii Revised Statutes, or persons with developmental disabilities or mental retardation; and
 - (b) Transfer current appointed guardianships to other appropriate persons or agencies by June 30, 1998; 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. 1461, 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. 1461, S.D. 2, H.D. 2.

Signed by all members of the Committee except Representatives Isbell, Kanoho and Marumoto.

SCRep. 1673 Agriculture and Economic Development and Business Concerns on H.R. No. 250

The purpose of this resolution is to reduce the cost of animal feed for Hawaii's livestock industry, and ensure a ready supply to both the local industry and an export market. This then enhances both the livestock and feed industries.

Your Committees recognize the need for an alternative source of livestock feed to fulfill the local demand and enable the livestock industry to grow in Hawaii. This action will also allow for a growth in the animal feed industry, with export potential.

All testimony received on this resolution, was in favor of its passage. This included strong support from the Department of Business, Economic Development, and Tourism (DBEDT); support from the Department of Agriculture (DOA); and support from the Feed Division of Hawaiian Flour Mills (HFM).

As affirmed by the records of votes of the members of your Committees on Agriculture and Economic Development and Business Concerns that are attached to this report, your Committees concur with the intent and purpose of H.R. No. 250 and recommend its adoption.

Signed by all members of the Committees except Representatives Herkes and Halford.

SCRep. 1674 Agriculture and Economic Development and Business Concerns on H.C.R. No. 264

The purpose of this concurrent resolution is to reduce the cost of animal feed for Hawaii's livestock industry, and ensure a ready supply to both the local industry and an export market. This then enhances both the livestock and feed industries.

Your Committees recognize the need for an alternative source of livestock feed to fulfill the local demand and enable the livestock industry to grow in Hawaii. This action will also allow for a growth in the animal feed industry, with export potential.

All testimony received on this resolution, was in favor of its passage. This included strong support from the Department of Business, Economic Development, and Tourism (DBEDT); support from the Department of Agriculture (DOA); and support from the Feed Division of Hawaiian Flour Mills (HFM).

As affirmed by the records of votes of the members of your Committees on Agriculture and Economic Development and Business Concerns that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 264 and recommend its adoption.

Signed by all members of the Committees except Representatives Herkes and Halford.

SCRep. 1675 Legislative Management on H.R. No. 202

The purpose of this resolution is to request the Auditor to perform a management and financial audit of the Department of Agriculture, Animal Industry Division, Animal Quarantine, and related programs for the biennium periods extending from:

- (1) July 1, 1991, to June 30, 1993; and
- (2) July 1, 1993, to June 30, 1995.

The Hawaiian Humane Society, the Veterinary Consultation Services, the Citizens for Quality Quarantine, a State Representative, and several concerned citizens submitted testimony in support of this measure. The Department of Agriculture submitted comments on this measure.

Your Committee recognizes that an audit would serve to improve the services and care at the Animal Quarantine Station, as well as maximize staff efficiency and resources.

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. 202, H.D. 1, and recommends its adoption.

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

SCRep. 1676 Legislative Management on H.C.R. No. 203

The purpose of this concurrent resolution is to request the Auditor to perform a management and financial audit of the Department of Agriculture, Animal Industry Division, Animal Quarantine, and related programs for the biennium periods extending from:

- (1) July 1, 1991, to June 30, 1993; and
- (2) July 1, 1993, to June 30, 1995.

The Hawaiian Humane Society, the Veterinary Consultation Services, the Citizens for Quality Quarantine, a State Representative, and several concerned citizens submitted testimony in support of this measure. The Department of Agriculture submitted comments on this measure.

Your Committee recognizes that an audit would serve to improve the services and care at the Animal Quarantine Station, as well as maximize staff efficiency and resources.

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. 203, H.D. 1, and recommends its adoption.

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

SCRep. 1677 Legislative Management on H.C.R. No. 73

The purpose of this concurrent resolution is to request the establishment of a special interim committee composed of members of the Human Services Committees of the Senate and the House of Representatives, and other members, to:

- (1) Identify key problems related to the State's welfare programs; and
- (2) Receive suggestions from welfare recipients by holding informal meetings with welfare recipients on each island during the interim between the Regular Sessions of 1995 and 1996.

The Kokua Council for Senior Citizens submitted testimony in support of this measure.

Your Committee believes that a joint interim committee would prove invaluable in obtaining a grassroots perspective of welfare-related problems throughout the State.

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. 73, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Say and Souki.
(Representatives Thielen and Ward voted no.)

SCRep. 1678 Legislative Management on H.C.R. No. 147

The purpose of this concurrent resolution is to request that the Child Welfare Services Reform Task Force (Task Force) be extended for an additional year to further develop a blueprint for reform in Child Protective Services.

This concurrent resolution also requests the Task Force to submit its findings and recommendations, including any necessary implementing legislation, to the Legislature before the 1996 Regular Session.

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

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. 147, H.D. 1, and recommends its adoption.

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

SCRep. 1679 Legislative Management on H.C.R. No. 328

The purpose of this concurrent resolution is to request the Department of Business, Economic Development, and Tourism (DBEDT) to submit a report to the Legislature before the 1996 Regular Session regarding its recommendations on ways to improve the efficiency of the Natural Energy Laboratory of Hawaii Authority's operational and financial management.

The DBEDT submitted testimony in support of this measure and indicated its willingness to comply with the request of the 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. 328, H.D. 1, and recommends its adoption.

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

SCRep. 1680 Legislative Management on H.C.R. No. 229

The purpose of this concurrent resolution is to request the State Auditor to examine the management and operations of the Commission on Water Resource Management.

The Department of Land and Natural Resources and the Manager and Chief Engineer of the Board of Water Supply submitted testimony in support of this measure. The Chair of the Review Commission on the State Water Code submitted comments on this measure.

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

- (1) Requesting the State Auditor to examine the appropriateness of delegating some of the Review Commission on the State Water Code's responsibilities to the county water and planning departments; and
- (2) Making technical, nonsubstantive amendments for purposes of clarity and consistency.

As affirmed by the records 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. 229, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 229, H.D. 2.

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

SCRep. 1681 Legislative Management on H.R. No. 150

The purpose of this resolution is to request the Auditor to analyze House Bill No. 1696, H.D. 1, with regard to the probable effects on licensing hoisting machine operators and the registration of hoisting machines.

The Administrator of the Hawaii Operating Engineers Industry Stabilization Fund testified in support of this resolution.

Your Committee respectfully requests the Auditor to utilize H.B. No. 1696, as introduced, regarding the effects of licensing hoisting machine operators. Your Committee recognizes that public safety is at risk when hoisting machines are operated by unskilled personnel.

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. 150 and recommends its adoption.

Signed by all members of the Committee except Representatives Say and Souki.
(Representative Ward voted no.)

SCRep. 1682 Legislative Management on H.C.R. No. 144

The purpose of this concurrent resolution is to request the Auditor to analyze House Bill No. 1696, H.D. 1, with regard to the probable effects on licensing hoisting machine operators and the registration of hoisting machines.

The Administrator of the Hawaii Operating Engineers Industry Stabilization Fund testified in support of this concurrent resolution.

Your Committee respectfully requests the Auditor to utilize H.B. No. 1696, as introduced, regarding the effects of licensing hoisting machine operators. Your Committee recognizes that public safety is at risk when hoisting machines are operated by unskilled personnel.

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. 144 and recommends its adoption.

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

SCRep. 1683 Legislative Management on H.C.R. No. 4

The purpose of this concurrent resolution is to request the Auditor to perform a sunrise review of the regulation of marriage and family therapists as provided for in H.B. No. 764, introduced in the Regular Session of 1995.

Testimony in support of the concurrent resolution was submitted by the Hawaii Division of the American Association for Marriage and Family Therapy, the Hawaii Psychological Association, the Salvation Army Addiction Treatment Services, Damien Memorial High School, and a number of individuals, including therapists, psychologists, psychiatrists, and counselors.

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. 4, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representative Say.

SCRep. 1684 Legislative Management on H.C.R. No. 31

The purpose of this concurrent resolution is to request the Auditor to perform a sunrise review of the regulation of respiratory care practitioners as provided for in H.B. No. 2240, introduced in the Regular Session of 1995.

Your Committee received testimony in support of this measure from the American Lung Association and its medical section and the Hawaii Thoracic Society. Numerous testimony in support of this concurrent resolution was also received from various respiratory care practitioners, health care providers, and other interested individuals.

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. 31, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representative Say.

SCRep. 1685 Legislative Management on H.C.R. No. 115

The purpose of this concurrent resolution is to request the Auditor to conduct a sunrise analysis of H.B. No. 966, "Relating to Nutrition", introduced in the Regular Session of 1995.

The Hawaii Dietetic Association and the American Dietetic Association, and several public health nutritionists, registered dietitians, other individuals in the health industry, and interested citizens submitted testimony in support of this concurrent resolution. The Department of Health submitted testimony in support of the intent of this measure and indicated its concurrence with the Department of Commerce and Consumer Affairs that a sunrise analysis should be conducted as a preliminary requirement to licensing.

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. 115 and recommends its adoption.

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

SCRep. 1686 Legislative Management on H.C.R. No. 116

The purpose of this concurrent resolution is to request the Auditor to conduct a sunrise review of the regulation of physical therapist assistants as provided for in H.B. No. 1240, "Relating to Physical Therapy Practice", introduced in the Regular Session of 1995.

Your Committee received testimony in support of this concurrent resolution from the Hawaii Chapter of the American Physical Therapy Association.

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. 116 and recommends its adoption.

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

SCRep. 1687 Legislative Management on H.R. No. 21

The purpose of this resolution is to request the Legislative Reference Bureau to:

- (1) Identify those departments within state government that have the greatest impact on small business in Hawaii;
- (2) Conduct a comprehensive review of those state and county laws, rules, and procedures that impact small businesses generated by that department;
- (3) Identify those state and county laws, rules, and procedures within those departments that hinder the formation, operation, and expansion of small businesses in Hawaii; and
- (4) Develop recommendations to facilitate the removal or easing of these barriers.

The Department of Business, Economic Development, and Tourism, the National Federation of Independent Business, and the President of Johnson Property Management, Inc. submitted testimony in support of this measure.

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

- (1) Requesting the Department of Business, Economic Development, and Tourism to review barriers to forming and operating a small business in Hawaii; and
- (2) Making technical, nonsubstantive amendments for purposes of 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. 21, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 21, H.D. 2.

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

SCRep. 1688 Legislative Management on H.C.R. No. 17

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to:

- (1) Identify those departments within state government that have the greatest impact on small business in Hawaii;
- (2) Conduct a comprehensive review of those state and county laws, rules, and procedures that impact small businesses generated by that department;
- (3) Identify those state and county laws, rules, and procedures within those departments that hinder the formation, operation, and expansion of small businesses in Hawaii; and
- (4) Develop recommendations to facilitate the removal or easing of these barriers.

The Department of Business, Economic Development, and Tourism, the National Federation of Independent Business, and the President of Johnson Property Management, Inc. submitted testimony in support of this measure.

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

- (1) Requesting the Department of Business, Economic Development, and Tourism to review barriers to forming and operating a small business in Hawaii; and
- (2) Making technical, nonsubstantive amendments for purposes of 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. 17, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 17, H.D. 2.

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

SCRep. 1689 Economic Development and Business Concerns on H.C.R. No. 284

The purpose of this concurrent resolution is to request the task force established by the Aloha United Way, the Chamber of Commerce of Hawaii, the Hawaii Business Roundtable, the Hawaii Community Foundation, and the Hawaii Community Services Council, to:

- (1) Develop "benchmarks";
- (2) Draft a strategic vision for the State; and

- (3) Submit a report to the Legislature on the vision statement, the series of "benchmarks", and a recommendation for a structural mechanism to provide ongoing monitoring of the "benchmarks".

Testimony in support of this measure was received from the Governor's Office of Children and Youth. Comments were received from the Department of Education.

Concerns were raised whether it was necessary for a State agency to take a leading role in the task force. Your Committee believes that it would be prudent to allow the private sector members to continue in the same capacities; state departments and agencies will merely play a supporting role.

Your Committee has amended this measure by:

- (1) Clarifying that the task force refers to the Hawaii Progress Indicators Task Force (Task Force);
- (2) Requesting that the Task Force develop, rather than draft, "benchmarks" in accordance with the strategic vision for the State;
- (3) Deleting the provision that community planning and "benchmarking" efforts be a public-private collaboration including groups currently involved in the "benchmarking" efforts;
- (4) Requesting state government agencies and departments to support and assist the private sector in establishing "benchmarks";
- (5) Amending the title of the measure to reflect the amendments; and
- (6) Making technical, nonsubstantive 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. 284, H.D. 1, as amended herein, and recommends its adoption, in the form attached hereto as H.C.R. No. 284, H.D. 2.

Signed by all members of the Committee except Representative Herkes.

SCRep. 1690 Legislative Management on H.C.R. No. 204

The purpose of this concurrent resolution is to request the Auditor to conduct an impact assessment report, pursuant to sections 23-51 and 23-52, Hawaii Revised Statutes, of the social and financial effects of requiring all health insurance providers to provide coverage for acupuncture services as specified in the Acupuncture Treatment Act.

The Hawaii Acupuncture Association testified in support of this concurrent resolution.

Your Committee finds that coverage of acupuncture services by health insurance providers warrants further study. The holistic approach of acupuncture may play a vital role in preventing illnesses, reducing total health care costs, and helping individuals to achieve homeostasis. Your Committee is also cognizant of Hawaii's multiethnic population and the various options to health care different cultures may prefer.

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. 204, H.D. 2, and recommends its adoption.

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

SCRep. 1691 Legislative Management on H.R. No. 263

The purpose of this resolution, as received, is to request the Legislative Reference Bureau to undertake a study on the potential impacts and effects of affording employers immunity from civil liability for disclosing information regarding former employees' job performance.

To ensure that qualified, appropriate, and suitable individuals are hired, employers need meaningful information regarding the job performance of prospective employees to fairly assess the individual's suitability for the job. However, in these litigious times, employers are reluctant to reveal meaningful information regarding former employees' work habits, abilities, and attitude, in fear of defamation suits being filed against the employer.

In addition, the courts have ruled that employers can be liable for negligently hiring dangerous workers. In this "Catch-22" situation, employers are responsible for the people they hire, however, often times, employers are not able to obtain information that may assist them in selecting suitable employees.

Testimony supporting the measure was received from the Department of Human Resources Development, the National Federation of Independent Business-Hawaii, Liberty House, and two concerned citizens.

After carefully considering the merits of the measure and the testimony received, your Committee has amended the measure by:

- (1) Specifying that the Attorney General is to examine the potential impacts and constitutionality of providing employers immunity from civil liability for disclosing this type of information about former employees; and
- (2) Making technical, nonsubstantive amendments 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. 263, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 263, H.D. 1.

Signed by all members of the Committee except Representative Say.

SCRep. 1692 Legislative Management on H.C.R. No. 276

The purpose of this concurrent resolution, as received, is to request the Legislative Reference Bureau to undertake a study on the potential impacts and effects of affording employers immunity from civil liability for disclosing information regarding former employees' job performance.

To ensure that qualified, appropriate, and suitable individuals are hired, employers need meaningful information regarding the job performance of prospective employees to fairly assess the individual's suitability for the job. However, in these litigious times, employers are reluctant to reveal meaningful information regarding former employees' work habits, abilities, and attitude, in fear of defamation suits being filed against the employer.

In addition, the courts have ruled that employers can be liable for negligently hiring dangerous workers. In this "Catch-22" situation, employers are responsible for the people they hire, however, often times, employers are not able to obtain information that may assist them in selecting suitable employees.

Testimony supporting the measure was received from the Department of Human Resources Development, the National Federation of Independent Business-Hawaii, Liberty House, and two concerned citizens.

After carefully considering the merits of the measure and the testimony received, your Committee has amended the measure by:

- (1) Specifying that the Attorney General is to examine the potential impacts and constitutionality of providing employers immunity from civil liability for disclosing this type of information about former employees; and
- (2) Making technical, nonsubstantive amendments 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. 276, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 276, H.D. 1.

Signed by all members of the Committee except Representative Say.

SCRep. 1693 Water and Land Use Planning on H.R. No. 245

The purpose of this resolution is to request governmental agencies of the State and the City and County of Honolulu to identify the area currently known as Barbers Point by the historically correct name of Kalaeloa when drafting future maps, charts, and other documents.

Testimony was received in support of this resolution by the Office of Hawaiian Affairs and Ahahui Siwila Hawaii of Kapolei.

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. 245 and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Kanoho, Yamane, Yoshinaga and Meyer.

SCRep. 1694 Water and Land Use Planning on H.C.R. No. 160

The purpose of this concurrent resolution is to request governmental agencies of the State and the City and County of Honolulu to identify the area currently known as Barbers Point by the historically correct name of Kalaeloa when drafting future maps, charts, and other documents.

Testimony was received in support of this resolution by the Office of Hawaiian Affairs and Ahahui Siwila Hawaii of Kapolei.

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. 160 and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Kanoho, Yamane, Yoshinaga and Meyer.

SCRep. 1695 Water and Land Use Planning on H.R. No. 192

The purpose of this resolution is to urge the Department of Parks and Recreation, City and County of Honolulu, to refer to the cinder cone at the heart of the City of Kapolei as "Pu'u Kapolei" in all future documents and communications.

Testimony was received in support of this concurrent resolution by the Office of Hawaiian Affairs, the Makakilo Community Association, and the Estate of James Campbell.

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. 192, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Kanoho, Yamane, Yoshinaga and Meyer.

SCRep. 1696 Water and Land Use Planning on H.C.R. No. 161

The purpose of this concurrent resolution is to urge the Department of Parks and Recreation, City and County of Honolulu, to refer to the cinder cone at the heart of the City of Kapolei as "Pu'u Kapolei" in all future documents and communications.

Testimony was received in support of this concurrent resolution by the Office of Hawaiian Affairs, the Makakilo Community Association, and the Estate of James Campbell.

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. 161, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Kanoho, Yamane, Yoshinaga and Meyer.

SCRep. 1697 Finance on H.C.R. No. 14

The purpose of this concurrent resolution is to memorialize the Congress of the United States to propose and submit to the several states an amendment to the Constitution of the United States that would provide that no federal tax shall be imposed for the period before the date of the enactment of the retroactive tax.

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. 14 and recommends its adoption.

Signed by all members of the Committee except Representative Nakasone.

SCRep. 1698 Finance on H.C.R. No. 58

The purpose of this concurrent resolution is to request the Insurance Commissioner to investigate the advisability of entering into interstate compacts with other states for certain perils.

The Department of Commerce and Consumer Affairs testified in support of the intent of this concurrent resolution.

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. 58 and recommends its adoption.

Signed by all members of the Committee except Representative Nakasone

SCRep. 1699 Finance on H.C.R. No. 137

The purpose of this concurrent resolution is to encourage the University of Hawaii system to expand its outreach efforts on the neighbor islands.

The University of Hawaii testified in support of this concurrent resolution.

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. 137 and recommends its adoption.

Signed by all members of the Committee except Representative Nakasone.

SCRep. 1700 Finance on H.C.R. No. 288

The purpose of this concurrent resolution is to request the Attorney General to authorize the Corrections Population Management Commission to:

- (1) Report on the management of prisoners within the state correctional system to determine the classifications of prisoners being housed in, transferred, and released from the various correctional facilities; and
- (2) Address the appropriateness of these actions from a public safety and prison overcrowding perspective.

The Department of Public Safety testified in support of this concurrent resolution.

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. 288, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representative Nakasone.

SCRep. 1701 Finance on H.R. No. 8

The purpose of this resolution is to request the Department of Health and the Judiciary to convene a task force to study the management and treatment of persons found not responsible for their behavior as a result of physical or mental disease, disorder, or defect.

The Judiciary and the Department of Health testified in support of this resolution.

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. 8, H.D. 2, and recommends its adoption.

Signed by all members of the Committee except Representative Nakasone.

SCRep. 1702 Finance on H.C.R. No. 3

The purpose of this concurrent resolution is to request the Department of Health and the Judiciary to convene a task force to study the management and treatment of persons found not responsible for their behavior as a result of physical or mental disease, disorder, or defect.

The Judiciary and the Department of Health testified in support of this concurrent resolution.

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. 3, H.D. 2, and recommends its adoption.

Signed by all members of the Committee except Representative Nakasone.

SCRep. 1703 Finance on H.R. No. 15

The purpose of this resolution is to request the Director of Commerce and Consumer Affairs to:

- (1) Examine the current complaints intake and enforcement strategies and possibilities statewide; and
- (2) Examine the current penalties for contracting without a license to determine whether current penalties are an effective deterrent.

The Subcontractors Association of Hawaii testified in support of this resolution.

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. 15, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representative Nakasone.

SCRep. 1704 Finance on H.C.R. No. 1

The purpose of this concurrent resolution is to request the Director of Commerce and Consumer Affairs to:

- (1) Examine the current complaints intake and enforcement strategies and possibilities statewide; and
- (2) Examine the current penalties for contracting without a license to determine whether current penalties are an effective deterrent.

The Subcontractors Association of Hawaii testified in support of this concurrent resolution.

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. 11, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representative Nakasone.

SCRep. 1705 Finance on H.R. No. 41

The purpose of this resolution is to request the Governor to establish an Intergovernmental Relations and Fiscal Balance Study Commission to study and evaluate overlapping functions and fiscal imbalance between the State and the counties.

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. 41, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representative Nakasone.

SCRep. 1706 Finance on H.C.R. No. 36

The purpose of this concurrent resolution is to request the Governor to establish an Intergovernmental Relations and Fiscal Balance Study Commission to study and evaluate overlapping functions and fiscal imbalance between the State and the counties.

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. 36, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representative Nakasone.

SCRep. 1707 Finance on H.R. No. 59

The purpose of this resolution is to request the Attorney General to conduct a comprehensive review of legislation and court rules in other jurisdictions which address the rights of children as victims or witnesses, or both, in the criminal justice system, with a specific focus on the means utilized to assure speedy trials or other resolution of cases which involve child victims or witnesses.

The Attorney General and the Honolulu County Department of the Prosecuting Attorney testified in support of this resolution. The Judiciary submitted comments on this resolution, and pledged to cooperate with the Attorney General.

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. 59, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representative Nakasone.

SCRep. 1708 Finance on H.C.R. No. 50

The purpose of this concurrent resolution is to request the Attorney General to conduct a comprehensive review of legislation and court rules in other jurisdictions which address the rights of children as victims or witnesses, or both, in the criminal justice system, with a specific focus on the means utilized to assure speedy trials or other resolution of cases which involve child victims or witnesses.

The Attorney General and the Honolulu County Department of the Prosecuting Attorney testified in support of this concurrent resolution. The Judiciary submitted comments on this concurrent resolution, and pledged to cooperate with the Attorney General.

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. 50, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representative Nakasone.

SCRep. 1709 Finance on H.R. No. 61

The purpose of this resolution is to request each school community to develop and implement plans to restructure and extend the traditional school day in a manner that is appropriate for that particular population to maximize the number of hours students are at school and the use of school facilities.

The Department of Education testified in support of this resolution.

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. 61, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representative Nakasone.

SCRep. 1710 Finance on H.C.R. No. 53

The purpose of this concurrent resolution is to request each school community to develop and implement plans to restructure and extend the traditional school day in a manner that is appropriate for that particular population to maximize the number of hours students are at school and the use of school facilities.

The Department of Education testified in support of this concurrent resolution.

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. 53, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representative Nakasone.

SCRep. 1711 Finance on H.R. No. 82

The purpose of this resolution is to request the Department of Public Safety to work with the Hawaii Community Services Council and ASK-2000 to develop an inventory of residential resources for adult offenders and to ensure that such resources are included in future editions of Connections.

The Department of Public Safety testified in support of the intent of this resolution.

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. 82, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representative Nakasone.

SCRep. 1712 Finance on H.C.R. No. 77

The purpose of this concurrent resolution is to request the Department of Public Safety to work with the Hawaii Community Services Council and ASK-2000 to develop an inventory of residential resources for adult offenders and to ensure that such resources are included in future editions of Connections.

The Department of Public Safety testified in support of the intent of this concurrent resolution.

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. 77, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representative Nakasone.

SCRep. 1713 Finance on H.R. No. 98

The purpose of this resolution is to request the Licensing Administrator of the City and County of Honolulu to establish a task force to conduct a study on special number license plates and special design license plates for motor vehicles.

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. 98 and recommends its adoption.

Signed by all members of the Committee except Representative Nakasone.

SCRep. 1714 Finance on H.C.R. No. 90

The purpose of this concurrent resolution is to request the Licensing Administrator of the City and County of Honolulu to establish a task force to conduct a study on special number license plates and special design license plates for motor vehicles.

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. 90 and recommends its adoption.

Signed by all members of the Committee except Representative Nakasone.

SCRep. 1715 Finance on H.R. No. 100

The purpose of this resolution is to urge the Department of Transportation to add a warning phrase "If you drink and drive, you lose your license" or other appropriate wording or universal symbol to road signs installed by the department.

The Department of Transportation submitted testimony supporting the intent of this concurrent resolution.

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. 100, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representative Nakasone.

SCRep. 1716 Finance on H.C.R. No. 92

The purpose of this concurrent resolution is to urge the Department of Transportation to add a warning phrase "If you drink and drive, you lose your license" or other appropriate wording or universal symbol to road signs installed by the department.

The Department of Transportation submitted testimony supporting the intent of this concurrent resolution.

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. 92, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representative Nakasone.

SCRep. 1717 Finance on H.R. No. 131

The purpose of this resolution is to urge the University of Hawaii to:

- (1) Continue its pre-service education program for teachers and minorities;
- (2) Facilitate meeting the University's core requirements for formal teacher education;
- (3) Ask the College of Education to continue to assign cohort groups on the basis of residential location, particularly in areas where there are shortages of teachers; and
- (4) Undertake other measures to address the teacher shortage, including making appropriate requests to the Board of Education, the Executive Branch, and the Legislature for commensurate resources to carry out this measure.

The University of Hawaii and the Department of Education testified in support of this resolution.

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. 131, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representative Nakasone.

SCRep. 1718 **Finance on H.C.R. No. 124**

The purpose of this concurrent resolution is to urge the University of Hawaii to:

- (1) Continue its pre-service education program for teachers and minorities;
- (2) Facilitate meeting the University's core requirements for formal teacher education;
- (3) Ask the College of Education to continue to assign cohort groups on the basis of residential location, particularly in areas where there are shortages of teachers; and
- (4) Undertake other measures to address the teacher shortage, including making appropriate requests to the Board of Education, the Executive Branch, and the Legislature for commensurate resources to carry out this measure.

The University of Hawaii and the Department of Education testified in support of this concurrent resolution.

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. 124, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representative Nakasone.

SCRep. 1719 **Finance on H.R. No. 146**

The purpose of this resolution is to request the Governor to convene an advisory task force to study the feasibility of establishing an annual sporting event in the State to determine the National Collegiate Athletic Association football champion.

The Department of Business, Economic Development, and Tourism testified in support of the intent of this resolution.

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. 146 and recommends its adoption.

Signed by all members of the Committee except Representative Nakasone.

SCRep. 1720 **Finance on H.C.R. No. 141**

The purpose of this concurrent resolution is to request the Governor to convene an advisory task force to study the feasibility of establishing an annual sporting event in the State to determine the National Collegiate Athletic Association football champion.

The Department of Business, Economic Development, and Tourism testified in support of the intent of this concurrent resolution.

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. 141 and recommends its adoption.

Signed by all members of the Committee except Representative Nakasone.

SCRep. 1721 **Finance on H.R. No. 196**

The purpose of this resolution is to request the Insurance Commissioner to administratively resolve the inequities in homeowner's insurance offered by the Hawaii Property Insurance Association to homeowners in lava zones 1 and 2 under program 1 as against homeowners in the rest of the State under program 2.

The Department of Commerce and Consumer Affairs submitted comments on this resolution.

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. 196 and recommends its adoption.

Signed by all members of the Committee except Representative Nakasone.

SCRep. 1722 **Finance on H.C.R. No. 199**

The purpose of this concurrent resolution is to request the Insurance Commissioner to administratively resolve the inequities in homeowner's insurance offered by the Hawaii Property Insurance Association to homeowners in lava zones 1 and 2 under program 1 as against homeowners in the rest of the State under program 2.

The Department of Commerce and Consumer Affairs submitted comments on this concurrent resolution.

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. 199 and recommends its adoption.

Signed by all members of the Committee except Representative Nakasone.

SCRep. 1723 Finance on H.R. No. 205

The purpose of this resolution is to request the Governor, with the assistance of the various departments, to examine possible ways to assist Hawaii's travel agents.

The Hawaii Business League, Travel Ways, American Society of Travel Agents, and Kailua Travel testified in support of this resolution. The Department of Business, Economic Development, and Tourism submitted comments supporting the intent of this resolution.

Your Committee has amended this resolution by urging the Governor to request the various air carriers to consider commissions other than ten percent without a cap; instead of considering just an eight percent commission without a cap.

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. 205, H.D. 1, as amended herein, and recommends its adoption, in the form attached hereto as H.R. No. 205, H.D. 2.

Signed by all members of the Committee except Representative Nakasone.
(Representatives Suzuki and Ward voted no.)

SCRep. 1724 Finance on H.C.R. No. 207

The purpose of this concurrent resolution is to request the Governor, with the assistance of the various departments, to examine possible ways to assist Hawaii's travel agents.

The Hawaii Business League, Travel Ways, American Society of Travel Agents, and Kailua Travel testified in support of this concurrent resolution. The Department of Business, Economic Development, and Tourism submitted comments supporting the intent of this concurrent resolution.

Your Committee has amended this concurrent resolution by urging the Governor to request the various air carriers to consider commissions other than ten percent without a cap; instead of considering just an eight percent commission without a cap.

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. 207, H.D. 1, as amended herein, and recommends its adoption, in the form attached hereto as H.C.R. No. 207, H.D. 2.

Signed by all members of the Committee except Representative Nakasone.
(Representatives Suzuki and Ward voted no.)

SCRep. 1725 Finance on H.R. No. 232

The purpose of this resolution is to request the Department of Hawaiian Home Lands (DHHL) to examine the transfer of awarded interests in Hawaiian home lands, including the desirability, benefits, inequities, and drawbacks of allowing transfers under various conditions.

The DHHL and the Native Hawaiian Legal Corporation submitted testimony supporting the intent of this resolution.

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. 232 and recommends its adoption.

Signed by all members of the Committee except Representative Nakasone.

SCRep. 1726 Finance on H.C.R. No. 239

The purpose of this concurrent resolution is to request the Department of Hawaiian Home Lands (DHHL) to examine the transfer of awarded interests in Hawaiian home lands, including the desirability, benefits, inequities, and drawbacks of allowing transfers under various conditions.

The DHHL and the Native Hawaiian Legal Corporation submitted testimony supporting the intent of this concurrent resolution.

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. 239 and recommends its adoption.

Signed by all members of the Committee except Representative Nakasone.

SCRep. 1727 Finance on H.R. No. 235

The purpose of this resolution is to support laws that require the use of crushed glass in public roads.

The Department of Transportation, Department of Health, Honolulu County Department of Public Works, Kokua Council for Senior Citizens, and the Hawaii Food Industry Association testified in support of this resolution.

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. 235 and recommends its adoption.

Signed by all members of the Committee except Representative Nakasone.

SCRep. 1728 Finance on H.C.R. No. 243

The purpose of this concurrent resolution is to support laws that require the use of crushed glass in public roads.

The Department of Transportation, Department of Health, Honolulu County Department of Public Works, Kokua Council for Senior Citizens, and the Hawaii Food Industry Association testified in support of this concurrent resolution.

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. 243 and recommends its adoption.

Signed by all members of the Committee except Representative Nakasone.

SCRep. 1729 Finance on H.R. No. 240

The purpose of this resolution is to request the Department of Business, Economic Development, and Tourism to conduct a comprehensive review of the strategy being developed by the Hawaii Alliance for Community-Based Economic Development to establish a Hawaii-based community development financial institution.

The Department of Business, Economic Development, and Tourism and an individual testified in support of this resolution.

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. 240 and recommends its adoption.

Signed by all members of the Committee except Representative Nakasone.

SCRep. 1730 Finance on H.C.R. No. 252

The purpose of this concurrent resolution is to request the Department of Business, Economic Development, and Tourism to conduct a comprehensive review of the strategy being developed by the Hawaii Alliance for Community-Based Economic Development to establish a Hawaii-based community development financial institution.

The Department of Business, Economic Development, and Tourism and an individual testified in support of this concurrent resolution.

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. 252 and recommends its adoption.

Signed by all members of the Committee except Representative Nakasone.

SCRep. 1731 Finance on H.R. No. 278

The purpose of this resolution is to request the Corrections Populations Management Commission (CPMC) or, if the CPMC does not receive legislative reauthorization, the Attorney General, to convene a task force to evaluate and make recommendations concerning correctional facility capacity necessary if estimates of intake, length of sentence, probation, parole, and other factors necessary were made without regard to current corrections population management efforts.

The Department of Public Safety testified in support of this resolution. The Attorney General submitted comments supporting the intent of this resolution.

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. 278, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representative Nakasone.

SCRep. 1732 Finance on H.C.R. No. 292

The purpose of this concurrent resolution is to request the Corrections Populations Management Commission (CPMC) or, if the CPMC does not receive legislative reauthorization, the Attorney General, to convene a task force to evaluate and make recommendations concerning correctional facility capacity necessary if estimates of intake, length of sentence, probation, parole, and other factors necessary were made without regard to current corrections population management efforts.

The Department of Public Safety testified in support of this concurrent resolution. The Attorney General submitted comments supporting the intent of this concurrent resolution.

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. 292, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representative Nakasone.

SCRep. 1733 Finance on H.R. No. 283

The purpose of this resolution is to support the employment of local labor on all large state-funded construction projects, including the Hawaii Convention Center.

The Convention Center Authority and Nordic Construction, Ltd. testified in support of this resolution.

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. 283 and recommends its adoption.

Signed by all members of the Committee except Representative Nakasone.

SCRep. 1734 Finance on H.C.R. No. 298

The purpose of this concurrent resolution is to support the employment of local labor on all large state-funded construction projects, including the Hawaii Convention Center.

The Convention Center Authority and Nordic Construction, Ltd. testified in support of this concurrent resolution.

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. 298 and recommends its adoption.

Signed by all members of the Committee except Representative Nakasone.

SCRep. 1735 Finance on H.R. No. 296

The purpose of this resolution is to:

- (1) Support the Maui task force currently studying the security of the Maui Community Correctional Center, the various release programs being operated out of that facility, and the impact of such programs on community safety; and
- (2) Request that the task force also analyze community public safety needs, determine if these needs are given proper consideration by prison officials, and recommend improvements in communication between prison officials and the community.

The Department of Public Safety testified in support of this resolution.

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. 296, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representative Nakasone.

SCRep. 1736 Finance on H.C.R. No. 320

The purpose of this concurrent resolution is to:

- (1) Support the Maui task force currently studying the security of the Maui Community Correctional Center, the various release programs being operated out of that facility, and the impact of such programs on community safety; and
- (2) Request that the task force also analyze community public safety needs, determine if these needs are given proper consideration by prison officials, and recommend improvements in communication between prison officials and the community.

The Department of Public Safety testified in support of this concurrent resolution.

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. 320, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representative Nakasone.

SCRep. 1737 Finance on H.R. No. 26

The purpose of this resolution is to request the Employees' Retirement System (ERS) to begin reinvestment in South Africa in accordance with socially responsible guidelines and standards.

The Board of Trustees of the Employees' Retirement System testified in support of this resolution.

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 and recommends its adoption.

Signed by all members of the Committee except Representatives Kahikina, Nakasone and Ward.

SCRep. 1738 **Finance on H.C.R. No. 23**

The purpose of this concurrent resolution is to request the Employees' Retirement System (ERS) to begin reinvestment in South Africa in accordance with socially responsible guidelines and standards.

The Board of Trustees of the Employees' Retirement System testified in support of this concurrent resolution.

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. 23 and recommends its adoption.

Signed by all members of the Committee except Representatives Kahikina, Nakasone and Ward.

SCRep. 1739 **Finance on H.R. No. 47**

The purpose of this resolution is to request the Office of State Planning, in cooperation with the Office of Environmental Quality Control, to adopt procedures and recommend legislation that would reduce the maximum amount of time needed to fund and prepare an environmental impact statement to not more than twelve consecutive months.

The Chamber of Commerce and the Land Use Research Foundation of Hawaii testified in support of this resolution. The Office of State Planning, Office of Environmental Quality Control, and the Department of Education testified in support of the intent of this resolution.

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. 47, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Kahikina, Nakasone and Ward.

SCRep. 1740 **Finance on H.C.R. No. 39**

The purpose of this concurrent resolution is to request the Office of State Planning, in cooperation with the Office of Environmental Quality Control, to adopt procedures and recommend legislation that would reduce the maximum amount of time needed to fund and prepare an environmental impact statement to not more than twelve consecutive months.

The Chamber of Commerce and the Land Use Research Foundation of Hawaii testified in support of this concurrent resolution. The Office of State Planning, Office of Environmental Quality Control, and the Department of Education testified in support of the intent of this concurrent resolution.

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, and recommends its adoption.

Signed by all members of the Committee except Representatives Kahikina, Nakasone and Ward.

SCRep. 1741 **Finance on H.R. No. 72**

The purpose of this resolution is to recognize that fibropapilloma is a serious threat to Hawaii's green sea turtle (which is protected by both state and federal statutes), and support in principle, the allocation of state and federal funds for further research into the cause and cure of fibropapilloma.

The Honu Project testified in support of this resolution. The Department of Land and Natural Resources submitted comments on this resolution.

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. 72, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Kahikina, Nakasone and Ward.

SCRep. 1742 **Finance on H.C.R. No. 65**

The purpose of this concurrent resolution is to recognize that fibropapilloma is a serious threat to Hawaii's green sea turtle (which is protected by both state and federal statutes), and support in principle, the allocation of state and federal funds for further research into the cause and cure of fibropapilloma.

The Honu Project testified in support of this concurrent resolution. The Department of Land and Natural Resources submitted comments on this concurrent resolution.

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. 65, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Kahikina, Nakasone and Ward.

SCRep. 1743 **Finance on H.R. No. 157**

The purpose of this resolution is to request the Department of Agriculture and other state and county agencies and agricultural landowners and corporations to work cooperatively to promote, encourage, and advocate a diversified agricultural industry to reduce Hawaii's dependency on out-of-state sources for agricultural food products.

The Department of Land and Natural Resources testified in support of this resolution. The Department of Agriculture testified in support of the intent of this concurrent resolution.

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. 157, H.D. 2, and recommends its adoption.

Signed by all members of the Committee except Representatives Kahikina, Nakasone and Ward.

SCRep. 1744 Finance on H.C.R. No. 151

The purpose of this concurrent resolution is to request the Department of Agriculture and other state and county agencies and agricultural landowners and corporations to work cooperatively to promote, encourage, and advocate a diversified agricultural industry to reduce Hawaii's dependency on out-of-state sources for agricultural food products.

The Department of Land and Natural Resources testified in support of this concurrent resolution. The Department of Agriculture testified in support of the intent of this concurrent resolution.

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. 151, H.D. 2, and recommends its adoption.

Signed by all members of the Committee except Representatives Kahikina, Nakasone and Ward.

SCRep. 1745 Finance on H.R. No. 158

The purpose of this resolution is to request the Department of Health to recommend the use of vadose zone monitoring technology to all agencies that monitor the groundwater near golf courses, agricultural operations, and other areas where the potential for groundwater contamination exists.

The Department of Health submitted comments on this resolution.

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. 158, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Kahikina, Nakasone and Ward.

SCRep. 1746 Finance on H.C.R. No. 154

The purpose of this concurrent resolution is to request the Department of Health to recommend the use of vadose zone monitoring technology to all agencies that monitor the groundwater near golf courses, agricultural operations, and other areas where the potential for groundwater contamination exists.

The Department of Health submitted comments on this concurrent resolution.

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. 154, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Kahikina, Nakasone and Ward.

SCRep. 1747 Finance on H.R. No. 180

The purpose of this resolution is to request the Department of Land and Natural Resources to establish task forces to deal with priority issues as identified by the Department or the Legislature.

The University of Hawaii Sea Grant Program testified in support of this resolution. The Department of Land and Natural Resources submitted comments on this resolution.

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. 180, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Kahikina, Nakasone and Ward.

SCRep. 1748 Finance on H.C.R. No. 177

The purpose of this concurrent resolution is to request the Department of Land and Natural Resources to establish task forces to deal with priority issues as identified by the Department or the Legislature.

The University of Hawaii Sea Grant Program testified in support of this concurrent resolution. The Department of Land and Natural Resources submitted comments on this concurrent resolution.

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. 177, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Kahikina, Nakasone and Ward.

SCRep. 1749 Finance on H.R. No. 206

The purpose of this resolution is to request the Agribusiness Development Corporation to develop a pilot project for agricultural and economic development ventures on vacant sugar lands.

The Agribusiness Development Corporation submitted comments on this resolution.

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. 206 and recommends its adoption.

Signed by all members of the Committee except Representatives Kahikina, Nakasone and Ward.

SCRep. 1750 Finance on H.C.R. No. 210

The purpose of this concurrent resolution is to request the Agribusiness Development Corporation to develop a pilot project for agricultural and economic development ventures on vacant sugar lands.

The Agribusiness Development Corporation submitted comments on this concurrent resolution.

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. 210 and recommends its adoption.

Signed by all members of the Committee except Representatives Kahikina, Nakasone and Ward.

SCRep. 1751 Finance on H.R. No. 246

The purpose of this resolution is to request the Department of Health and the City and County of Honolulu to collaborate in the development of long-range solutions to wastewater management problems in the North Shore of Oahu.

Specifically, this resolution addresses:

- (1) Construction of the Mokuleia wastewater treatment works;
- (2) Installation of sewers and sewage collection systems between Kahaluu and Mokuleia, and
- (3) Assessing the feasibility of using Kuilima wastewater treatment works to alleviate the needs of the North Shore.

The Department of Health, Hawaii Association of Realtors, and an individual testified in support of this resolution.

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. 246 and recommends its adoption.

Signed by all members of the Committee except Representatives Kahikina, Nakasone and Ward.

SCRep. 1752 Finance on H.C.R. No. 258

The purpose of this concurrent resolution is to request the Department of Health and the City and County of Honolulu to collaborate in the development of long-range solutions to wastewater management problems in the North Shore of Oahu.

Specifically, this concurrent resolution addresses:

- (1) Construction of the Mokuleia wastewater treatment works;
- (2) Installation of sewers and sewage collection systems between Kahaluu and Mokuleia, and
- (3) Assessing the feasibility of using Kuilima wastewater treatment works to alleviate the needs of the North Shore.

The Department of Health, Hawaii Association of Realtors, and an individual testified in support of this concurrent resolution.

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. 258 and recommends its adoption.

Signed by all members of the Committee except Representatives Kahikina, Nakasone and Ward.

SCRep. 1753 Finance on H.R. No. 257

The purpose of this resolution is to request the Department of Land and Natural Resources to study the economic value and potential for the development of the ornamental fish industry in Hawaii.

The Department of Land and Natural Resources and Hanohano Enterprises testified in support of this resolution.

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. 257 and recommends its adoption.

Signed by all members of the Committee except Representatives Kahikina, Nakasone and Ward.

SCRep. 1754 Finance on H.C.R. No. 271

The purpose of this concurrent resolution is to request the Department of Land and Natural Resources to study the economic value and potential for the development of the ornamental fish industry in Hawaii.

The Department of Land and Natural Resources and Hanohano Enterprises testified in support of this concurrent resolution.

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. 271 and recommends its adoption.

Signed by all members of the Committee except Representatives Kahikina, Nakasone and Ward.

SCRep. 1755 Finance on H.R. No. 300

The purpose of this resolution is to request the Department of Land and Natural Resources to:

- (1) Establish procedures for timely appraisals and lessee notification of increased lease rents and notify all lessees of these procedures in advance of each lease reopening;
- (2) Consider contracting with a private agency, authorizing it to establish and manage a system of lease appraisals and notification which meets statutory requirements; and
- (3) Discontinue the practice of requiring lessees to pay increased lease rents of which they have not been given notice.

The Department of Land and Natural Resources submitted comments on this resolution.

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. 300 and recommends its adoption.

Signed by all members of the Committee except Representatives Kahikina, Nakasone and Ward.

SCRep. 1756 Finance on H.C.R. No. 324

The purpose of this concurrent resolution is to request the Department of Land and Natural Resources to:

- (1) Establish procedures for timely appraisals and lessee notification of increased lease rents and notify all lessees of these procedures in advance of each lease reopening;
- (2) Consider contracting with a private agency, authorizing it to establish and manage a system of lease appraisals and notification which meets statutory requirements; and
- (3) Discontinue the practice of requiring lessees to pay increased lease rents of which they have not been given notice.

The Department of Land and Natural Resources submitted comments on this concurrent resolution.

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. 324 and recommends its adoption.

Signed by all members of the Committee except Representatives Kahikina, Nakasone and Ward.

SCRep. 1757 Finance on H.C.R. No. 222

The purpose of this concurrent resolution is to request the Department of Human Services to establish a working committee with the Waianae Coast Coalition for Human Services (and with all interested community groups) to examine alternate funding structures using collaborative approaches to service delivery, including the possible co-location of programs, case management, processes for awarding funds to service providers, and comprehensive and integrated services for residents.

The Department of Human Services submitted comments on this concurrent resolution.

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. 222, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Kahikina, Nakasone and Ward.

SCRep. 1758 Finance on H.C.R. No. 227

The purpose of this concurrent resolution is to request the Department of Health to undertake a comprehensive review of the impact caused by agricultural activities and other activities in the Kaiaka-Waialua Bay hydrological unit on marine species in the Kaiaka-Waialua Bay.

The Department of Health testified in support of this concurrent resolution.

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. 227, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Kahikina, Nakasone and Ward.

SCRep. 1759 Finance on H.C.R. No. 309

Requests the Flood Control Branch of the Department of Land and Natural Resources and interested North Shore Community Associations to assist the Paukauila Streambank and Riparian Area Community Restoration Project Committee (PSP) in streambank restoration activities.

The Senator from the 22nd District testified in support of this concurrent resolution. The Department of Health and the Honolulu County Department of Public Works testified in support of the intent of this concurrent resolution. The Department of Land and Natural Resources submitted comments on this concurrent resolution.

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. 309 and recommends its adoption.

Signed by all members of the Committee except Representatives Kahikina, Nakasone and Ward.

SCRep. 1760 Finance on H.C.R. No. 341

The purpose of this concurrent resolution is to request the Governor to convene a task force, comprised of various state agencies, to develop a long-range plan to help Hawaii's small farmers.

The Department of Agriculture and Department of Land and Natural Resources testified in support of this concurrent resolution. The University of Hawaii submitted comments on this concurrent resolution.

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. 341, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Kahikina, Nakasone and Ward.

SCRep. 1761 Finance on H.R. No. 304

The purpose of this resolution is to request the Department of Business, Economic Development, and Tourism (DBEDT) and the High Technology Development Corporation (HTDC) to work with the Hawaii Island Economic Development Board to:

- (1) Assess the Big Island's high technology infrastructure and identify emerging opportunities, skill-base requirements, locations, and existing resources;
- (2) Establish a five-year high technology implementation plan; and
- (3) Assess the feasibility of attracting technologies to the Big Island.

The Department of Business, Economic Development, and Tourism and the High Technology Development Corporation testified in support of this aresolution.

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. 304 and recommends its adoption.

Signed by all members of the Committee except Representative Nakasone.

SCRep. 1762 Finance on H.C.R. No. 332

The purpose of this concurrent resolution is to request the Department of Business, Economic Development, and Tourism (DBEDT) and the High Technology Development Corporation (HTDC) to work with the Hawaii Island Economic Development Board to:

- (1) Assess the Big Island's high technology infrastructure and identify emerging opportunities, skill-base requirements, locations, and existing resources;
- (2) Establish a five-year high technology implementation plan; and
- (3) Assess the feasibility of attracting technologies to the Big Island.

The Department of Business, Economic Development, and Tourism and the High Technology Development Corporation testified in support of this concurrent resolution.

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. 332 and recommends its adoption.

Signed by all members of the Committee except Representative Nakasone.

SCRep. 1763 Legislative Management on H.R. No. 108

The purpose of this resolution, as received by your Committee, is to request the Legislative Reference Bureau, with the assistance of other government agencies, to conduct a risk-analysis study of all available geothermal data, and to critically review existing studies on this matter.

The Department of Land and Natural Resources, the Department of Health, and Puna Geothermal Venture submitted comments on this measure.

Your Committee has amended this measure by:

- (1) Changing the focus of the measure to request the Department of Health, with the assistance of other government agencies, to:
 - (A) Compile pertinent, available geothermal data; and
 - (B) Conduct public education and informational briefings; and
- (2) Making technical, nonsubstantive amendments 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. 108, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 108, H.D. 2.

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

SCRep. 1764 Legislative Management on H.C.R. No. 100

The purpose of this concurrent resolution, as received by your Committee, is to request the Legislative Reference Bureau, with the assistance of other government agencies, to conduct a risk-analysis study of all available geothermal data, and to critically review existing studies on this matter.

The Department of Land and Natural Resources, the Department of Health, and Puna Geothermal Venture submitted comments on this measure.

Your Committee has amended this measure by:

- (1) Changing the focus of the measure to request the Department of Health, with the assistance of other government agencies, to:
 - (A) Compile pertinent, available geothermal data; and
 - (B) Conduct public education and informational briefings; and
- (2) Making technical, nonsubstantive amendments 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. 100, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 100, H.D. 2.

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

SCRep. 1765 Legislative Management on H.R. No. 207

The purpose of this resolution is to request the State Auditor, with assistance from various other state agencies, to conduct a study to improve the efficiency, cost-effectiveness, and accountability in processing claims filed against the State for workers' compensation benefits.

Currently, there exists multiple responsible authorities, appropriations, and procedures associated with the delivery of workers' compensation benefits to state employees. This situation has caused the delivery of benefits to be in a manner that is less than efficient.

This measure would provide a base to commence the reform of the delivery of workers' compensation benefits to state employees.

Testimony supporting the adoption of this measure was received from the Department of Human Resources Development.

After carefully considering the merits of the measure and the testimony received, your Committee has amended the measure by:

- (1) Including as one of the issues the study examine, recommendations on improving the efficiency and effectiveness of claims management through appropriate utilization of respective lines of supervision and claims managers; and
- (2) Making technical, nonsubstantive amendments 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. 207, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 207, H.D. 2.

Signed by all members of the Committee except Representative Say.

SCRep. 1766 Legislative Management on H.C.R. No. 211

The purpose of this concurrent resolution is to request the State Auditor, with assistance from various other state agencies, to conduct a study to improve the efficiency, cost-effectiveness, and accountability in processing claims filed against the State for workers' compensation benefits.

Currently, there exists multiple responsible authorities, appropriations, and procedures associated with the delivery of workers' compensation benefits to state employees. This situation has caused the delivery of benefits to be in a manner that is less than efficient.

This measure would provide a base to commence the reform of the delivery of workers' compensation benefits to state employees.

Testimony supporting the adoption of this measure was received from the Department of Human Resources Development.

After carefully considering the merits of the measure and the testimony received, your Committee has amended the measure by:

- (1) Including as one of the issues the study examine, recommendations on improving the efficiency and effectiveness of claims management through appropriate utilization of respective lines of supervision and claims managers; and
- (2) Making technical, nonsubstantive amendments 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. 211, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 211, H.D. 2.

Signed by all members of the Committee except Representative Say.

SCRep. 1767 Legislative Management on H.R. No. 226

The purpose of this resolution is to request the Auditor, with the cooperation of the Department of Education, to conduct a performance audit of the following programs or services:

- (1) Comprehensive School Alienation Program;
- (2) After-School Instructional Program;
- (3) The hiring and training of school security attendants;
- (4) Alternative Learning Programs; and
- (5) Teen Pregnancy Programs.

The Department of Education submitted testimony concurring with the intent of this measure.

Your Committee has amended this resolution by:

- (1) Requesting the Auditor to also conduct a performance audit of the A+ program;
- (2) Requesting that the Auditor comment on the Teen Pregnancy Program and the hiring and training of school security attendants; 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 Legislative Management that is attached to its report, your Committee concurs with the intent and purpose of H.R. No. 226, H.D. 1, as amended herein, and commends its adoption in the form attached hereto as H.R. No. 226, H.D. 2.

Signed by all members of the Committee except Representative Say.

Rep. 1768 Legislative Management on H.C.R. No. 234

The purpose of this concurrent resolution is to request the Auditor, with the cooperation of the Department of Education, to conduct a performance audit of the following programs or services:

- (1) Comprehensive School Alienation Program;
- (2) After-School Instructional Program;
- (3) The hiring and training of school security attendants;
- (4) Alternative Learning Programs; and
- (5) Teen Pregnancy Programs.

The Department of Education submitted testimony concurring with the intent of this measure.

Your Committee has amended this concurrent resolution by:

- (1) Requesting the Auditor to also conduct a performance audit of the A+ program;
- (2) Requesting that the Auditor comment on the Teen Pregnancy Program and the hiring and training of school security attendants; 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 Legislative Management that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 234, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 234, H.D. 2.

Signed by all members of the Committee except Representative Say.

SCRep. 1769 Legislative Management on H.C.R. No. 257

The purpose of this concurrent resolution is to request the Auditor to conduct a study on management alternatives for the beneficiaries of the Hawaiian Homes Lands Trust.

Your Committee has amended this concurrent resolution by:

- (1) Requesting the Hawaiian Affairs Committees of the House and Senate to jointly meet with Hawaiian Home Lands beneficiaries on all islands to consider alternatives for the selection of Hawaiian Home Lands commissioners;
- (2) Requesting the joint committees to consider the appropriateness of the same individual to serve as both the Chair of the Commission and the Director of Hawaiian Home Lands; 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 Legislative Management that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 257, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 257, H.D. 2.

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

SCRep. 1770 Finance on H.R. No. 248

The purpose of this resolution is to resolve conflicts surrounding the use and management of limited forest resources on the island of Hawaii.

The Department of Land and Natural Resources testified in support of this resolution.

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. 248 and recommends its adoption.

Signed by all members of the Committee except Representatives Kahikina, Nakasone and Ward.

SCRep. 1771 Finance on H.C.R. No. 260

The purpose of this concurrent resolution is to resolve conflicts surrounding the use and management of limited forest resources on the island of Hawaii.

The Department of Land and Natural Resources testified in support of this concurrent resolution.

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. 260 and recommends its adoption.

Signed by all members of the Committee except Representatives Kahikina, Nakasone and Ward.

SCRep. 1772 **Finance on H.R. No. 301**

The purpose of this resolution is to request the Governor and the Mayors of all of the counties of the State of Hawaii to assist the Legislature in evaluating all aspects of compensation and benefits of present and former state and county employees, their dependents, and other beneficiaries.

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. 301 and recommends its adoption.

Signed by all members of the Committee except Representatives Kahikina, Nakasone and Ward.

SCRep. 1773 **Finance on H.C.R. No. 325**

The purpose of this concurrent resolution is to request the Governor and the Mayors of all of the counties of the State of Hawaii to assist the Legislature in evaluating all aspects of compensation and benefits of present and former state and county employees, their dependents, and other beneficiaries.

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. 325 and recommends its adoption.

Signed by all members of the Committee except Representatives Kahikina, Nakasone and Ward.

SCRep. 1774 **Finance on H.R. No. 19**

The purpose of this resolution is to request the Garden Island Planning Committee, the Dental Health Division of the Department of Health, and the Med-Quest Division of the Department of Human Services to study the dental health problems on Kauai and Niihau, and develop a comprehensive strategy for dental disease prevention.

The Department of Health, Commission on Persons with Disabilities, State Health Planning and Development Agency, and Kauai Rural Health Association testified in support of this resolution.

Your Committee has amended this resolution by making technical, non-substantive amendments.

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. 19, H.D. 1, as amended herein, and recommends its adoption, in the form attached hereto as H.R. No. 19, H.D. 2.

Signed by all members of the Committee except Representatives Kahikina, Nakasone and Ward.

SCRep. 1775 **Finance on H.C.R. No. 15**

The purpose of this concurrent resolution is to request the Garden Island Planning Committee, the Dental Health Division of the Department of Health, and the Med-Quest Division of the Department of Human Services to study the dental health problems on Kauai and Niihau, and develop a comprehensive strategy for dental disease prevention.

The Department of Health, Commission on Persons with Disabilities, State Health Planning and Development Agency, and Kauai Rural Health Association testified in support of this concurrent resolution.

Your Committee has amended this concurrent resolution by making technical, non-substantive amendments.

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. 15, H.D. 1, as amended herein, and recommends its adoption, in the form attached hereto as H.C.R. No. 15, H.D. 2.

Signed by all members of the Committee except Representatives Kahikina, Nakasone and Ward.

SCRep. 1776 **Finance on H.R. No. 308**

The purpose of this resolution is to:

- (1) Request the Department of Business, Economic Development, and Tourism to compile a listing of the steps and entities and agencies necessary for the State to achieve a free-trade zone designation, and the private organizations willing to participate in seeking this designation; and
- (2) Request the Department of Taxation to report on the impact and ramification on a tax structure resulting from a free-trade zone designation.

The State Representative from the 22nd District, Bank of Hawaii, and an individual testified in support of this resolution. The Hawaii Hotel Association submitted testimony supporting the intent of this resolution. The Department of Business, Economic Development, and Tourism and the Department of Taxation submitted comments on this resolution.

Your Committee has amended this resolution by specifying the types of recommendations to be included in the report to the Legislature.

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. 308, H.D. 1, as amended herein, and recommends its adoption, in the form attached hereto as H.R. No. 308, H.D. 2.

Signed by all members of the Committee except Representative Nakasone.
(Representative Marumoto voted no.)

SCRep. 1777 Finance on H.C.R. No. 338

The purpose of this concurrent resolution is to:

- (1) Request the Department of Business, Economic Development, and Tourism to compile a listing of the steps and entities and agencies necessary for the State to achieve a free-trade zone designation, and the private organizations willing to participate in seeking this designation; and
- (2) Request the Department of Taxation to report on the impact and ramification on a tax structure resulting from a free-trade zone designation.

The State Representative from the 22nd District, Bank of Hawaii, and an individual testified in support of this concurrent resolution. The Hawaii Hotel Association submitted testimony supporting the intent of this concurrent resolution. The Department of Business, Economic Development, and Tourism and the Department of Taxation submitted comments on this concurrent resolution.

Your Committee has amended this concurrent resolution by specifying the types of recommendations to be included in the report to the Legislature.

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. 338, H.D. 1, as amended herein, and recommends its adoption, in the form attached hereto as H.C.R. No. 338, H.D. 2.

Signed by all members of the Committee except Representative Nakasone.
(Representative Marumoto voted no.)

SCRep. 1778 Finance on H.C.R. No. 327

The purpose of this concurrent resolution is to request the Department of Health, the Developmental Disabilities Council of the Department of Human Services, and the Oahu Alliance for the Mentally Ill to collaborate in gathering information about life-care planning and estate planning for persons with disabilities, and to inform relevant constituency groups of their finding.

The State Planning Council on Developmental Disabilities and the Oahu Alliance for the Mentally Ill, Inc. testified in support of this concurrent resolution. The Department of Health and the Department of Human Services submitted comments on this concurrent resolution.

Your Committee has amended this concurrent resolution by making a non-substantive amendment to correctly reflect the state agency to which the Developmental Disabilities Council is attached.

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. 327, H.D. 1, as amended herein, and recommends its adoption, in the form attached hereto as H.C.R. No. 327, H.D. 2.

Signed by all members of the Committee except Representatives Kahikina, Nakasone and Ward.

SCRep. 1779 Finance on H.C.R. No. 337

The purpose of this concurrent resolution is to seek ways to manage state government in the most efficient and economical manner possible.

This measure requests the Legislative Auditor to conduct an assessment of privatization options in audits mandated during the 1995 legislative session.

The Chamber of Commerce and National Federation of Independent Business testified in support of this concurrent resolution.

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. 337, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Kahikina, Nakasone and Ward.

SCRep. 1780 Finance on H.R. No. 73

The purpose of this resolution is to request the Department of Labor and Industrial Relations (DLIR) to study the impact of establishing a workforce investment council.

The Department of Labor and Industrial Relations testified in support of this resolution.

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. 73 and recommends its adoption.

Signed by all members of the Committee except Representatives Kahikina, Nakasone and Ward.

SCRep. 1781 Finance on H.C.R. No. 66

The purpose of this concurrent resolution is to request the Department of Labor and Industrial Relations (DLIR) to study the impact of establishing a workforce investment council.

The Department of Labor and Industrial Relations testified in support of this concurrent resolution.

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. 66 and recommends its adoption.

Signed by all members of the Committee except Representatives Kahikina, Nakasone and Ward.

SCRep. 1782 Finance on H.R. No. 134

The purpose of this resolution is to protect native species and wetlands, and restore the historically correct name, at Kalaeloa.

The Department of Land and Natural Resources and Office of Hawaiian Affairs testified in support of this resolution.

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. 134 and recommends its adoption.

Signed by all members of the Committee except Representatives Kahikina, Nakasone and Ward.

SCRep. 1783 Finance on H.C.R. No. 127

The purpose of this concurrent resolution is to protect native species and wetlands, and restore the historically correct name, at Kalaeloa.

The Department of Land and Natural Resources and Office of Hawaiian Affairs testified in support of this concurrent resolution.

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 Kahikina, Nakasone and Ward.

SCRep. 1784 Finance on H.R. No. 178

The purpose of this resolution is to request that the Department of Health establish mental health programs at the Molokini Unit of Maui Memorial Hospital.

The Department of Health, Division of Community Hospitals, testified in support of this resolution.

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. 178 and recommends its adoption.

Signed by all members of the Committee except Representatives Kahikina, Nakasone and Ward.

SCRep. 1785 Finance on H.C.R. No. 175

The purpose of this concurrent resolution is to request that the Department of Health establish mental health programs at the Molokini Unit of Maui Memorial Hospital.

The Department of Health, Division of Community Hospitals, testified in support of this concurrent resolution.

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. 175 and recommends its adoption.

Signed by all members of the Committee except Representatives Kahikina, Nakasone and Ward.

SCRep. 1786 Finance on H.R. No. 233

The purpose of this resolution is to request the Legislative Auditor to conduct an audit making recommendations, including proposed legislation to improve the administration of the grants, subsidies, and purchase of service system under Chapter 42D, HRS.

The Office of State Planning and the Purchase of Service Advisory Council testified in support of this resolution.

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. 233, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Kahikina, Nakasone and Ward.

SCRep. 1787 Finance on H.C.R. No. 240

The purpose of this concurrent resolution is to request the Legislative Auditor to conduct an audit making recommendations, including proposed legislation to improve the administration of the grants, subsidies, and purchase of service system under Chapter 42D, HRS.

The Office of State Planning and the Purchase of Service Advisory Council testified in support of this concurrent resolution.

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. 240, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Kahikina, Nakasone and Ward.

SCRep. 1788 Finance on H.C.R. No. 49

The purpose of this concurrent resolution is to request the Legislative Auditor to study the administration and functioning of the Special Compensation Fund to facilitate the timely collection of assessments and payment of workers' compensation benefits.

The Department of Labor and Industrial Relations testified in support of this concurrent resolution.

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. 49 and recommends its adoption.

Signed by all members of the Committee except Representatives Kahikina, Nakasone and Ward.

SCRep. 1789 Finance on H.C.R. No. 213

The purpose of this concurrent resolution is to urge the Governor and the Department of Human Resources Development to expedite the implementation of a cafeteria plan for public employees.

The Department of Human Resources Development testified in support of the intent of this concurrent resolution.

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. 213 and recommends its adoption.

Signed by all members of the Committee except Representatives Kahikina, Nakasone and Ward.

SCRep. 1790 Intergovernmental Relations and International Affairs on H.R. No. 151

The purpose of this resolution is to declare 1995 as the "Year of the Sea Turtle" in Hawaii.

Testimony in support of this measure was received from the Honu Project.

Your Committee is in full support of legislation which aims to promote local, national, and international initiatives for conservation and protection of the sea turtle. Further, the passage of these resolutions would help demonstrate Hawaii's solidarity with the South Pacific nations that have already resolved the designation.

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. 151 and recommends its adoption.

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

SCRep. 1791 Intergovernmental Relations and International Affairs on H.C.R. No. 145

The purpose of this resolution is to declare 1995 as the "Year of the Sea Turtle" in Hawaii.

Testimony in support of this measure was received from the Honu Project.

Your Committee is in full support of legislation which aims to promote local, national, and international initiatives for conservation and protection of the sea turtle. Further, the passage of these resolutions would help demonstrate Hawaii's solidarity with the South Pacific nations that have already resolved the designation.

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. 145 and recommends its adoption.

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

SCRep. 1792 Intergovernmental Relations and International Affairs on H.R. No. 195

The purpose of this resolution is primarily to request the United States Department of Agriculture to:

- (1) Reopen the comment period regarding the importation of honeybees and honeybee semen from New Zealand; and
- (2) Exclude Hawaii from any legislation regarding exceptions to the Honeybee Act of 1922.

This resolution also indicates the Legislature's support for the original intent of the Honeybee Act of 1922.

Testimony in support of this measure was received from the Department of Agriculture who expressed their concerns about recent U.S.D.A preemptions that would make the State particularly susceptible to new pests and diseases.

Your Committee recognizes the risks that foreign contaminants pose on Hawaii's apiculture industry and environment at large. Therefore, efforts to maintain stringent quarantine regulations is a necessary prerequisite to help ensure the survival of our fragile and isolated ecological community.

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. 195, H.D. 1, and recommends its adoption.

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

SCRep. 1793 Intergovernmental Relations and International Affairs on H.C.R. No. 153

As amended, the purpose of this concurrent resolution is to urge the United States Department of Agriculture to consider the effect of and exclude Hawaii from any federal legislation that would detrimentally impact our environment.

Testimony in support of this measure was received from the Department of Agriculture who expressed their concerns about recent U.S.D.A preemptions that would make the State particularly susceptible to new pests.

Your Committee finds that the maintenance of Hawaii's stringent quarantine regulations is a necessary prerequisite to help ensure the survival of Hawaii's fragile economy and ecosystem. Measures to help preserve and protect our islands should be welcomed by our State.

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. 153, H.D. 1, and recommends its adoption.

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

SCRep. 1794 Intergovernmental Relations and International Affairs on H.C.R. No. 329

The purpose of this concurrent resolution as received by your Committee is to request the Governor to issue a new Executive Order which allows the City and County of Honolulu to temporarily use the former Kakaako Fire Station as a Safe Haven for the homeless mentally ill.

Testimony in support of this measure was received from the Kalihi-Palama Health Center, the Mental Health Association in Hawaii, the Sisters of Saint Joseph of Carondelet, the Homeless Ohana Association, the Institute for Human Services and Community Relations, the Safe Haven Task Force, the Coalition for Housing Mentally Ill Homeless Persons, the Protection and Advocacy Agency of Hawaii, United Self-Help, Catholic Charities of the Diocese of Honolulu, the Affordable Housing Alliance, Mental Health Hawaii, Legal Aid Society of Hawaii, the Kokua Council for Senior Citizens and several concerned citizens.

Testimony in opposition was received from the Kakaako Improvement Association, the Downtown Neighborhood Board No. 13, Chun Kim Chow, Ltd., Kawaiahao Child Care Center, several concerned citizens and small business owners.

All testifiers, including those in opposition, were in support of the project's concept disputing either the site and/or the selection process. Your Committee also agrees that the Safe Haven project has merit, but demands further discussion between the project proponents and targeted community.

Further, while your Committee believes the shelter should be located in an area that best serves the needy, the Kakaako Fire Station may not be the most ideal site. Therefore, after full and free discussion, any reference to that particular site has been deleted in efforts to promote the investigation of other possibilities that could gain the acceptance of both the community and program advocates.

Finally, with the deletion of the specific site, your Committee has amended the title and the substance of the measure to support the Safe Haven concept and to urge the Mayor of the City and County of Honolulu to find a suitable location.

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. 329, H.D. 1, as amended herein, and recommends its adoption, in the form attached hereto as H.C.R. No. 329, H.D. 2.

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

SCRep. 1795 Judiciary on H.R. No. 27

The purpose of this resolution is to urge the Hawaii Congressional Delegation to support measures to ease the naturalization requirements for families of Filipino World War II veterans to enable these families to be reunited with their relations in the United States.

The Department of Human Services submitted testimony in support of the intent of this measure.

Your Committee recognizes that a great number of Filipino World War II veterans have become U.S. citizens; however, their families have been unable to join them in this country due to immigration laws which are overly restrictive. Your Committee finds that by easing the naturalization requirements, professionally-skilled offspring of these veterans could immigrate to the United States, reuniting these fragmented families.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 27, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Tom, Hamakawa, McMurdo, Menor, Saiki and Yoshinaga.

SCRep. 1796 Judiciary on H.C.R. No. 24

The purpose of this concurrent resolution is to urge the Hawaii Congressional Delegation to support measures to ease the naturalization requirements for families of Filipino World War II veterans to enable the families to be reunited with their relations in the United States.

The Department of Human Services submitted testimony in support of the intent of this measure.

Your Committee recognizes that a great number of Filipino World War II veterans have become U.S. citizens; families have been unable to join them in this country due to immigration laws which are overly restrictive. Your Committee finds that by easing the naturalization requirements, professionally-skilled offspring of these veterans could immigrate to the United States, reuniting these fragmented families.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 24, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Tom, Hamakawa, McMurdo, Menor, Saiki and Yoshinaga.

SCRep. 1797 Judiciary on H.R. No. 138

The purpose of this resolution is to urge the members of Hawaii's congressional delegation to introduce legislation to extend the sponsorship period for immigrants beyond the current three-year period.

Testimony in support of this measure was received from the Department of Human Services.

Your Committee finds that the Social Security Administration has implemented a five-year required period of sponsorship of immigrants. As a result, many individuals who meet the disability requirements of Social Security must be supported by state funds for the fourth and fifth years of sponsorship. This creates an additional burden on the State. Therefore, extending the sponsorship period beyond the current three-year term would serve to reduce the number of immigrants residing in Hawaii who become public charges.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 138 and recommends its adoption.

Signed by all members of the Committee except Representatives Tom, Hamakawa, McMurdo, Menor, Saiki and Yoshinaga.

SCRep. 1798 Judiciary on H.C.R. No. 131

The purpose of this concurrent resolution is to urge the members of Hawaii's congressional delegation to introduce legislation to extend the sponsorship period for immigrants beyond the current three-year period.

Testimony in support of this measure was received from the Department of Human Services.

Your Committee finds that the Social Security Administration has implemented a five-year required period of sponsorship of immigrants. As a result, many individuals who meet the disability requirements of Social Security must be supported by state funds for the fourth and fifth years of sponsorship. This creates an additional burden on the State. Therefore, extending the sponsorship period beyond the current three-year term would serve to reduce the number of immigrants residing in Hawaii who become public charges.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 131 and recommends its adoption.

Signed by all members of the Committee except Representatives Tom, Hamakawa, McMurdo, Menor, Saiki and Yoshinaga.

SCRep. 1799 Judiciary on H.R. No. 211

The purpose of this resolution is to urge the Board of Land and Natural Resources to designate Kiholo Bay, Kona, Hawaii as a marine fisheries management area in which gill netting is prohibited.

Testimony in support of this measure was received from Earthtrust, the Honu Project, and a member of the public. The Board of Land and Natural Resources commented on this measure.

The green sea turtle (Chelonia mydas) and the endangered hawksbill sea turtle (Eretmochelys Imbricata) often forage in the shallow protected waters of Kiholo Bay, Kona, Hawaii. Your Committee finds that the use of gill nets in Kiholo Bay poses a real threat to the survival of these marine animals and that serious efforts must be taken for their protection.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 211, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Tom, Hamakawa, Menor and Saiki.

SCRep. 1800 Judiciary on H.C.R. No. 216

The purpose of this concurrent resolution is to urge the Board of Land and Natural Resources to designate Kiholo Bay, Kona, Hawaii as a marine fisheries management area in which gill netting is prohibited.

Testimony in support of this measure was received from Earthtrust, the Honu Project, and a member of the public. The Board of Land and Natural Resources commented on this measure.

The green sea turtle (Chelonia mydas) and the endangered hawksbill sea turtle (Eretmochelys Imbricata) often forage in the shallow protected waters of Kiholo Bay, Kona, Hawaii.

Your Committee finds that the use of gill nets in Kiholo Bay poses a real threat to the survival of these marine animals and that serious efforts must be taken for their protection.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 216, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Tom, Hamakawa, Menor and Saiki.

SCRep. 1801 Judiciary on H.R. No. 218

The purpose of this resolution is to request certain committees regarding Native Hawaiian youths and adults to:

- (1) Form a consortium to address the issue of over-representation of Native Hawaiian youths and adults in the criminal justice system; and
- (2) Develop detailed short and long-range strategies for an action plan involving the appropriate sectors of the community to reduce the incarceration of Native Hawaiians through cost effective means and appropriate collaborations.

This resolution also requests ALU LIKE, Inc. to coordinate the consortium and to present an action plan to the 1996 Legislature.

Testimony was received from the Judiciary, which indicated its support to develop the action plan and its willingness to participate in any consortium as necessary.

Your Committee finds that Native Hawaiians are proportionately over-represented in the State prisons causing a strain on Native Hawaiian families in terms of lost economic and emotional support and increased stress.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 218 and recommends its adoption.

Signed by all members of the Committee except Representatives Tom, Hamakawa, Menor and Saiki.

SCRep. 1802 Judiciary on H.C.R. No. 223

The purpose of this concurrent resolution is to request certain committees regarding Native Hawaiian youths and adults to:

- (1) Form a consortium to address the issue of over-representation of Native Hawaiian youths and adults in the criminal justice system; and
- (2) Develop detailed short and long-range strategies for an action plan involving the appropriate sectors of the community to reduce the incarceration of Native Hawaiians through cost effective means and appropriate collaborations.

This concurrent resolution also requests ALU LIKE, Inc. to coordinate the consortium and to present an action plan to the 1996 Legislature.

Testimony was received from the Judiciary, which indicated its support to develop the action plan and its willingness to participate in any consortium as necessary.

Your Committee finds that Native Hawaiians are proportionately over-represented in the State prisons causing a strain on Native Hawaiian families in terms of lost economic and emotional support and increased stress.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 223 and recommends its adoption.

Signed by all members of the Committee except Representatives Tom, Hamakawa, Menor and Saiki.

SCRep. 1803 Judiciary on H.R. No. 294

The purpose of this resolution is to urge the United States Congress to investigate human rights abuses in the Commonwealth of Northern Marianas.

The Oahu Filipino Community Council testified in support of this measure.

Your Committee finds the alleged human rights violations, if substantiated, are numerous and widespread through the Commonwealth of Northern Marianas and that if such violations are occurring, the United States should intervene in whatever manner possible to protect these individuals.

Your Committee has amended this resolution by:

- (1) Clarifying that the human rights violations are alleged and your Committee has not made any findings of fact with respect to these violations;
- (2) Having certified copies of the resolution sent to the Secretary of the Department of the Interior and to the President of the Philippines through its consulate; 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 Judiciary that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 294, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 294, H.D. 2.

Signed by all members of the Committee except Representatives Tom, Hamakawa, Menor and Saiki.

SCRep. 1804 Judiciary on H.C.R. No. 318

The purpose of this concurrent resolution is to urge the United States Congress to investigate human rights abuses in the Commonwealth of Northern Marianas.

The Oahu Filipino Community Council testified in support of this measure.

Your Committee finds the alleged human rights violations, if substantiated, are numerous and widespread through the Commonwealth of Northern Marianas and that if such violations are occurring, the United States should intervene in whatever manner possible to protect these individuals.

Your Committee has amended this concurrent resolution by:

- (1) Clarifying that the human rights violations are alleged and your Committee has not made any findings of fact with respect to these violations;
- (2) Having certified copies of the concurrent resolution sent to the Secretary of the Department of the Interior and to the President of the Philippines through its consulate; 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 Judiciary that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 318, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 318, H.D. 2.

Signed by all members of the Committee except Representatives Tom, Hamakawa, Menor and Saiki.

SCRep. 1805 Judiciary on H.R. No. 156

The purpose of this resolution is to request that the Hawaii State Commission on the Status of Women set up a Violence Prevention Coordinating Council.

Favorable testimony was received from the Hawaii State Commission on the Status of Women, the Hawaii State Coalition Against Sexual Assault, the Hawaii Catholic Conference, the Hawaii Women Lawyers, the League of Women Voters, the Newman Center Holy Spirit Parish, the Sex Abuse Treatment Center, the Department of Education, the Domestic Violence Legal Hotline, Code of Silence Broken and from three private citizens.

Your Committee recognizes the seriousness of violence in our homes, schools and communities. This widespread exposure of our youth to unwanted sexual behavior in school, spousal abuse in the home, sexual assault, and domestic violence validates the need for a concerted, cooperative effort to curb these activities. Violence witnessed by youth perpetuates violent behavior into adulthood and for future generations.

Your Committee concurs that the establishment of this Council will enable a public-private partnership among the various departments and agencies to foster the integration into the school curriculum, programs aimed at reducing physical and sexual violence in schools, homes, and communities.

Your Committee mandates that the Hawaii State Commission on the Status of Women establish this Council, work with a wide variety of departments and organizations concerned with the integration of violence prevention into school curricula to conduct a study, and provide a report to the Legislature 20 days prior to the 1996 legislative session.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 156, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Tom, Hamakawa, McMurdo, Menor, Saiki and Yoshinaga.

SCRep. 1806 Judiciary on H.C.R. No. 150

The purpose of this resolution is to request that the Hawaii State Commission on the Status of Women set up a Violence Prevention Coordinating Council.

Favorable testimony was received from the Hawaii State Commission on the Status of Women, the Hawaii State Coalition Against Sexual Assault, the Hawaii Catholic Conference, the Hawaii Women Lawyers, the League of Women Voters, the Newman Center Holy Spirit Parish, the Sex Abuse Treatment Center, the Department of Education, the Domestic Violence Legal Hotline, Code of Silence Broken and from three private citizens.

Your Committee recognizes the seriousness of violence in our homes, schools and communities. This widespread exposure of our youth to unwanted sexual behavior in school, spousal abuse in the home, sexual assault, and domestic violence validates the need for a concerted, cooperative effort to curb these activities. Violence witnessed by youth perpetuates violent behavior into adulthood and for future generations.

Your Committee concurs that the establishment of this Council will enable a public-private partnership among the various departments and agencies to foster the integration into the school curriculum, programs aimed at reducing physical and sexual violence in schools, homes, and communities.

Your Committee mandates that the Hawaii State Commission on the Status of Women establish this Council, work with a wide variety of departments and organizations concerned with the integration of violence prevention into school curricula to conduct a study, and provide a report to the Legislature 20 days prior to the 1996 legislative session.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 150, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Tom, Hamakawa, McMurdo, Menor, Saiki and Yoshinaga.

SCRep. 1807 Judiciary on H.C.R. No. 72

The purpose of this concurrent resolution is to urge the Governor to declare December 7 of each year as "Pearl Harbor Remembrance Day".

The Office of Veterans Services of the Department of Defense and members of the public testified in support of this measure.

Your Committee finds that the commemoration of the attack on Pearl Harbor will instill in all people of the United States a greater understanding and appreciation of the selfless sacrifices of the many individuals who served in the armed forces of the United States during World War II.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 72 and recommends its adoption.

Signed by all members of the Committee except Representatives Tom, Hamakawa, Menor, Saiki and Yoshinaga.

SCRep. 1808 Judiciary on H.C.R. No. 195

The purpose of this concurrent resolution is to urge the Legislature to support the Will of Ke Ali'i Bernice Pauahi Bishop and further support the trustees of the Kamehameha Schools/Bernice Pauahi Bishop Estate.

The Bishop Estate, the Association of Hawaiian Civic Clubs, the Council of Hawaiian Organizations, and former graduates of Kamehameha Schools testified in support of this measure.

Your Committee recognizes that the will of Bernice Pauahi Bishop is one of several charitable trusts created by Hawaiian ali'i to care for and benefit the native people in different ways. Health needs, and care for the elderly and for

orphaned children were all provided for in the legacies of ali'i. Ke Ali'i Pauahi was devoted to the welfare of her people, and all too aware of the rapid social change that was having a drastic negative effect in the islands. She strongly believed that education was the means by which Hawaiian children could progress and reach their full potential. Her Estate continues to carry out the wishes expressed in her will.

Your Committee has amended this 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 Judiciary 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 its adoption, in the form attached hereto as H.C.R. No. 195, H.D. 1.

Signed by all members of the Committee except Representatives Tom, Hamakawa, McMurdo, Menor, Saiki and Yoshinaga.

SCRep. 1809 Finance on H.R. No. 91

The purpose of this resolution is to request the Department of Business, Economic Development, and Tourism to develop and implement a techno-tourism policy aimed at making Hawaii the Asia-Pacific region's preeminent center for international science and technology conferences.

The Department of Business, Economic Development, and Tourism testified in support of this resolution.

Your Committee has amended this resolution by deleting its substantive portions, and inserting language that urges the airline industry to provide more scheduled air seats to Hawaii.

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. 91, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 91, H.D. 2.

Signed by all members of the Committee except Representative Nakasone.

SCRep. 1810 Finance on H.C.R. No. 82

The purpose of this concurrent resolution is to request the Department of Business, Economic Development, and Tourism to develop and implement a techno-tourism policy aimed at making Hawaii the Asia-Pacific region's preeminent center for international science and technology conferences.

The Department of Business, Economic Development, and Tourism testified in support of this concurrent resolution.

Your Committee has amended this concurrent resolution by deleting its substantive portions, and inserting language that urges the airline industry to provide more scheduled air seats to Hawaii.

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. 82, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 82, H.D. 2.

Signed by all members of the Committee except Representative Nakasone.

SCRep. 1811 Finance on H.R. No. 122

The purpose of this resolution is to request the Governor to appoint a task force to study the concerns related to sewage pollution of Waikiki area beach water, and recommend appropriate strategies to remedy any concerns.

The Department of Health testified in support of the intent of this resolution. The University of Hawaii Environmental Center submitted comments on this resolution.

Your Committee has amended this resolution by deleting all references to sewage, thereby expanding the scope of this resolution. Testimony indicated that pollution of Waikiki area beach water may be from sources other than sewage.

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. 122, as amended herein, and recommends its adoption, in the form attached hereto as H.R. No. 122, H.D. 1.

Signed by all members of the Committee except Representatives Kahikina, Nakasone and Ward.

SCRep. 1812 Finance on H.C.R. No. 114

The purpose of this concurrent resolution is to request the Governor to appoint a task force to study the concerns related to sewage pollution of Waikiki area beach water, and recommend appropriate strategies to remedy any concerns.

The Department of Health testified in support of the intent of this concurrent resolution. The University of Hawaii Environmental Center submitted comments on this concurrent resolution.

Your Committee has amended this concurrent resolution by deleting all references to sewage, thereby expanding the scope of this resolution. Testimony indicated that pollution of Waikiki area beach water may be from sources other than sewage.

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. 114, as amended herein, and recommends its adoption, in the form attached hereto as H.C.R. No. 114, H.D. 1.

Signed by all members of the Committee except Representatives Kahikina, Nakasone and Ward.

SCRep. 1813 Finance on H.R. No. 225

The purpose of this resolution is to request the Departments of Budget and Finance, Accounting and General Services, Attorney General, and Education to examine the feasibility of the budgeting of proposed expenditures and the appropriation of moneys to meet anticipated expenditures for the construction of public school facilities.

The Department of Budget and Finance and the Hale Kula Foundation testified in support of this resolution.

Your Committee has amended this resolution by:

- (1) Including the Department of Land and Natural Resources as a participant of the study; and
- (2) Changing the title of the resolution to reflect the amendment.

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. 225, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 225, H.D. 2.

Signed by all members of the Committee except Representative Nakasone.

SCRep. 1814 Finance on H.C.R. No. 233

The purpose of this concurrent resolution is to request the Departments of Budget and Finance, Accounting and General Services, Attorney General, and Education to examine the feasibility of the budgeting of proposed expenditures and the appropriation of moneys to meet anticipated expenditures for the construction of public school facilities.

The Department of Budget and Finance and the Hale Kula Foundation testified in support of this concurrent resolution.

Your Committee has amended this concurrent resolution by:

- (1) Including the Department of Land and Natural Resources as a participant of the study; and
- (2) Changing the title of the concurrent resolution to reflect the amendment.

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. 233, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 233, H.D. 2.

Signed by all members of the Committee except Representative Nakasone.

SCRep. 1815 Finance on H.R. No. 269

The purpose of this resolution is to establish a Wahiawa Reservoir Task Force to study present and potential uses for the Wahiawa Reservoir.

Your Committee has amended this resolution by:

- (1) Replacing the sixth "WHEREAS" clause with:
"WHEREAS, Waiialua Sugar has announced that it will shut down its sugar operations";
- (2) Replacing the seventh "WHEREAS" clause with:
"WHEREAS, the acquisition of the reservoir by the state will have a substantial, favorable impact on the Wahiawa area, would preserve and could markedly improve a major recreational facility on Oahu, retain important multiple use functions of the reservoir, and prevent degradation of the environment";
- (3) Incorporating the Chief Planning Officer of the City and County of Honolulu and the Manager and Chief Engineer of the Board of Water Supply as members of the task force; and
- (4) Deleting the reference to the Environmental Advisor to the Mayor, and replacing it with a "Representative for the Mayor".

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. 269, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 269, H.D. 2.

Signed by all members of the Committee except Representatives Kahikina, Nakasone and Ward.

SCRep. 1816 Finance on H.C.R. No. 88

The purpose of this concurrent resolution is to establish a Wahiawa Reservoir Task Force to study present and potential uses for the Wahiawa Reservoir.

Your Committee has amended this concurrent resolution by:

- (1) Replacing the sixth "WHEREAS" clause with:
"WHEREAS, Waialua Sugar has announced that it will shut down its sugar operations";
- (2) Replacing the seventh "WHEREAS" clause with:
"WHEREAS, the acquisition of the reservoir by the state will have a substantial, favorable impact on the Wahiawa area, would preserve and could markedly improve a major recreational facility on Oahu, retain important multiple use functions of the reservoir, and prevent degradation of the environment";
- (3) Incorporating the Chief Planning Officer of the City and County of Honolulu and the Manager and Chief Engineer of the Board of Water Supply as members of the task force; and
- (4) Deleting the reference to the Environmental Advisor to the Mayor, and replacing it with a "Representative for the Mayor".

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. 88, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 88, H.D. 2.

Signed by all members of the Committee except Representatives Kahikina, Nakasone and Ward.

SCRep. 1817 Finance on H.C.R. No. 168

The purpose of this concurrent resolution is to request public and private agencies to participate in an interim collaborative process to report on the feasibility of establishing a pro-family preventive service system.

The Office of Children and Youth, Honolulu Police Department, University of Hawaii, American Academy of Pediatrics, Hawaii Medical Association, Kapiolani Health Care System, and the Healthy and Ready to Learn Center testified in support of this concurrent resolution. The Judiciary, Office of Youth Services, Department of Health, Department of Education, and an individual testified in support of the intent of this concurrent resolution.

Your Committee encourages the organizations named in this concurrent resolution to consider religious organizations that provide such services to the community.

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. 168, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Kahikina, Nakasone and Ward.

SCRep. 1818 Finance on H.C.R. No. 256

The purpose of this concurrent resolution is to request agencies participating in the State Cluster System to support the return of the "Tole Mour" to Hawaii to expand the Kailana Program by contracting with, or otherwise working with the Marimed Foundation and Hale Kipa Youth Services to secure the necessary permits to allow the "Tole Mour" to operate as a residential facility for an adolescent group home and treatment program for emotionally impaired conduct disorder adolescents.

The Marimed Foundation, Hale Kipa Youth Services, University of Hawaii, Mental Health Association in Hawaii, Hawaii Youth Services Network, Pali Women's Health Center, Bradley Properties, Ltd., and numerous individuals testified in support of this concurrent resolution. The Judiciary testified in support of the intent of this concurrent resolution, and the Department of Health and Department of Education submitted comments on this concurrent resolution.

Your Committee has amended this concurrent resolution to request that the Department of Health consider, rather than support, the utilization of the "Tole Mour" to expand the Kailana Program.

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. 256, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 256, H.D. 2.

Signed by all members of the Committee except Representatives Kahikina, Nakasone and Ward.

SCRep. 1819 Consumer Protection and Commerce on H.C.R. No. 312

The purpose of this concurrent resolution is to request the major discount chains operating in Hawaii to sell and promote more locally-manufactured goods and locally-grown produce by entering into favorable marketing or distribution arrangements with Hawaii's small-scale producers, manufacturers, and distributors.

The Department of Agriculture ("DOA") submitted testimony in support of the intent and purpose of this concurrent resolution. The DOA also informed your Committee that the DOA together with the Department of Business, Economic Development & Tourism has conducted trade shows last year targeting buyers from Sams Club/Wal-Mart and that these shows have had favorable results.

Upon careful review, your Committee is in agreement that the recent influx of major discount chains to Hawaii has resulted in greater competition in the market and in certain instances, lower-priced goods. Unfortunately, the major discount chains can do more to support local manufacturers and producers and their failure to do so has had a detrimental impact on the local communities.

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. 312, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Cachola, Hamakawa, Hiraki, Tom and Thielen.

SCRep. 1820 Consumer Protection and Commerce on H.C.R. No. 146

The purpose of this concurrent resolution is to request Hawaii's congressional delegation to urge the Federal Insurance Administration ("FIA") to reconsider insurance requirements placed on condominiums and to consider allowing condominium associations to determine the amount of flood insurance appropriate for their own projects.

The Hawaii Chapter of the Community Associations Institute and a private individual testified in support of this concurrent resolution.

Upon careful consideration, your Committee agrees that the dramatic changes in the weather pattern on the mainland and in Hawaii which have caused floods, hurricanes and other disasters have contributed to causing a crisis in the insurance industry because condominiums in flood-prone zones were found to be underinsured. As a result, the FIA now requires condominium associations to have policies covering eighty percent of the condominium building's replacement value. This new requirement has added to the financial burden of associations by substantially increasing maintenance fees.

This concurrent resolution will be the first step toward alleviating the problem created by this new requirement developed by the FIA. Your Committee has amended this concurrent resolution to also request any other appropriate agencies to reconsider this new insurance requirement.

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. 146, as amended herein, and recommends its adoption, in the form attached hereto as H.C.R. No. 146, H.D. 1.

Signed by all members of the Committee except Representatives Cachola, Hamakawa, Hiraki, Tom and Thielen.

SCRep. 1821 Consumer Protection and Commerce on H.R. No. 152

The purpose of this resolution is to request Hawaii's congressional delegation to urge the Federal Insurance Administration ("FIA") to reconsider insurance requirements placed on condominiums and to consider allowing condominium associations to determine the amount of flood insurance appropriate for their own projects.

The Hawaii Chapter of the Community Associations Institute and a private individual testified in support of this resolution.

Upon careful consideration, your Committee agrees that the dramatic changes in the weather pattern on the mainland and in Hawaii which have caused floods, hurricanes and other disasters have contributed to causing a crisis in the insurance industry because condominiums in flood-prone zones were found to be underinsured. As a result, the FIA now requires condominium associations to have policies covering eighty percent of the condominium building's replacement value. This new requirement has added to the financial burden of associations by substantially increasing maintenance fees.

This resolution will be the first step toward alleviating the problem created by this new requirement developed by the FIA. Your Committee has amended this resolution to also request any other appropriate agencies to reconsider this new insurance requirement.

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. 152, as amended herein, and recommends its adoption, in the form attached hereto as H.R. No. 152, H.D. 1.

Signed by all members of the Committee except Representatives Cachola, Hamakawa, Hiraki, Tom and Thielen.

SCRep. 1822 Human Services on S.C.R. No. 33

The purpose of this concurrent resolution is to request the Legislative Reference Bureau (LRB) to conduct a study on the merits of establishing a single entry point for long-term care services used by elderly adults, families of disabled children and disabled younger adults in Hawaii.

Testimony was submitted by the Chamber of Commerce of Hawaii, the Commission on Persons with Disabilities and the American Association of Retired Persons in support of this concurrent resolution. The Department of Human Services (DHS) and the State Planning Council on Developmental Disabilities submitted testimony supportive of the intent of this concurrent resolution. DHS also deferred to LRB for the implementation of this measure.

Your Committee understands that a "single point of entry" for long-term care services is a method which may simplify access to long-term care services because it provides a local or regional access point where consumers receive information and assistance, assessment of needs, care planning, and authorization of services.

It is noted in your Committee that the inclusion of the families of disabled children and young adults in this study is apt because they utilize some of the same services as elderly adults.

Your Committee has amended this concurrent resolution by requesting that the report submitted by LRB contain no more than ten pages, single-spaced, including charts and graphs.

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 S.C.R. No. 33, S.D. 1, as amended herein, and recommends that it be referred to the Committee on Legislative Management, in the form attached hereto as S.C.R. No. 33, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representatives Arakaki, Hamakawa and Kahikina.

SCRep. 1823 Human Services on S.C.R. No. 121

The purpose of this concurrent resolution is to request the Hawaii Long-Term Care Reform Task Force to study, understand, and evaluate various issues relating to long-term care for the elderly, to educate the public about these issues, and to establish the framework for implementation of a long-term care system.

Testimony was submitted by the Executive Office on Aging (EOA), the Honolulu Japanese Chamber of Commerce, the Chamber of Commerce of Hawaii, the Healthcare Association of Hawaii, the Coalition for Affordable Long Term Care, and three individual citizens in support of this measure. The Department of Health deferred to EOA as the lead agency concerning this concurrent resolution.

It is noted in your Committee that Hawaii is confronted with a critical shortage of nursing home beds. There are currently approximately three hundred fifty patients inappropriately confined to hospital beds awaiting placement in nursing facilities. This inappropriate confinement costs Hawaii's hospitals in excess of \$200,000 daily. Much of this cost is not reimbursed to hospitals and remains as uncompensated care, an expense that is passed on to private-paying patients.

Your Committee finds that while Hawaii's families have expressed a preference for home and community-based care, the existing supply of these services are also well below requisite levels. Furthermore, even if additional services were to be made available, the continually rising costs of long-term care services and the specter of the depletion of the financial resources of persons needing long-term care limit the availability of these services to many of Hawaii's people.

It is also noted in your Committee that because the State intends to implement Phase II of the Hawaii QUEST program in 1997, there must be exploration into how planning for long-term care services can incorporate the cost saving principles of managed care while maintaining optimum quality of care.

Your Committee has amended this concurrent resolution by:

- (1) Requesting that the Hawaii Long-Term Care Reform Task Force should work in conjunction with the proposed Governor's Long Term Care Task Force, to avoid the duplication of any prospective work and activities;
- (2) Requesting that the MedQUEST division of the Department of Human Services participate in the activities of the Hawaii Long-Term Care Reform Task Force;
- (3) Requesting that the Hawaii Long-Term Care Reform Task Force not duplicate any of the work already completed by the Executive Office on Aging;
- (4) Deleting "government resources" as part of the funding structure for the Hawaii Long-Term Care Reform Task Force; and
- (5) Requesting that as part of its tasks, the Hawaii Long-Term Care Reform Task Force examine ways in which the long-term care financing program be affordable, cover as broad a segment of the population as is feasible, significantly offset the Medicaid long-term care costs, be financially stable over time and offer a comprehensive and cost-effective benefit package with both institutional and home and community-based care options.

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 S.C.R. No. 121, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as S.C.R. No. 121, H.D. 1.

Signed by all members of the Committee except Representative Hamakawa.

SCRep. 1824 Health and Human Services on S.C.R. No. 37

The purpose of this concurrent resolution is to request the Governor to establish a health and social services block grant task force to monitor the progress of federal block grant proposals. The task force will also examine and recommend how best to allocate and spend funds in any future block grant that the state may receive for health and social welfare programs.

The Department of Human Services submitted testimony in support of this concurrent resolution. The Department stated that it is already following proposals pending in Congress and working with other departments on coordinating services and maximizing federal funds.

Your Committees believe that the State must be prepared in the event Congress makes major changes in which the federal government deals with funding for health and social services programs. This task force which will consist of government representatives and members of the public will assist the state in responding changing financial resources.

As affirmed by the records of votes of the members of your Committees on Health and Human Services that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 37, S.D. 1, and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committees except Representatives Arakaki, Kahikina, Stegmaier, Anderson and Kawanakoa.

SCRep. 1825 Health and Human Services on S.C.R. No. 186

The purpose of this resolution is to request that the State Health Planning and Development Agency (SHPDA), with the support of its Big Island Committee on Mental Health and Substance Abuse and other state departments and offices, to continue to research and make recommendations for addressing the very serious health and human service problems on the Island of Hawaii.

Testimony in support of this resolution was received from SHPDA, Commission on Persons with Disabilities, Kokua Council, and an interested individual. Your Committees are concerned with the high incidence of health and social problems in the County of Hawaii, and believe that this deserves continued study. It is clear that SHPDA has involved various members of the Hawaii Island United Way in the process, but the committees urge that the Hawaii Island United Way be directly involved as the umbrella organization for the variety of health and human service agencies it helps fund.

As affirmed by the records of votes of the members of your Committees on Health and Human Services that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 186 and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committees except Representatives Arakaki, Kahikina, Stegmaier, Anderson and Kawanakoa.

SCRep. 1826 Human Services on S.C.R. No. 16

The purpose of the concurrent resolution is to request that the Child Welfare Services Reform Task Force be extended for another year, and to require that the blueprint for reform of the child protective services system be submitted twenty days prior to the 1996 legislative session.

The Departments of Human Services and Education and the Judiciary submitted testimony in support of this concurrent resolution.

Your Committee finds that the task force reform effort includes broad based community input, national and local consultative and technical assistance, as well as collaboration with groups and agencies involved with child welfare. The extension of time will allow the task force to bring their efforts to fruition with the production of an effective child protective services model for the State.

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 S.C.R. No. 16, S.D. 1, and recommends that it be referred to the Committee on Judiciary.

Signed by all members of the Committee except Representatives Arakaki, Kahikina and Kawanakoa.

SCRep. 1827 Human Services on S.C.R. No. 138

The purpose of this concurrent resolution is to request the Office of Children and Youth to develop a strategic plan of action and a timetable for implementation to effectuate the systematic review and restructuring of its operations.

Your Committee finds that the current state fiscal climate calls for careful analysis and priority setting regarding issues related to children and youth, with the aim of increasing the efficiency of current programs, including looking at possible duplication of services, without negatively impacting the status of children.

Testimony in support of this measure was submitted by the Governor's Office of Children and Youth. The Judiciary of the State of Hawaii submitted written testimony only, taking no position of the merits of this concurrent resolution, but willing to participate in any working session.

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 S.C.R. No. 138 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Arakaki, Kahikina and Kawanakoa.

SCRep. 1828 Health on S.C.R. No. 183

The purpose of this concurrent resolution is to obtain information on the availability of tobacco products to minors and to receive proposals to reduce its illegal sale to minors.

Testimony in favor of this concurrent resolution was received from the Department of Health, Department of Education, and from many non-profit health related organizations.

Your Committee agrees with testimony indicating that cigarette smoking remains Hawaii's greatest cause of preventable morbidity and mortality. In 1993, 1,282 Hawaii residents died from tobacco related illness. More alarming is the fact that cigarette smoking among Hawaii's youth is on the increase although smoking rates among adults are decreasing.

Your Committee recognizes the importance of establishing baseline data about the availability of tobacco products to minors. If programs to reduce availability are developed and funded in the future, the baseline data will permit assessment of the effectiveness of such programs.

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. 183, S.D. 1, and recommends that it be referred to the Committee on Judiciary.

Signed by all members of the Committee except Representatives Kawakami and Stegmaier.

SCRep. 1829 Health on S.C.R. No. 269

The purpose of this concurrent resolution is to obtain a report dealing with the potential for developing an export health industry in Hawaii. There may well be ways of capitalizing on our climate, setting, and strong base of health care professionals to build services encouraging wellness, health tourism, training of Pacific Basin health providers, and other health related functions.

The Department of Business, Economic Development, and Tourism submitted testimony in support of the intent of this resolution. Testimony in support was also received from the John A. Burns School of Medicine.

Your Committee believes that there is a great deal of potential in Hawaii for developing an export health industry, and that a systematic and coordinated promotional program needs to be established. Your Committee requests that the report contain all the relevant baseline data which will be necessary for promotional purposes.

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. 269, S.D. 1, and recommends that it be referred to the Committee on Tourism.

Signed by all members of the Committee except Representative Kawakami.

SCRep. 1830 Health on S.C.R. No. 270

The purpose of this resolution is to obtain a plan to market the expertise and excellence of Hawaii's health care.

The Department of Business, Economic Development, and Tourism submitted testimony in support of this resolution but felt that they did not have the resources to do a full-fledged conference. They did, however, support the idea that they could consult with health care experts, the Hawaii Visitors Bureau, and representatives of Pacific Rim nations in the development of the plan. Consequently, the requirement of holding a conference has been deleted, and a consulting requirement has been included in its place.

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. 270, S.D. 1, as amended herein, and recommends that it be referred to the Committee on Tourism, in the form attached hereto as S.C.R. No. 270, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representative Kawakami.

SCRep. 1831 Human Services on S.C.R. No. 78

The purpose of this concurrent resolution is to urge Congress to maintain Title III, Nutrition Services Funding and other supportive services within the Older Americans Act.

The Department of Human Resources, the American Association of Retired Persons, the Kokua Council and an individual citizen submitted testimony in support of this measure. The Executive Office on Aging (EOA) also submitted

supportive testimony, but suggested amending the measure by deleting the last three "WHEREAS" paragraphs contained in lines 20-33, because of the unintended confusion in the language.

It is noted in your Committee that the Senior Nutrition Program, as currently implemented under Title III of the Older Americans Act, provides meals and other nutrition services to older people at congregate sites and to the homebound elderly ("Meals-on-Wheels"). This program is a fundamental part of the Older Americans Act service system which aims to:

- (1) Keep older people at home;
- (2) Support family caregivers; and
- (3) Avoid unnecessary and costly institutionalization.

Your Committee has amended this measure by deleting the three "WHEREAS" paragraphs on page 1, lines 20-33, as the EOA suggested.

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 S.C.R. No. 78, as amended herein, and recommends its adoption, in the form attached hereto as S.C.R. No. 78, H.D. 1.

Signed by all members of the Committee except Representative Kahikina.

SCRep. 1832 Human Services on S.C.R. No. 193

The purpose of this concurrent resolution is to request interagency commitment to removing barriers to community-based efforts to address issues of teen pregnancy prevention and teen parenting.

Testimony in support of this concurrent resolution was submitted by the Department of Health, the Office of Youth Services, the Governor's Office of Children and Youth, the Department of Education, the Kapiolani Health Care System, the Healthy Mothers, Healthy Babies Coalition, and the Family Center Project.

It is noted by your Committee that in 1993, 3,386 pregnancies occurred among young women under twenty. In the last ten years there has been a 16% increase in pregnancies among teen women under the age of eighteen years of age, among whom there were 1,284 pregnancies in 1993. Pregnancies among younger teens are more likely to cause complex and serious medical, educational, and social problems, while pregnancies in older teens often interrupt their education and career development which can seriously compromise the future of the individuals and families involved.

Your Committee recognizes that sustainable solutions to the issues of teen pregnancy prevention and parenting are best resolved at the community level, utilizing existing community assets and supporting existing efforts.

It is also noted in your Committee that the government can be a facilitator to communities by removing systemic barriers that impede community solutions to address issues of teen pregnancy prevention and teen parenting.

Your Committee has amended this concurrent resolution with the inclusion of another "BE IT FURTHER RESOLVED" paragraph on page 3, lines 38-43, which states that should the Governor's Office of Children and Youth be incapacitated with regard to its responsibilities outlined in this measure, the Healthy Mothers, Healthy Babies Coalition of Hawaii shall take its lead, and shall also seek an appropriate state agency with which to continue the partnership.

Your Committee also made a technical, nonsubstantive revision 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 S.C.R. No. 193, as amended herein, and recommends its adoption, in the form attached hereto as S.C.R. No. 193, H.D. 1.

Signed by all members of the Committee except Representative Kawanakoa.

SCRep. 1833 Human Services on S.C.R. No. 115

The purpose of this concurrent resolution is to urge the United States Congress to continue its support of the federal Special Supplemental Food Program for pregnant women, infants, and children under five years of age (WIC).

Your Committee finds that pregnant women, nursing mothers, infants, and children under five years of age are the most nutritionally vulnerable of our citizens and that the WIC program has proven to be highly effective in this regard, resulting in cost savings and in improved physical and mental health.

Presently pending in the U.S. Congress is H.R. 4 to repeal the WIC program. This concurrent resolution is intended to rally support for the continuation of the WIC program, which is critical for Hawaii's children who have been medically certified to be nutritionally at risk, as well as for pregnant women and nursing mothers.

Your Committee heard testimony in support of this concurrent resolution from the state Director of Health and from a representative of the Kokua Council for Senior Citizens.

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 S.C.R. No. 115, S.D. 1, and recommends its adoption.

Signed by all members of the Committee.
(Representatives Hamakawa and Kawanakoa voted no.).

SCRep. 1834 Water and Land Use Planning on S.C.R. No. 23

The purpose of this concurrent resolution is to request the Department of Land and Natural Resources (DLNR) to:

- (1) Conduct a study to identify which streams under state jurisdiction pose a risk of flooding due to vegetation overgrowth; and
- (2) Ascertain in its study, the amount of funds and personnel needed to conduct ongoing monitoring of vegetation overgrowth in those streams.

Your Committee finds that identifying those streams that pose a risk of flooding due to vegetation overgrowth is a necessary step to provide a safe environment for the public good. It is your Committee's belief that the study and monitoring of vegetation overgrowth will enable the State to more effectively plan and prioritize any action it may take to ameliorate the problems posed from vegetation overgrowth in state streams.

Testimony in support of this measure was received by DLNR.

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 S.C.R. No. 23 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Kanoho, McMurdo, Tarnas and Meyer.

SCRep. 1835 Water and Land Use Planning on S.C.R. No. 21

The purpose of this concurrent resolution is to request the Department of Land and Natural Resources (DLNR) to identify state wetlands that are:

- (1) Important for preservation;
- (2) Currently not protected by state or federal laws; and
- (3) Possible for purchase by the State.

Testimony was received from DLNR.

According to DLNR, all wetlands are protected against destruction by federal and state wetland regulation, regardless of whether the wetlands are held by public or private ownership. Your Committee recognizes that the actions requested of DLNR by this concurrent resolution are currently underway via the Endangered Waterbird Recovery Planning Process, a multi-agency planning process composed of federal, state, university, and private sector representatives.

Accordingly, your Committee has amended this measure by:

- (1) Requesting DLNR to submit a copy of the report generated from the findings of the Endangered Waterbird Recovery Planning Process to the Legislature prior to the convening of the Regular Session of 1996;
- (2) Amending the title of the concurrent resolution to read: "SENATE CONCURRENT RESOLUTION REQUESTING THE SUBMITTAL OF A COPY OF THE REPORT GENERATED FROM THE FINDINGS OF THE ENDANGERED WATERBIRD RECOVERY PLANNING PROCESS TO THE STATE LEGISLATURE";
- (3) Deleting the request for DLNR to conduct a study of the State's wetlands to identify which are important to the State for preservation, which are presently not protected from development by state or federal laws, and which are possible for purchase by the State; and
- (4) Making technical, nonsubstantive amendments for purposes of 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 concurs with the intent and purpose of S.C.R. No. 21, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as S.C.R. No. 21, H.D. 1.

Signed by all members of the Committee except Representatives Kanoho, McMurdo, Tarnas, Yamane and Meyer.

SCRep. 1836 Health on S.C.R. No. 117

The purpose of this concurrent resolution is to request various public agencies and private organizations to consider the possibility of establishing a model or pilot program of a public benefit corporation to manage and operate one or more of the community mental health centers.

The fundamental reason for establishing a public benefit corporation is to separate the function of policymaking from the function of operations. In many cases where these two functions are combined in the same agency, the immediate

demands of operations are overwhelming, and policymaking tends to be neglected. The public benefit corporation seeks to separate the functions so that policymaking is given the necessary attention.

While in support of the measure, an individual expressed the following reservations:

- (1) How would funds be derived for the establishment of such a corporation?
- (2) Could these funds be better utilized to supplement existing programs that are badly under-funded?
- (3) What is the administrative and regulatory framework within which such a system would operate?
- (4) What is the impact on employee working conditions, supervisory controls, accountability, and ultimately, responsibility for successes or failures of the program?
- (5) How would such an entity conform or conflict with existing civil service regulations, departmental policies, and collective bargaining agreements?

Your Committee agrees that these are issues that must be addressed in considering the concept of the public corporation for mental health services. However, your Committee notes that the community hospitals system is moving toward the public benefit corporation model, and that many similar concerns have already been addressed.

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. 117, S.D. 1, and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Kawakami and Saiki.

SCRep. 1837 Health on S.C.R. No. 243

The purpose of this concurrent resolution is to request the Department of Health to convene a task force with broad representation to review the responsibilities and functions of the State Health Planning and Development Agency (SHPDA).

SHPDA was created by State law in 1975 in response to federal law to promote accessibility to quality health care services at reasonable cost to all people of Hawaii. The major functions assigned to SHPDA were health planning and the certificate of need program (CON). While the federal law was repealed in 1986, SHPDA was continued.

Today there is considerable debate about SHPDA's functions and its ability to meet its stated purpose. The intent of this concurrent resolution is to identify relevant issues, to address these issues, and to develop recommendations.

SHPDA testified in support of the concurrent resolution with some hesitation. Although DOH has announced its opposition to SHPDA, SHPDA believes that DOH can produce a fair report if the task force works independently and is representative of the community. In oral testimony, SHPDA suggested that the task force schedule meetings on the same days as the Board of Health (BOH) so that BOH members from the Neighbor Islands can participate on the task force without incurring additional costs for interisland transportation.

Your Committee supports the SHPDA suggestion and urges DOH to find ways to get Neighbor Island participation on the task force without incurring undue costs. For example, teleconferencing can also be utilized.

Also in support of the measure, the Hawaii Medical Service Association suggested that DOH coordinate efforts with the Legislative Reference Bureau which is completing part two of a study requested by H.R. No. 200 (1994) since some of the issues to be addressed by S.C.R. No. 243 are similar. Your Committee supports this suggestion.

Testifying in favor of the measure, the Department of Health recommended the deletion of the statement encouraging the task force to study the impact of the development of managed care systems on the whole health care system and the implications for necessary changes in SHPDA (Item #9 on page 4).

Your Committee agrees that the scope of the study should not include the impact of managed care on the health care system. The concurrent resolution has been amended accordingly.

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. 243, S.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as S.C.R. No. 243, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representatives Kawakami and Stegmaier.

SCRep. 1838 Health on S.C.R. No. 219

The purpose of this concurrent resolution is to request the Department of Health to investigate methods to more efficiently deliver medical and mental health services during weekends and after hours on weekdays.

The Mental Health Association in Hawaii (MHA) supported the concurrent resolution. According to MHA, the 24-hour crisis services now available are not sufficient. There is also a need for services for those who are not in crisis.

The Department of Health (DOH) testified in support of the intent of the measure. The study requested by the measure would determine the costs of extending hours.

Your Committee urges DOH to consider using existing staff to cover a longer period of the day by staggering the hours of employees. In this way, coverage may be extended without increasing costs.

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. 219, S.D. 1, and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Kawakami and Stegmaier.

SCRep. 1839 Water and Land Use Planning on H.R. No. 101

The purpose of this resolution is to urge the Department of Land and Natural Resources to work towards the acquisition of 2 parcels adjacent to Keolonahihi State Historical Park in North Kona on the Island of Hawaii for purposes of completing the Keolonahihi State Cultural Park. The Keakealaniwahine Residence is a 16.4 acre historical/archaeological complex that together with the Keolonahihi Complex comprised the chiefly center at Holualoa, one of seven chiefly centers in Kona during the period A.D. 1400-1800.

The Department of Land and Natural Resources acknowledged the cultural and historical significance of the Holualoa Chiefly center and has supported the unification of this complex in their planning for Keolonahihi State Historical Park. Because of the anticipated shortfall of revenue to the State in the next biennium, the department may not be able to acquire the parcels by purchase.

Your Committee recognizes the fiscal constraints placed on the department. As such, your committee has amended this resolution by providing the DLNR with a list of alternative means of acquisition, besides purchase, with which the DLNR may pursue the completion of the Keolonahihi State Cultural Park.

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. 101, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 101, H.D. 1.

Signed by all members of the Committee except Representatives Takamine, Kanoho, Yamane, Yoshinaga and Meyer.

SCRep. 1840 Water and Land Use Planning on H.R. No. 293

The purpose of this resolution is to:

- (1) Request the Board of Land and Natural Resources to notify the Office of Hawaiian Affairs of any proposed disposition or exchange of public lands; and
- (2) Request the Board to allow sufficient time for the Office of Hawaiian Affairs (OHA) to review the proposed disposition or exchange, prepare comments, and to meet with the Chair of the Board of Land and Natural Resources.

Testimony was received in support of this resolution from the Office of Hawaiian Affairs. The Department of Land and Natural Resources testified that the DLNR presently notifies OHA of requests for the disposition or exchange of lands prior to the consideration of those requests by the Board.

Your Committee feels that OHA's responsibility to the Native Hawaiian community requires that OHA be provided the opportunity to share its concerns, experience, and expertise with the Board of Land and Natural Resources whenever the Board considers the disposition or exchange of ceded lands in the public land trust. Your Committee feels that this resolution provides OHA with a vehicle to have its concerns duly considered by the Board of Land and Natural Resources.

To strengthen the voice of OHA in the decision-making process, and to clarify which specific land dispositions OHA should be notified of, your committee has amended the resolution by amending:

- (1) Page 2, line 4 by deleting the word "board" between the words "any" and "meeting";
- (2) Page 2, line 5 by replacing the word "public" between the words "of" and "lands" with the word "ceded";
- (3) Page 2, line 10 by adding the word "written" between the words "prepare" and "comments"
- (4) Page 2, line 14 by inserting another resolution clause which asks the DLNR to consult with OHA regarding the disposition of ceded lands and that the recommendations of OHA be included as attachments in the DLNR's recommendations to the Board.

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. 293, as amended herein, and recommends it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 293, H.D. 1.

Signed by all members of the Committee except Representatives Takamine, Kanoho, Yamane, Yoshinaga and Meyer.

SCRep. 1841 Water and Land Use Planning on S.C.R. No. 223

The purpose of this concurrent resolution is to:

- (1) Request the Department of Land and Natural Resource (DLNR) Flood Control Branch, in coordination with North Shore Community Associations, to assist the Paukauila Streambank and Riparian Area Community Restoration Project (PSP) by providing information, expertise and support; and
- (2) Request various governmental agencies from the City and County of Honolulu, State of Hawaii, and the Federal Government to coordinate efforts to conduct a review and assessment of the PSP problem and to prepare and present a report detailing short and long term remedial actions to address the problem; and
- (3) Request the governmental agencies named in the concurrent resolution to work with the PSP ad-hoc committee to recommend a restoration plan and assist in the implementation of the recommendation.

The Department of Health and a State Senator submitted testimony in support of this concurrent resolution. The DLNR and City and County of Honolulu Department of Public Works provided comments.

Your Committee believes the protection of freshwater and coastal environments in of paramount importance to the State. As such, your Committee feels the restoration and maintenance of the Paukauila streambank through the efforts of PSP will have a substantial, favorable impact on the North Shore Community and the general public.

The cooperation of the various governmental agencies with the PSP will provide the needed expertise to ensure a positive, workable resolution of the present situation regarding Paukauila stream. Although the City and County of Honolulu Department of Public Works requested that any reference in the Resolution be deleted as Paukauila Stream is privately owned, your Committee believes that the exclusion of any agencies named in the resolution could have serious ramifications on the success of the PSP and your Committee has chosen to pass this concurrent resolution unamended.

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 S.C.R. No. 223, S.D. 1, and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Garcia, Kanoho, McMurdo and Yoshinaga.

SCRep. 1842 Water and Land Use Planning on S.C.R. No. 292

The purpose of this concurrent resolution is to urge the Department of Land and Natural Resources, the Department of Accounting and General services, and the City and County of Honolulu to expedite the implementation of recommended stream bank stabilization and erosion protection measures for Manoa Stream, Oahu.

Testimony was submitted in support of the concurrent resolution by the Manoa Neighborhood Board. The Department of Land and Natural Resources testified against this resolution, and the City and County of Honolulu provided comments.

The affected portion of Manoa Stream lies between East Manoa Road and Woodlawn Drive, which, since 1987, has been the site of a series of floods causing erosion along the stream bank and severe damage to public and private property.

A study just completed and released by the DLNR identifies the limits of flooding that would occur in Manoa Stream during storm conditions and proposes possible solutions to aid the adjacent property owners.

Your Committee finds that the Manoa Stream bank erosion problems warrant the passage of this concurrent resolution and that the recommendations of the Division of Water and Land Development of the Department of land and Natural Resources be implemented as soon as is practical.

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 S.C.R. No. 292 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Garcia, Kanoho, McMurdo and Yoshinaga.

SCRep. 1843 Water and Land Use Planning and Energy and Environmental Protection on S.C.R. No. 15

The purpose of this concurrent resolution is to request the Department of Land and Natural Resources to establish a joint monitoring program on the island of Hawaii to improve natural resources management efforts.

The joint effort is to include community volunteers to assist State professionals in research and survey efforts such as in game counts, migration studies, habitat area assessments, and native species inventories.

Testimony in support of this concurrent resolution was received by the Board of Land and Natural Resources and by the Sierra Legal Defense Fund.

Your Committees find that successful resource management efforts necessitate community support and participation. Especially during lean fiscal periods, community support and participation augments the DLNR's limited personnel and fiscal resources. For example, community involvement in the collection of data relating to game counts, migration studies, habitat area assessment, and native species inventories provides the DLNR with an invaluable tool to more adequately manage the resources under it jurisdiction. Furthermore, cooperative ventures between the DLNR and community groups serves to educate the community in resource management practices.

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 concur with the intent and purpose of S.C.R. No. 15 and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committees except Representatives Garcia, Kanoho, McMurdo, Takamine, Yoshinaga and Meyer.

SCRep. 1844 Tourism on S.C.R. No. 270

The purpose of this concurrent resolution is to request the Department of Business, Economic Development, and Tourism to develop a plan to promote Hawaii's excellent health care systems and expertise.

Your Committee received testimony in support of this concurrent resolution from the Department of Business, Economic Development, and Tourism.

Your Committee finds that health-related tourism has experienced some of the fastest growth in the travel industry, and that this niche confers proportionally greater economic benefit to its destinations by expanding health facilities for local residents and by creating greater opportunities for high-technology and high-wage employment.

Half of Hawaii's visitors include the neighbor islands in their itinerary and efforts to develop health tourism facilities should concentrate on neighbor island locations in order to maximize the benefit to both visitors and residents.

Your Committee revised this concurrent resolution by:

- (1) Adding to the title and body the establishment of a task force to develop the plan;
- (2) Changing "determining the capacity of existing facilities to handle foreign patients" to "determination of the excess capacity of existing facilities to handle non-resident patients";
- (3) Including in the plan the assessment of potential sites for development of health tourism facilities on the neighbor islands;
- (4) Including in the plan cooperative marketing strategies with the private sector to promote fitness and wellness programs;
- (5) Including in the plan criteria for the selection of sites for the promotion of fitness and wellness services based on the availability and suitability of existing facilities;
- (6) Including in the plan recommended measures for the establishment of medical partnerships for staffing and related services in health care facilities of developing Pacific Basin nations;
- (7) Including in the plan suggestions for the use of telecommunications technology for training and diagnosis;
- (8) Adding that the plan may include additional measures for health tourism;
- (9) Providing that the task force include:
 - (a) The Director of Business, Economic Development, and Tourism, who shall serve as chairperson;
 - (b) The Director of Health;
 - (c) The Dean of the University of Hawaii John A. Burns School of Medicine;
 - (d) The Dean of the University of Hawaii School of Travel Industry Management;
 - (e) The President of the Hawaii Hotel Association;
 - (f) The President of the Chamber of Commerce of Hawaii;
 - (g) The President of the Hawaii Visitors Bureau;
 - (h) The President of the Hawaii Medical Service Association;
 - (i) The President of the Healthcare Association of Hawaii;
 - (j) The President of the Pacific Basin Economic Council; and
 - (k) Other members deemed necessary by the Director of Business, Economic Development and Tourism;
- (10) Directing the transmission of certified copies to the Director of Business, Economic Development and Tourism, the Director of Health, the Dean of the University of Hawaii John A. Burns School of Medicine, the Dean of the University of Hawaii School of Travel Industry Management, the President of the Hawaii Hotel Association, the President of the Chamber of Commerce of Hawaii, the President of the Hawaii Visitors Bureau, the President of the Hawaii Medical Service Association, the President of the Healthcare Association of Hawaii, and the President of the Pacific Basin Economic Council; and

- (1) Making technical, non-substantive changes for the purposes of style and clarity.

Your Committee intends that the task force replace the existing steering committee when it fulfills its purpose of setting the direction for state health tourism efforts. Furthermore, for the purposes of the task force, the working definition of health care should include non-traditional methods.

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 S.C.R. No. 270, 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.C.R. No. 270, S.D. 1, H.D. 2.

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

SCRep. 1845 Human Services on S.C.R. No. 234

The purpose of this concurrent resolution is to urge the Office of Veterans Services of the State Department of Defense to assist the Kohala community to erect a monument at Veterans Field.

Testimony in support of this measure was received from the Office of Veterans Services (OVS) and the Advisory Board on Veterans Services. OVS also recommended amendments to this concurrent resolution.

Your Committee was advised that the Department of Defense has volunteered their engineering services to aid in the design of the monument.

Your Committee has amended this concurrent resolution with the inclusion of the amendments suggested by OVS, which specify that:

- (1) The Kohala Community Association apply for a State grant to employ the services of a design consultant to adapt the design to the site, assure compliance with relevant county ordinances and manage the construction of the monument; and
- (2) The County of Hawaii be responsible for the repair and maintenance of the monument once it is constructed.

It is your Committee's understanding that the inclusion of these two amendments will provide a funding method for the monument as well as assign long term maintenance responsibilities to an entity that can assure that it will remain a fitting and appropriate testament to veterans.

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 S.C.R. No. 234, S.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as S.C.R. No. 234, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representatives Saiki, Arakaki and Kawanakoa.

SCRep. 1846 Water and Land Use Planning on S.C.R. No. 29

The purpose of this concurrent resolution is to request all state agencies involved in the delivery of services or the designing of infrastructure for the Big Island's Puna district to publicly conduct periodic interagency planning meetings.

The Department of Education provided testimony on 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 concurs with the intent and purpose of S.C.R. No. 29 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Nekoba, Kanoho, McMurdo, Tarnas and Meyer.

SCRep. 1847 Water and Land Use Planning on S.C.R. No. 107

The purpose of this concurrent resolution is to request that a State water conservation plan be designed and developed pursuant to a statewide conference.

The Department of Land and Natural Resources' Commission on Water Resource Management, the Democratic Party of Hawaii and a concerned citizen testified in support of this measure. The Office of Hawaiian Affairs also provided testimony on 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 concurs with the intent and purpose of S.C.R. No. 107, S.D. 1, and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Nekoba, Kanoho, McMurdo, Tarnas and Meyer.

SCRep. 1848 Water and Land Use Planning on S.C.R. No. 226

The purpose of this concurrent resolution is to request the Department of Land and Natural Resources to conduct a study on the feasibility of engaging nonprofit organizations to assist in the management of state parks while honoring and preserving public employee rights under chapter 89, Hawaii Revised Statutes.

The Board of Land and Natural Resources testified in 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 concurs with the intent and purpose of S.C.R. No. 226, S.D. 1, and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Nekoba, Kanoho, McMurdo, Tarnas and Meyer.

SCRep. 1849 Water and Land Use Planning on S.C.R. No. 302

The purpose of this concurrent resolution is to request the Department of Land and Natural Resources to work with the Kalihi Valley Neighborhood Board No. 16 to develop a concept for a passive park in Kalihi Valley.

Two concerned citizens provided written testimony supporting this concurrent resolution and the Department of Land and Natural Resources provided comments.

Your Committee finds that for nearly twenty years, the Kalihi Valley community has been seeking the development of a passive park in the Kalihi Valley. This development has generated interest and support by both the City and County of Honolulu, and Kalihi Valley residents. Your Committee notes that Kalihi Valley contains ecological, historical and cultural sites which need to be preserved for educational and recreational purposes.

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 S.C.R. No. 302, S.D. 1, and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Nekoba, Kanoho, McMurdo, Tarnas and Meyer.

SCRep. 1850 Water and Land Use Planning on S.C.R. No. 249

The purpose of this concurrent resolution is to preserve the natural beauty of the State as well as its natural resources through the use of "greenways."

This measure requests the Department of Business, Economic Development, and Tourism (DBEDT) to work with other agencies to develop a definition of, and requirements for, greenways which may be utilized by the Land Use Commission (LUC) in considering applications for land use changes.

In supporting this measure, the Office of State Planning (OSP) and the LUC recommended that the concept of greenways be expanded as a general State policy for all land use decisions rather than be limited to the LUC district boundary process. The Department of Land and Natural Resources also testified in support of this measure.

Your Committee has amended this measure by:

- (1) Designating OSP, rather than DBEDT, as the lead agency;
- (2) Including the Department of Transportation as a party to this undertaking;
- (3) Inserting a new WHEREAS clause indicating that federal funds are available to design and construct greenways through the 1991 Intermodal Surface Transportation Efficiency Act; and
- (4) Clarifying that greenways need not be limited to the description in the 2nd WHEREAS clause.

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 S.C.R. No. 249, S.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as S.C.R. No. 249, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representatives Nekoba, Kanoho, McMurdo, Tarnas and Meyer.

SCRep. 1851 Agriculture on S.C.R. No. 166

The purpose of this concurrent resolution is to express the support of efforts to foster the growth of diversified agriculture in Hawaii by requesting specific state departments to assist in the proliferation of diversified agricultural products.

These diversified agriculture products are those that utilize green house technology, water conservation techniques, diminished pesticide use, and pose little environmental hazards. The requested assistance is in the form of issuing long-term leases, loans, and grants, and initiating job retraining programs.

The Board of Agriculture, the Department of Business, Economic Development, and Tourism, and the Department of Land and Natural Resources, and Aloha 'Aina Hydro Farms Inc. submitted testimony in support of this measure.

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 S.C.R. No. 166, S.D. 1, and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1852 Agriculture on S.C.R. No. 148

The purpose of this concurrent resolution is to respectfully urge the United States Congress to renew the highly successful U.S. sugar program in the 1995 Farm Bill.

Your Committee believes that this measure is an effective means of highlighting the tremendous benefits of the sugar program to Hawaii's sugar producers, as well as to other American sugar producers and to American consumers in general. It is your Committee's belief that this strong message of support is even more important in this time of fiscal constraint, when farm programs are an easy target for elimination or severe reduction.

The Board of Agriculture, the Hawaiian Sugar Planters' Association, and the ILWU Local 142 submitted testimony in support of this measure.

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 S.C.R. No. 148, S.D. 1 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1853 Agriculture on S.C.R. No. 305

The purpose of this concurrent resolution, as received by your Committee, is to require the Board of Agriculture (BOA) to establish a pilot program designed to allow resident guide dogs to re-enter the State without subjecting the guide dogs to the State's quarantine requirements.

This concurrent resolution also specifies that the pilot program include the establishment and implementation of protocols that would allow guide dogs procured from the U.S. Mainland for either first-time Hawaii resident guide dog users or replacement guide dogs for qualified Hawaii residents, to enter the State without subjecting the guide dogs to the State's quarantine requirements.

Under existing law, any time a guide dog from an area not designated by the Department of Agriculture as "rabies free" enters the State, that guide dog must be subjected to the State's 120-day animal quarantine requirement. Consequently, these requirements place an onerous burden on guide dog users while concomitantly impairing the guide dogs' abilities to function properly.

The Hawaiian Humane Society, the Commission on Persons with Disabilities, Veterinary Consultation Services, Eye of the Pacific Guide Dogs & Mobility Services, Inc., the Aloha Council of the Blind & Visually Impaired, the National Federation of the Blind (NFB) and the NFB Hawaii Affiliate, the State Representative of the 51st Representative District, and numerous private citizens submitted testimony in support of this measure. Testimony in support of the intent of this concurrent resolution was received from the BOA.

Due to the State's limited financial situation, the Committee has amended this measure to simplify and reduce any fiscal implications by limiting the extent of the program.

Your Committee has amended this measure by:

- (1) Requesting the BOA to establish temporary protocols designed to allow resident guide dogs to re-enter the State without subjecting the guide dogs to the State's quarantine requirements, subject to certain requirements established by the BOA, and changing the title of this concurrent resolution to reflect this change;
- (2) Deleting the second and third BE IT RESOLVED clauses, thereby limiting the scope of this measure to include only resident guide dogs;
- (3) Requesting the BOA to submit:
 - (a) An interim report to the Legislature no later than 20 days prior to the 1996 Regular Session; and
 - (b) A final report to the Legislature no later than 20 days prior to the 1997 Regular Session; 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 Agriculture that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 305, S.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as S.C.R. No. 305, S.D. 1, H.D. 1.

Signed by all members of the Committee.

SCRep. 1854 Judiciary on S.C.R. No. 56

The purpose of this concurrent resolution is to request the Judicial Selection Commission, in coordination with the American Bar Association and the Hawaii State Bar Association, to establish quality standards for applicants for judicial positions.

The quality standards would set forth the type of judicial position and the optimum and minimum standards for each position. Upon establishment of the standards, the Judicial Selection Commission would publish the standards and make them available to the public.

For each nominee on a list submitted to the Governor or Chief Justice, the Judicial Selection Commission would report the extent to which the nominee does or does not meet the standards. In addition, upon appointment of each judge or justice, the Governor or Chief Justice would release the Judicial Selection Commission's quality standard report.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 56 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Tom, Cachola, Hamakawa, Menor and Yoshinaga.

SCRep. 1855 Judiciary on S.C.R. No. 208

The purpose of this concurrent resolution is to urge the Judiciary to conduct comprehensive training sessions for judges on the application of competency rules to child witnesses. The Judiciary is also requested to report on steps taken to ensure a proper understanding and application of the competency rules to child witnesses.

Testimony in support of this measure was received from the Hawaii State Commission on the Status of Women, the Hawaii State Coalition Against Sexual Assault, and the City and County of Honolulu's Department of the Prosecuting Attorney. The Judiciary also submitted comments regarding this concurrent resolution.

Your Committee finds that while nearly all adults are permitted to testify regardless of age, education, or a history of lying and dishonesty, all children are subjected to a long and arduous qualification process designed to show that they are competent witnesses. This requirement for all children imposes yet another barrier for child witnesses looking for justice from the legal system.

Current procedures to determine whether or not a child witness will be allowed to testify range from a script of standardized questions to a series of age inappropriate, arbitrary questions. Questions relating to the meaning of truth, moral duty, or concepts of time which are beyond a young child's comprehension, have nothing to do with a child's ability to recall facts and tell the truth about what happened to the child.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 208 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Tom, Cachola, Hamakawa, Menor and Yoshinaga.

SCRep. 1856 Judiciary on S.C.R. No. 232

The purpose of this concurrent resolution is to request the Judicial Selection Commission (Commission) to submit its own code of ethics to the Senate prior to the Legislature's adjournment sine die of the Regular Session of 1995. This measure also requests the Attorney General to review its opinion issued on May 8, 1992, regarding the applicability of the State's Ethics Code to the Commission.

The Hawaii State Ethics Commission testified that it believes:

- (1) The Commission is subject to the Ethics Code; and
- (2) The Attorney General's May 8, 1992 opinion, which concludes that the State Ethics Commission does not have jurisdiction over the Commission, should be reconsidered.

Your Committee has amended this measure 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 Judiciary that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 232, S.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as S.C.R. No. 232, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representatives Tom, Cachola, Hamakawa, Menor and Yoshinaga.

SCRep. 1857 Judiciary on S.C.R. No. 1

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to conduct a study to evaluate the efficiency of the use of newspapers of general circulation as the sole form of public notices required by law.

Your Committee recognizes that there are some pockets of the population who are not served by newspapers of general circulation, as well as individuals who do not subscribe or read newspapers on a regular basis. In addition, your Committee also finds that there are some communities that receive these newspapers at a delayed rate. It is your Committee's belief that public notices should extend to as broad a sector of the population as possible by examining other efficient and cost-effective means to disseminate these notices.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 1 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee except Representatives Tom, Cachola, Hamakawa, Menor and Yoshinaga.

SCRep. 1858 Judiciary on S.C.R. No. 266

The purpose of this concurrent resolution is to request the Legislative Reference Bureau (LRB) to conduct a feasibility study on transferring the functions of the Traffic Violations Bureau (TVB) from the Judiciary to the various counties.

The LRB is also requested to resolve the issues relating to establishing a Traffic Violations Bureau in the various counties.

The TVB was established at a time when traffic offenses were considered to be criminal offenses. With the enactment of a traffic decriminalization statute in 1994, the entire procedure utilized for the processing of traffic citations was significantly altered.

Since the role of the TVB has been significantly changed with the advent of traffic decriminalization, certain functions presently being performed by the TVB may be appropriately placed in the District Court system, where other functions may not fit into an adjudicatory environment.

The Judiciary submitted comments on the measure.

After carefully considering the merits of the measure and the testimony received, your Committee has amended the measure by clarifying that the issues the LRB is requested to resolve are the specific guidelines, forms, policies, procedures, and other mechanisms necessary and appropriate to complete the transfer of the functions presently performed by the TBV.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 266, S.D. 1, as amended herein, and recommends that it be referred to the Committee on Legislative Management in the form attached hereto as S.C.R. No. 266, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representatives Tom, Cachola, Hamakawa and Yoshinaga.

SCRep. 1859 Judiciary on S.C.R. No. 308

The purpose of this concurrent resolution is to urge the United States Congress to expedite and fully investigate claims of human rights abuse in the Commonwealth of Northern Marianas.

Written testimony was received by the Governor of the Commonwealth of the Northern Mariana Islands (CNMI) in support of the intent of this measure but with recommended amendments.

Your Committee received testimony from the Governor of the CNMI and the supporting documentation from other sources including a Memorandum of Understanding between the Department of Labor and Employment of the Republic of the Philippines and the Commonwealth of the Northern Mariana Islands; correspondence between the United States Department of Labor and the Governor of the CNMI; and an official statement from the Philippine Consulate. Based upon these documents, it appears that the CNMI recognizes the human rights abuses existing in the CNMI and is taking positive action to rectify these employment and immigration problems.

Based upon these facts, your Committee has amended this concurrent resolution to:

- (1) Reflect what is currently being done to solve the human rights abuses occurring in the CNMI; and
- (2) Urge the United States Congress and the appropriate Departments of the Executive Branch to work cooperatively with the government of the CNMI in its efforts to eliminate abusive labor practices and immigration problems which currently exist in the CNMI.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 308, S.D. 1, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 308, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representatives Tom, Cachola, Hamakawa and Yoshinaga.

SCRep. 1860 Economic Development and Business Concerns on S.C.R. No. 47

The purpose of this concurrent resolution is to:

- (1) Declare the Legislature's support of the goals of the Hawaii Educational Networking Consortium, which plans to focus its efforts on the initiative known as "Ke Ala 'Ike--The Path to Knowledge"; and
- (2) Request the Office of the Governor to examine the "Ke Ala 'Ike" initiative and demonstrate efforts to link all public schools and libraries throughout the State with broadband communication capabilities by the year 2000.

Your Committee notes, however, that the intent of the concurrent resolution is also stated in its title, which reads: "REQUESTING AN EXAMINATION OF THE KE ALA 'IKE INITIATIVE OF THE HAWAII EDUCATIONAL NETWORKING CONSORTIUM."

The University of Hawaii, the Hawai'i Educational Networking Consortium, and the Department of Education testified in support of this 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 S.C.R. No. 47 and recommends that it be referred to the Committees on Education and Higher Education and the Arts.

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

SCRep. 1861 Economic Development and Business Concerns on S.C.R. No. 99

The purpose of this concurrent resolution is to request the Department of Business, Economic Development, and Tourism (DBEDT) to accomplish preliminary planning towards the development of a Pacific Islands Business Development Master Plan to cover such areas as merchandise trade, services, tourism, shipping and air links, and cruise shipping.

The Director of the Pacific Islands Development Program at the East-West Center, the Consulate of the Cook Islands, the Tonga Honorary Consular Agent, the President of Pacific Maritime Agencies, Inc., the Chief Executive Officer of Pacific Jurisdictions, and the Vice-President of the Hawaii Pilots Association submitted testimony in support of this measure. The DBEDT submitted testimony in support of the intent of this measure.

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 S.C.R. No. 99, S.D. 1, and recommends that it be referred to the Committee on Intergovernmental Relations and International Affairs.

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

SCRep. 1862 Economic Development and Business Concerns on S.C.R. No. 242

The purpose of this concurrent resolution is to request:

- (1) The Department of Business, Economic Development, and Tourism (DBEDT) and the High Technology Development Corporation (HTDC) to work with the Hawaii Island Economic Development Board to:
 - (a) Assess the Big Island's high technology infrastructure and identify emerging opportunities, skill-base requirements, locations, and existing resources; and
 - (b) Establish a five-year high technology implementation plan that integrates existing and planned scientific and technological endeavors; and
- (2) The DBEDT and HTDC to:
 - (a) Assess the feasibility of attracting technologies to the Big Island;
 - (b) Identify technology economic development initiatives that may be applied to other areas that are adversely affected by sugar plantation closures in their community; and
 - (c) Submit a report containing the five-year plan, other technology economic development initiatives, and all other information requested in this concurrent resolution.

It is your Committee's belief that any efforts and initiatives to foster technology economic development on the Big Island will be of benefit to the wider community. Furthermore, your Committee believes that this measure will serve as a "demonstration model" at the grassroots level regarding how other economic development initiatives may fare in other locales.

Testimony in support of this measure was received from the Executive Director and Chief Executive Officer of the HTDC. Comments were submitted by the DBEDT.

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 S.C.R. No. 242, S.D. 1, and recommends that it be referred to the Committee on Finance.

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

SCRep. 1863 Economic Development and Business Concerns on S.C.R. No. 248

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 strategy being developed by the Hawaii Alliance for Community-Based Economic Development to establish a Hawaii-based community development financial institution.

The DBEDT, the Office of Hawaiian Affairs, and a private citizen submitted testimony in support of this measure.

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 S.C.R. No. 248 and recommends that it be referred to the Committee on Finance.

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

SCRep. 1864 Economic Development and Business Concerns on S.C.R. No. 298

The purpose of this concurrent resolution is to request the Department of Business, Economic Development, and Tourism (DBEDT) and the Commissioner of Securities, in consultation with other professionals in the securities industry, to determine the feasibility of establishing a niche securities market in Hawaii, based on:

- (1) Hawaii's advantages in location and global time zones; and
- (2) Its advanced telecommunications infrastructure.

Testimony in support of this measure was received from the DBEDT. Comments on this measure were submitted by the Business Registration Division of the Department of Commerce and Consumer Affairs.

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 S.C.R. No. 298 and recommends that it be referred to the Committee on Finance.

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

SCRep. 1865 Economic Development and Business Concerns on S.C.R. No. 268

The purpose of this concurrent resolution is to request the Department of Business, Economic Development, and Tourism (DBEDT) to work in conjunction with the Board of Regents of the University of Hawaii and the University of Hawaii Space Grant College to strengthen and stabilize the Future Flight Program to ensure its immediate and future success.

Testimony in support of this measure was received from the DBEDT. The Associate Director of the Hawaii Space Grant Consortium at the University of Hawaii submitted testimony supporting this measure provided that its passage does not replace or adversely affect the priorities as indicated in the University of Hawaii Executive Biennium Budget. The Department of Education submitted testimony in support of the intent of this measure.

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 S.C.R. No. 268, S.D. 1, and recommends that it be referred to the Committee on Higher Education and the Arts.

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

SCRep. 1866 Hawaiian Affairs and Housing on S.C.R. No. 76

The purpose of this concurrent resolution is to request the State, the City and County of Honolulu, and the Hawaii's Visitors Bureau to use the name of Mokoli'i on all maps, brochures, reports, and other materials depicting or referring to the island.

Mokoli'i is an island situated off the coast of Kualoa in Windward Oahu that is commonly known as Chinaman's Hat.

The Office of Hawaiian Affairs testified in support of this measure.

Your Committee has amended this concurrent resolution by including additional agencies and organizations to receive copies of this measure.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs and Housing that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 76, as amended herein, and recommends that it be referred to the Committee on Water and Land Use Planning in the form attached hereto as S.C.R. No. 76, H.D. 1.

Signed by all members of the Committee except Representative Kawakami.

SCRep. 1867 Judiciary on S.C.R. No. 194

The purpose of this concurrent resolution is to request the Governor to establish a Violence Prevention Coordinating Council to address the integration of violence prevention curricula in public schools, and the potential long-term result of such integration on reducing physical and sexual violence in schools, homes, and communities.

The Department of Health, the Hawaii State Commission on the Status of Women, the Honolulu Police Department, the University of Hawaii, the Hawaii State Coalition Against Sexual Assault, Child and Family Services, the Domestic Violence Clearinghouse and Legal Hotline, the Roman Catholic Church in the State of Hawaii, a member of the Legislative Network Committee of the Newman Center Holy Spirit Catholic Church, and several concerned citizens submitted testimony in support of this measure.

The Department of Education (DOE) submitted testimony concurring with the intent of this measure.

Your Committee is disappointed and concerned that the DOE failed to send a representative to testify on this important issue, especially in light of its brief written testimony. Your Committee would like to express its concern regarding the DOE's apparent lack of interest on matters before this Committee. Further, your Committee does not believe that DOE staff shortages or budget constraints relieve the DOE of its responsibility to attend these public hearings.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 194 and recommends that it be referred to the Committee on Education.

Signed by all members of the Committee except Representatives Tom, Cachola, Hamakawa, Menor and Yoshinaga.

SCRep. 1868 Tourism on S.C.R. No. 42

The purpose of this concurrent resolution is to request the Department of Business, Economic Development, and Tourism to develop and implement an international techno-tourism policy to make Hawaii the Asia-Pacific region's pre-eminent center for science and technology conferences.

Your Committee received testimony in support of this concurrent resolution from the Department of Business, Economic Development, and Tourism.

Your Committee finds that the proposal would use visitor industry expertise and technological strength to induce greater use of Hawaii as a meetings center and further develop Hawaii's technological resources. Some organizations, such as the Pacific Telecommunications Council, already host annual gatherings bringing in participants from around the world. Existing efforts by the state include the 4th Annual Japan-US Cooperation in Space Workshop in Hawaii in November 1994 and the Internet Society's INET '95 in June 1995.

Your Committee revised this concurrent resolution by:

- (1) Specifying that the Department of Business, Economic Development, and Tourism is requested to develop the policy in consultation with other appropriate visitor industry and scientific research agencies and organizations;
- (2) Adding the names of various agencies and organizations that will participate in the development of the policy and receive certified copies; 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 concurs with the intent and purpose of S.C.R. No. 42, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as S.C.R. No. 42, H.D. 1.

Signed by all members of the Committee except Representatives Lee, White and Marumoto.

SCRep. 1869 Transportation on S.C.R. No. 265

The purpose of this concurrent resolution is to request a study of reconstructed vehicles to determine whether a statewide reconstruction program is necessary.

Your Committee on Transportation finds that only the City and County of Honolulu is required to inspect privately owned reconstructed vehicles because the population on Oahu exceeds 500,000. The City and County of Honolulu inspected 4,496 reconstructed vehicles in 1994. A majority of the reconstruction permits issued were for non-stock rims and tires, modification of the suspension system, or modification of the body structure.

The County of Hawaii is the only other county to conduct inspections on reconstructed vehicles, although it is not required by law. Hawaii County has adopted its own rules for reconstructed vehicle inspection and presently conducts inspections.

The Department of Transportation provided testimony supporting the intent of this resolution, however it feels the Legislative Reference Bureau should conduct the study as it will be conducting a similar study on the effectiveness of the motor vehicle safety inspection program. Your Committee received testimony in support of this resolution from the City and County of Honolulu.

Your Committee has amended this concurrent resolution to:

- (1) Designate the Legislative Reference Bureau as the agency to conduct the study rather than the Department of Transportation; and

- (2) Narrow the scope of the study to the island of Oahu in order to get comprehensive data, then to use that information to determine whether a reconstruction program should be expanded to all islands.

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 S.C.R. No. 265, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as S.C.R. No. 265, H.D. 1.

Signed by all members of the Committee except Representatives Case, Suzuki and Ward.

SCRep. 1870 Transportation on S.C.R. No. 9

The purpose of this Senate Concurrent Resolution, as received by your Committee on Transportation, is to express the support of the State Legislature for Senator Daniel K. Akaka's proposed federal legislation, S. 2428, entitled "National Parks Airspace Management Act of 1994".

Your Committee is aware of complaints by residents living near park areas, as well as by visitors to our national parks, concerning noise from low-flying military and commercial aircraft.

The proposed federal legislation would prohibit military and commercial tour operations from flying over national parks at an altitude less than 3,000 feet.

Supportive testimonies were received from the County Council, County of Hawaii, Citizens Against Noise, and from the Tour and Aircraft Control Coalition.

Your Committee has amended this Senate Concurrent Resolution by making technical, nonsubstantive amendments for purposes of style, clarity, and consistency. On line 2, page 1, the verb *has* is being substituted for *have*, since coalition is a singular subject. Lines 16-19 have been changed to clarify that good faith negotiations are to involve commercial air tour operators, the National Park Service, and the FAA meeting together to reach agreements on flights over park areas.

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 S.C.R. No. 9, as amended herein, and recommends its adoption, in the form attached hereto as S.C.R. No. 9, H.D. 1.

Signed by all members of the Committee except Representatives Case, Suzuki and Ward.

SCRep. 1871 Transportation on S.C.R. No. 80

The purpose of Senate Concurrent Resolution No.80, SD1, as received by your Committee on Transportation, is to permit a veteran who owns a motorcycle, like a veteran who owns a four-wheeled vehicle, to purchase and affix a special number plate for the motorcycle.

This Senate Concurrent Resolution would grant veterans who own motorcycles the same privilege which is now restricted to veterans who own automobiles and trucks.

Supportive testimonies were heard from the City and County of Honolulu and Office of Veterans Services, Department of Defense.

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 S.C.R. No. 80, S.D. 1 and recommends its adoption.

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

SCRep. 1872 Energy and Environmental Protection on S.C.R. No. 300

The purpose of this resolution is to support the use of the neem tree for various pest control initiatives in the State and Asia-Pacific region.

Your Committee finds that the neem tree from the Indo-Pakistan region has recently attracted attention due to its broad-spectrum effectiveness against many species of insects, mites, and other pests.

Your Committee also finds that the use of the neem tree as a natural pesticide source may be safer, and more economical than synthetically produced pesticides.

Testimony in support of this resolution was received from the Chairperson of the Board of Agriculture, the College of Tropical Agriculture and Human Resources, 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 S.C.R. No. 300 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Kanofo, Takamine and Meyer.

SCRep. 1873 Hawaiian Affairs and Housing on S.C.R. No. 306

The purpose of this concurrent resolution is to preserve and promote the cultural and spiritual significance of a volcanic cone in West Oahu popularly known as Fort Barrett.

This measure urges that Pu'u o Kapolei, the proper and accurate name of the site, should be reasserted for this landmark.

The Office of Hawaiian Affairs and the Estate of James Campbell testified in support of this concurrent resolution.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs and Housing that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 306 and recommends that it be referred to the Committee on Water and Land Use Planning.

Signed by all members of the Committee except Representatives Kawakami and Stegmaier.

SCRep. 1874 Transportation on S.C.R. No. 214

The purpose of this Senate Concurrent Resolution, as received by your Committee on Transportation, is to request the Governor to convene the Hawaii Maritime Industry Policy Advisory Task Force to explore issues relating to efficiency, cost, and management of commercial harbor operations in Hawaii.

Your Committee finds that before the Legislature can proceed to make changes for improvements in the organizational and financial structure of the State's commercial harbors that a comprehensive study of the issues involved is a prerequisite for considering legislation. This concurrent resolution provides for this essential study by creating a maritime industry policy advisory task force to serve this purpose.

Supportive testimonies were heard from the Department of Transportation, Young Brothers, Limited, Pacific Jurisdictions, Sea-Land, Pacific Maritime Industries, Inc., Hawaii Stevedores, Inc., Sause Bros., Inc., Hawaii Pilots Association, and the Chamber of Commerce of Hawaii.

Your Committee has amended this measure by:

- (1) Deleting of maritime policy issues including but not limited, page 2, lines 1-2, since issues in themselves do not have advantages and disadvantages;
- (2) Rewriting item (1), page 2, lines 5-9, to read: "Assessing the macroeconomic effectiveness of the present maritime regime as it impacts the State, recommending changes in State policy, and appraising the possible effects of these changes;
- (3) Rewriting item (6), page 2, lines 22-24, to read: "Identifying possibilities for future expansions of waterfront facilities, and assessing the costs and benefits of each expansion suggestion; and
- (4) Rewriting item (7), page 2, lines 26-29, to read: "Suggesting formal relationships among entities which are recommended to be created, such as the maritime board, the port authority, the water carrier's loan program, and the port marketing program;"

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 S.C.R. No. 214, S.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as S.C.R. No. 214, S.D. 1, H.D. 1.

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

SCRep. 1875 Human Services on S.C.R. No. 288

The purpose of this concurrent resolution is to urge Congress to support legislation to safeguard veterans' disability compensation and Social Security disability compensation from elimination, reduction, or taxation.

Testimony was submitted supportive of this measure by the Office of Veterans Services, the Advisory Board on Veterans Services, the Department of Taxation, the Pearl Harbor--Honolulu Branch 46 of the Fleet Reserve Association and the Oahu Veterans Council.

It is noted by your Committee that money paid as disability compensation to our war veterans is to compensate them for injury, disease, illness and death that occurred either on the battle field or as a direct result of their military service. Many disabled veterans rely on their compensations to help maintain a meaningful standard of living because of their diminished earning capacity. To eliminate, reduce or even tax this income would severely hurt these veterans financially.

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 S.C.R. No. 288, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1876 Health on S.C.R. No. 61

The purpose of this concurrent resolution is to request the auditor to conduct an impact assessment report of the social and financial effects of requiring all health insurance providers to provide coverage for acupuncture services as a mandate or rider.

Your Committee believes that acupuncture is an effective alternative to western medicine for many people who live in Hawaii. Currently, these individuals must pay for these services out-of-pocket since acupuncture services are not covered by most health plans.

The resolution has been amended to broaden the scope of the report to include the effect of potential coverage on all types of health insurance plans and not just limiting the analysis to motor vehicle and workers' compensation insurance.

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. 61, S.D. 1, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 61, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representatives Kawakami, Stegmaier and Anderson.

SCRep. 1877 Education on S.C.R. No. 168

The purpose of this concurrent resolution is to request the Board of Education to consider converting all public schools to calendar year utilization by the 1997-98 school year. The Board is also requested to consider converting certain schools with classroom shortage problems to a multi-track calendar year and to plan all new school facilities on the basis of implementing a multi-track calendar year utilization.

The Board of Education strongly endorsed the concept of year-round education, however, could not concur with the intent of the measure. The Board interpreted the concurrent resolution to mandate schools to convert to year-round classes and felt that such decisions were best left to the individual schools and their respective school councils, primarily due to the fact that changes to the school calendar required adjustments and modifications on the part of the entire school community.

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 S.C.R. No. 168 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Arakaki, Santiago, Takamine, Takumi, Yonamine and Halford.

SCRep. 1878 Education on S.C.R. No. 108

The purpose of this concurrent resolution is to urge the Department of Education to support and encourage different options for student assessment.

Your Committee finds that recent education reforms have encouraged the adoption of statewide student performance standards, while allowing flexibility in the assessment of the achievement of student performance. Your Committee further finds that a multi-dimensional approach to student assessment offers the most accurate, valid, and reliable measurement of student achievement.

The Department of Education submitted testimony in support of the measure.

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 S.C.R. No. 108 and recommends its adoption.

Signed by all members of the Committee except Representatives Arakaki, Santiago, Takamine, Takumi, Yonamine and Halford.

SCRep. 1879 Education on S.C.R. No. 204

The purpose of this concurrent resolution is to urge all Hawaii public schools to implement the "Student Code of Conduct" adopted by the Board of Education.

The Board of Education adopted the Student Code of Conduct on February 2, 1995. The code covers matters relating to attendance, work habits, respect, punctuality, and freedom from fear, including preparation and participation in class, meeting performance standards, completing homework, preparing for tests, and obeying the school rules and all laws. Students are expected to behave with dignity, respect, and courtesy in deference for the rights of other students, faculty, and staff.

The Department of Education Strongly supported the measure and concurred that the Student Code of Conduct is a worthwhile and commendable product of the Board of Education and should be implemented by all 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 S.C.R. No. 204 and recommends its adoption.

Signed by all members of the Committee except Representatives Arakaki, Santiago, Takamine, Takumi, Yonamine and Halford.

SCRep. 1880 Health on S.C.R. No. 7

The purpose of this concurrent resolution is to obtain a sunrise analysis on the regulation of nutritionists in conjunction with S.B. No. 1499 introduced in the Regular Session of 1995.

Testimony was submitted in support of this concurrent resolution by the Department of Health, Hawaii Dietetic Association, Kokua Council of Senior Citizens, and an interested individual. At the present time, in Hawaii, there are no means to assure that the public is being protected from fraudulent nutrition practices. It is important, therefore, that the proposal to regulate and license nutritionists be given careful study.

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. 7 and recommends its adoption.

Signed by all members of the Committee except Representatives Kawakami, Stegmaier and Anderson.

SCRep. 1881 Ocean Recreation and Marine Resources and Energy and Environmental Protection on S.C.R. No. 200

The purpose of this Senate Concurrent Resolution is to request the Department of Health (DOH) to review the existing data of the offshore waters and environment of the Kaiaka-Waiialua Bay area to determine the extent to which marine species and edible seaweed are being endangered by the contaminants generated by agricultural activities and other uses in the Kaiaka-Waiialua Bay hydrological unit.

Testimony in support of this Senate Concurrent Resolution was submitted by the Department of Health.

As affirmed by the records of votes of the members of your Committees on Ocean Recreation and Marine Resources and Energy and Environmental Protection that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 200, S.D. 1, and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committees except Representatives Kanoho, McMurdo, Takamine, Anderson and Meyer.

SCRep. 1882 Legislative Management on H.R. No. 275

The purpose of this resolution is to request the Department of Labor and Industrial Relations to study the impacts of allowing workers' compensation benefits to be collectively bargained for between the construction industry and the labor unions, thereby preempting workers' compensation laws.

Your Committee has amended the measure by:

- (1) Requesting the Legislative Reference Bureau rather than the Department of Labor and Industrial Relations to perform the study; and
- (2) Revising the title to reflect this new purpose.

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. 275, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 275, H.D. 2.

Signed by all members of the Committee except Representatives Say, Okamura and Souki.

SCRep. 1883 Legislative Management on S.C.R. No. 1

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to conduct a study to evaluate the efficiency of the use of newspapers of general circulation as the sole form of public notice required by law, including other means of providing public notice.

The Hawaii Publishers Association suggested the formation of a task force representing certain interests that would also study alternatives for public notice.

Your Committee has amended the concurrent resolution by:

- (1) Requesting the Speaker of the House of Representatives and the Senate President to jointly appoint a task force representing certain interests;
- (2) Requesting the task force to study alternative means of providing public notice and specifying particular issues to be studied;
- (3) Requesting the task force to submit a report to the Legislature; and
- (4) Having certified copies of the measure transmitted to the specific agencies and organizations to be represented on the task force.

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

Signed by all members of the Committee except Representatives Say, Okamura and Souki.
(Representative Ward voted no.)

SCRep. 1884 Legislative Management on S.C.R. No. 33

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to study the merits of establishing a single entry point for long-term care services used by elderly adults and families of disabled children and disabled younger adults in Hawaii.

The Commission on Persons with Disabilities submitted testimony in support of the measure. Also in support of the measure, the Chamber of Commerce of Hawaii suggested that the report not be limited in size at the expense of thoroughness. The Department of Human Services supported the intent of studying the feasibility of implementing a single point of entry as a method for individuals and families to access long-term care services.

Your Committee has amended the concurrent resolution as follows:

- (1) Revised the title to more accurately reflect the purpose as stated in the **BE IT RESOLVED** clause;
- (2) Deleted the limitation of the report to ten pages; and
- (3) Made technical, nonsubstantive revisions for the purposes of 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 S.C.R. No. 33, S.D. 1, H.D. 1, as amended herein, and recommends its adoption, in the form attached hereto as S.C.R. No. 33, S.D. 1, H.D. 2.

Signed by all members of the Committee except Representatives Say, Okamura and Souki.

SCRep. 1885 Legislative Management on S.C.R. No. 266

The purpose of this concurrent resolution is to help determine the appropriate placement of the Traffic Violations Bureau in state or county government.

This measure requests the Legislative Reference Bureau to conduct a feasibility study on transferring the functions of the Traffic Violations Bureau from the Judiciary to the various counties. The study would also address specific issues relating to establishing a Traffic Violations Bureau in the various counties.

The Police Department of the City and County of Honolulu testified in support of this measure. The Judiciary offered comments.

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 S.C.R. No. 266, S.D. 1, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Say, Okamura and Souki.

SCRep. 1886 Legislative Management on S.C.R. No. 203

The purpose of this concurrent resolution is to request the Auditor to conduct a study to improve the efficiency, cost-effectiveness, and accountability in processing claims filed against the State for workers' compensation benefits.

This concurrent resolution also requests the Department of Human Resources Development, the Department of Labor and Industrial Relations, the Department of Education, the Department of Human Services, the Department of Health, the Department of Defense, the University of Hawaii, and the Research Corporation of the University of Hawaii, to cooperate with the Auditor in conducting this study.

It is your Committee's belief that improving the efficiency and effectiveness of claims management through appropriate utilization of respective lines of supervision and claims managers will facilitate efforts to improve the overall manner in which workers' compensation claims are processed.

Testimony in support of this measure was received from the Department of Human Resources Development.

As affirmed by the record of votes of the members of the Committee on Legislative Management that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 203, S.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Say, Okamura and Souki.

SCRep. 1887 Energy and Environmental Protection on S.C.R. No. 207

The purpose of this concurrent resolution is to encourage the continued discussion and exploration of ethanol as an alternative fuel, and to further the development of incentives to promote an ethanol industry in Hawaii as a means of reducing the State's dependency on imported petroleum fuels.

Your Committee has amended the concurrent resolution by:

- (1) Including a request to the Governor to direct the Department of Accounting and General Services to utilize combined ethanol fuel in state vehicles;
- (2) Designating the Department of Business, Economic Development, and Tourism to act as the lead agency in promoting said discussions;

- (3) Requesting the Department of Business, Economic Development and Tourism, the Department of Agriculture, and Agribusiness Development Corporation to encourage the growth of crops that are capable of producing ethanol;
- (4) Requesting a report of the findings and recommendations of the discussions no less than twenty days prior to the convening of the 1996 legislative session;
- (5) Requesting that copies of this concurrent resolution be forwarded to the several counties; and
- (6) Changing the title to reflect the amendments.

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 S.C.R. No. 207, as amended herein, and recommends its adoption, in the form attached hereto as S.C.R. No. 207, H.D. 1.

Signed by all members of the Committee except Representatives Kanoho, Takamine and Meyer.

SCRep. 1888 Water and Land Use Planning on S.C.R. No. 76

The purpose of this concurrent resolution is to request the State, the City and County of Honolulu, and the Hawai'i Visitors Bureau to use the name of Mokoli'i on all maps, brochures, reports, and other materials depicting or referring to the island.

Mokoli'i is an island situated off the coast of Kualoa in Windward Oahu that is commonly known as Chinaman's Hat.

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 S.C.R. No. 76, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Kanoho, McMurdo, Yoshinaga, Meyer and Thielen.

SCRep. 1889 Hawaiian Affairs and Housing on S.C.R. No. 167

The purpose of this concurrent resolution is to request all state and county agencies to work together to implement the statutory provisions and legislative intent of Act 227, Session Laws of Hawaii 1992, and make it easier, less time consuming, and less expensive to produce housing in Hawaii.

Testimony in support of the measure was submitted by the Affordable Housing Alliance, which emphasized the need to increase rental housing that is affordable to people who have low or very low incomes or who have special housing needs. This conclusion is based on findings that rents in Hawaii are the most unaffordable in the nation and that most people in Hawaii prefer to rent rather than to own their own homes.

Also testifying in support of this measure, the Homeless Ohana Association recommended amending it to include consideration of the following:

- (1) An accelerated process of development for the construction or rehabilitation of rental housing for low and very low income families and individuals and special needs groups such as elderly persons, disabled persons, and single parents; and
- (2) The promotion of economic development projects by government entities wherever feasible among rental developments.

The Roman Catholic Church in Hawaii, the Chamber of Commerce of Hawaii, and an individual also submitted testimony in support of the concurrent resolution.

In consideration of the testimony presented, your Committee has amended the concurrent resolution as follows:

- (1) Deleted the statement that the State is in an austere budgetary condition;
- (2) Added the statement that there is a particular need to develop housing for low and very low income families and individuals;
- (3) Added the statement that most housing projects planned by the Housing Finance and Development Corporation focus on the construction of homes for median income families, thereby minimally affecting those who are most critically in need of housing;
- (4) Deleted the request for state and county agencies to implement Act 227, Session Laws of Hawaii 1992, and to make it easier to produce housing in Hawaii;
- (5) Added a statement of support for the creation of rental housing for low and very low income families and individuals by government agencies and private corporations;
- (6) Added that the House Hawaiian Affairs and Housing Committee and the Senate Housing Committee convene a task force composed of specific public and private agencies interested in housing to develop plans and

alternatives supporting the creation of rental housing for low and very low income families and individuals by government agencies and private corporations;

- (7) Revised the title to reflect this new purpose;
- (8) Added that the task force consider the recommendations submitted by the Homeless Ohana Association; and
- (9) Added the names of individuals to whom certified copies of the concurrent resolution are to be sent.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs and Housing that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 167, S.D. 1, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 167, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representatives Kawakami and Stegmaier.

SCRep. 1890 Hawaiian Affairs and Housing and Health on S.C.R. No. 128

The purpose of the concurrent resolution is to support the Native Hawaiian Health Professions Scholarship Program (Program) which attempts to increase the number of native Hawaiians who are represented in Hawaii's health professions.

Papa Ola Lokahi is the agency designated by the federal government to locate employment and placement opportunities for recipients of scholarships from the Program. Upon completion of their studies, graduates are required to provide service to the native Hawaiian community. However, if placement is not found, the graduate is then referred to the Public Health Service which assigns the graduate to a federal agency for service on the mainland. This defeats the purpose of having native Hawaiians trained as health professionals to provide services to the native Hawaiian community as well as to serve as role models for their people. Accordingly, this measure requests the Department of Health (DOH) to support the efforts of Papa Ola Lokahi to find employment and placements for graduates of the Program.

The DOH, Papa Ola Lokahi, and a concerned citizen testified on this measure.

Your Committees acknowledge DOH's efforts, to date in:

- (1) Continuing to cooperate with Papa Ola Lokahi; and
- (2) Developing a proposed memorandum of agreement with Papa Ola Lokahi that describes the joint responsibilities for the placement of Program graduates.

Upon further consideration, your Committees have amended this measure by:

- (1) Adding the following organizations to receive copies of this concurrent resolution: Hawaii's congressional delegation, the University of Hawaii's John A. Burns School of Medicine, and the Hawaii Primary Care Association; and
- (2) Making technical, nonsubstantive revisions for purposes of clarity and style.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Housing and Health that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 128, S.D. 1, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 128, S.D. 1, H.D. 1.

Signed by all members of the Committees except Representatives Kahikina and Kawakami.

SCRep. 1891 Finance on S.C.R. No. 21

The purpose of this concurrent resolution is to request that the Department of Land and Natural Resources to submit a copy of the report generated from the findings of the Endangered Waterbird Recovery Planning Process.

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 S.C.R. No. 21, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1892 Finance on S.C.R. No. 22

The purpose of this concurrent resolution is to request the Department of Accounting and General Services to allow bona fide community groups, or organizations to use the Waipahu Civic Center for nonprofit meetings after normal work hours.

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 S.C.R. No. 22, S.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1893 Finance on S.C.R. No. 24

The purpose of this concurrent resolution is to request the review of the viability of the Marine Patrol Unit.

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 S.C.R. No. 24, S.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1894 **Finance on S.C.R. No. 37**

The purpose of this concurrent resolution is to request the establishment of a health and social services block grant task force to examine and then determine how best to allocate and spend funds in any future federal block grants that may be given to the State for health and social welfare programs.

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 S.C.R. No. 37, S.D. 1, and recommends its adoption.

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

SCRep. 1895 **Finance on S.C.R. No. 99**

The purpose of this concurrent resolution is to request the Department of Business, Economic Development, and Tourism to accomplish preliminary planning towards the development of a Pacific islands business development master plan to cover such areas as merchandise trade, services, tourism, shipping and air links, and cruise shipping.

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 S.C.R. No. 99, S.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1896 **Finance on S.C.R. No. 107**

The purpose of this concurrent resolution is to request that a State water conservation plan be designed and developed pursuant to a statewide conference.

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 S.C.R. No. 107, S.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1897 **Finance on S.C.R. No. 121**

The purpose of this concurrent resolution is to request the Hawaii Long-Term Care Reform Task Force to study, understand, and evaluate various issues relating to long-term care for the elderly, to educate the public about these issues, and to establish the framework for implementation of a long-term care system.

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 S.C.R. No. 121, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1898 **Finance on S.C.R. No. 183**

The purpose of this concurrent resolution is to request the development of a proposal to reduce the illegal sale of tobacco products to minors and to increase compliance under existing statutes regulating the sale of tobacco products to minors or propose a new regulatory mechanism.

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 S.C.R. No. 183, S.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1899 **Finance on S.C.R. No. 186**

The purpose of this concurrent resolution is to request the continued research regarding the pervasive health and human service problems on the Big Island and to make recommendations for improving services.

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 S.C.R. No. 186 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1900 **Finance on S.C.R. No. 214**

The purpose of this concurrent resolution is to request the Governor to convene the Hawaii Maritime Industry Policy Advisory Task Force.

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 S.C.R. No. 214, S.D. 1, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1901 Finance on S.C.R. No. 202

The purpose of this concurrent resolution is to urge the Governor and the Department of Human Resources Development to expedite the implementation of a cafeteria plan for public employees.

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 S.C.R. No. 202 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1902 Finance on S.C.R. No. 223

The purpose of this concurrent resolution is to request the Department of Land and Natural Resources Flood Control Branch, in coordination with interested North Shore Community Associations, to assist the Paukauila Streambank and Riparian Area Community Restoration Project by information, expertise, and support.

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 S.C.R. No. 223, S.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1903 Finance on S.C.R. No. 226

The purpose of this concurrent resolution is to request the Department of Land and Natural Resources to conduct a study on the feasibility of engaging nonprofit organizations to assist in the management of state parks while honoring and preserving public employee rights.

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 S.C.R. No. 226, S.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1904 Finance on S.C.R. No. 243

The purpose of the concurrent resolution is to request the Department of Health to convene a task force to review the responsibilities and functions of the State Health Planning and Development Agency.

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 S.C.R. No. 243, S.D. 1, H.D. 1 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1905 Finance on S.C.R. No. 249

The purpose of this concurrent resolution is to request various state and county agencies to develop a definition of, and requirements for, "greenways" which may be utilized by the Land Use Commission in considering applications for land use changes.

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 S.C.R. No. 249, S.D. 1, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1906 Finance on S.C.R. No. 270

The purpose of this concurrent resolution is to request the Department of Business, Economic Development, and Tourism to establish a task force to develop a plan on how the State can promote Hawaii's excellent health care systems and expertise.

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 S.C.R. No. 270, S.D. 1, H.D. 2, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1907 Finance on S.C.R. No. 305

The purpose of this concurrent resolution is to request the Board of Agriculture to establish a temporary protocol to allow resident guidedogs to re-enter the state without quarantine under certain conditions.

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 S.C.R. No. 305, S.D. 1, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1908 Finance on S.C.R. No. 290

The purpose of this concurrent resolution is to request the Attorney General to investigate the Department of Public Safety's practice of transferring convicted felons and prerelease prisoners between various facilities as well as the Department's plans to have Kulani Prison manage Hale Nani.

The Department of Public Safety submitted comments on this concurrent resolution.

Your Committee has amended this concurrent resolution by deleting its substantive portions, and inserting language that requests the Department of Health and the Department of Education to implement a demonstration project on the island of Kauai for child and adolescent mental health.

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 S.C.R. No. 290, as amended herein, and recommends its adoption, in the form attached hereto as S.C.R. No. 290, H.D. 1.

Signed by all members of the Committee.

SCRep. 1909 Energy and Environmental Protection on S.C.R. No. 103

The purpose of this concurrent resolution is to request the United States Environmental Protection Agency to conduct a risk-analysis study of all available geothermal data to ensure that the public health, safety, and welfare is not being compromised by the Puna geothermal project.

Testimony in support of this measure was received from the Department Health, the Department of Land and Natural Resources, and the Democratic Party of Hawaii.

Testimony was also received from the Puna Geothermal Venture expressing their concerns that the overall objectives of this resolution would not be achieved without a mechanism to effectively disseminate the information in the study to the general public.

During the Committee's discussion on this matter, it was agreed that there is still a need for this study and that the report which is to follow must be user friendly and comprehensible to both legislators and the general public.

Your Committee has amended this concurrent resolution by adding a directive to the Department of Health and the Department of Land and Natural Resources to assist the United States Environmental Protection Agency in this effort by disseminating copies of the forthcoming report to the residents of Puna and the general public.

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 S.C.R. No. 103, S.D. 2, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 103, S.D. 2, H.D. 1.

Signed by all members of the Committee except Representatives Kanoho, Takamine, Yoshinaga and Meyer.

SCRep. 1910 Energy and Environmental Protection on S.C.R. No. 237

The purpose of this concurrent resolution is to request the establishment of a task force to address concerns related to the water quality of Waikiki area beach waters.

Favorable testimony was received by the Waikiki Residents Association, which also requested the measure be amended to include the Ala Wai Canal and the beaches as part of the study area.

Both the Department of Health and the University of Hawaii supported the measure but recommended that existing organizations may be able to incorporate the objectives of this concurrent resolution into their agendas.

In light of the fact that the creation of a new task force may be time consuming and redundant, your Committee has amended this concurrent resolution, including the title, to request that the Governor add the objectives stated in this measure to the working agendas of existing task forces which have been assigned to study these problems.

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 S.C.R. No. 237, S.D. 1, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 237, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representatives Kanoho, Takamine and Meyer.

SCRep. 1911 Energy and Environmental Protection on S.C.R. No. 246

The purpose of this concurrent resolution is to recognize the importance of protecting the State's drinking water resources, express the Legislature's support of additional financial assistance for the Department of Health's Safe Drinking Water Branch, and to direct improved coordination with the various county water departments and boards for better groundwater and drinking water monitoring.

The Department of Health submitted favorable testimony on this measure.

Testimony was also received from a private citizen advocating the need to reallocate Department of Health resources and devote more funds to improving drinking water monitoring and protection instead of advertising and public relations projects.

In order to address this concern your Committee has amended the Concurrent Resolution by directing the Department of Health to make available to the Legislature and the public, a report on the financial and policy rationale for prioritizing the wells, chemicals, and standards for inclusion in the drinking water testing program no later than twenty days prior to the convening of the 1996 Regular Session of the State Legislature.

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 S.C.R. No. 246, S.D. 1, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 246, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representatives Kanoho, Takamine and Meyer.

SCRep. 1912 Consumer Protection and Commerce on S.C.R. No. 95

The purpose of this concurrent resolution as received by you Committee is to request the Public Utilities Commission ("PUC"), with the assistance of the Consumer Advocate ("CA"), to review and revise, as necessary, rules relating to telephone service quality measures and standards and to develop more consumer-friendly procedures for processing telephone service quality complaints.

The American Association of Retired Persons ("AARP"), Kokua Council for Senior Citizens, The Ocean View Business Association and the Hawaiian Ocean View Estates Community Association testified in support of this resolution. The CA and Hawaiian Electric Company, Inc., submitted testimony supporting the intent of the bill, and recommended amendments to the bill. The PUC, GTE Hawaiian Tel, and BHP Gas Company opposed this resolution. Four concerned citizens also submitted comments.

Your Committee recognizes that although utility providers may be operating in full compliance with the standards of the PUC, significant changes have occurred in Hawaii since the promulgation of the current rules. Furthermore, it appears that the standards of telephone companies and other telecommunication providers have not been accordingly updated to reflect present day demographics, equipment, and reliability. The passage of this concurrent resolution will be a step toward updating the current standards in the industry and improving services provided to the public.

Your Committee understands that the limited resources and increased workload of the PUC and the CA may make it difficult if not impossible for the adequate review and development of rules and consumer complaint procedures in the time contemplated by this concurrent resolution. Furthermore, this update should apply to all telecommunication providers and include input from utility companies which may be affected by this concurrent resolution.

Upon careful consideration, your Committee has amended the concurrent resolution as follows:

- (1) Extended the time for the review and revision of rules prescribing updated service quality measures and standards;
- (2) Changed the date of submission of the PUC's report to the Legislature;
- (3) Included other telecommunication providers in the review; and,
- (4) Provided for the participation of the affected utility companies in the review and revision of the rules.

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 S.C.R. No. 95, S.D. 1, as amended herein, and recommends its adoption, in the form attached hereto as S.C.R. No. 95, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representatives Menor, Case, Hiraki, Tom, White and Meyer.

SCRep. 1913 Consumer Protection and Commerce on S.C.R. No. 247

The purpose of this concurrent resolution is to request the Public Utilities Commission (PUC) to submit an informal report and copy of materials relating to consolidated regulation of all communications technologies in Hawaii.

Specifically, the concurrent resolution requests the following:

- (1) That the DCCA submit, within ten working days of receiving a copy of this concurrent resolution, an informal report and a copy of all materials that have been generated to date in reference to the progress made in response to S.C.R. NO. 191 (1994); and
- (2) That the PUC and the DCCA submit, no later than September 30, 1995, a final report determining the requirements for consolidated regulation of all communications technologies in this State, without regard to the final completion of Docket No. 7702.

Your Committee notes that S.C.R. No. 191 (1994) requested the DCCA's Cable Television Division to review and assess the current communications and broadcast media regulatory processes with a view toward ascertaining, in anticipation of federal legislation, the requirements for consolidated regulation of all communications technologies in this

State. The PUC and the DCCA's Cable Television Division were further requested to determine the appropriate range of state regulation, including wireless and other technologies not currently regulated by the State. Your Committee finds that the PUC and the DCCA submitted to the legislature a written response indicating that the PUC's telecommunications Infrastructure Docket No. 7702 was the appropriate mechanism to address these concerns.

Comments were received from the Cable Television Division of the Department of Commerce and Consumer Affairs.

Your Committee made the following amendments:

- (1) Provided that the PUC and the DCCA are each requested to submit a final report; and
- (2) Changed the due date of the final report from September 30, 1995 to "no later than twenty days prior to the convening of the 1996 Regular Session."

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 S.C.R. No. 247, S.D. 1, as amended herein, and recommends its adoption, in the form attached hereto as S.C.R. No. 247, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representatives Menor, Case, Hiraki, Tom, White and Meyer.

SCRep. 1914 Consumer Protection and Commerce and Judiciary on S.C.R. No. 293

The purpose of this concurrent resolution is to urge the Department of Commerce and Consumer Affairs to conduct a study to determine better ways to enforce sales laws in the sports memorabilia and collectable markets.

Your Committees find that while the majority of collectable dealers are honest, the potential for quick and huge economic gain has resulted in an increase in the amount of counterfeit and unlicensed merchandise entering the market.

Supportive testimony was received from the editor of the Hawaii Collectors Digest. Comments were received from the Office of Consumer Protection.

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.C.R. No. 293 and recommend its adoption.

Signed by all members of the Committees except Representatives Menor, Cachola, Case, Hamakawa, Tom and Kawanakoa.

SCRep. 1915 Hawaiian Affairs and Housing and Health on S.C.R. No. 227

The purpose of this concurrent resolution is to provide an acknowledgement by the Legislature that it supports the effort of Papa Ola Lokahi and the Native Hawaiian health care systems to improve the health status of Native Hawaiians.

Papa Ola Lokahi is a consortium of public and private agencies, including the State agencies of the Department of Health, the Office of Hawaiian Affairs, the University of Hawaii; and the private, nonprofit organizations Alu Like and E Ola Mau as established by the Native Hawaiian health Care Improvement Act of 1988 (P.L. 100-570). The Native Hawaiian health care systems Ho'ola Lahui Hawai'i (Kauai and Niihau), Ke Ola Mamo (Oahu), and Hui Malama Ola Na 'O 'Iwi (Hawaii), are programs recognized and certified by Papa Ola Lokahi to provide for their respective service areas an array of health education and disease prevention programs for Native Hawaiians as mandated by the federal act.

Testimony in support of this concurrent resolution was received from the Office of Hawaiian Affairs, the Department of Health, the University of Hawaii, Papa Ola Lokahi, Ho'ola Lahui Hawaii, and Ke Ola Mamo.

Your Committees were in favor of the intents and purposes of this measure and having received no testimony in opposition have decided to pass it unamended.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Housing and Health that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 227, S.D. 1, and recommend its adoption.

Signed by all members of the Committees except Representatives Kahikina, Kawakami and Stegmaier.

SCRep. 1916 Hawaiian Affairs and Housing and Human Services on S.C.R. No. 277

The purpose of this concurrent resolution is to request the Housing Finance and Development Corporation to lease a particular vacant parcel of land to the Waipahu United Church of Christ to develop and operate a respite care service center.

In the discussion about the measure, the need for various kinds of services for elderly persons in the area was raised. In addition to respite care services, adult day care and adult day health services are among other kinds of services that are needed.

The Housing Finance and Development Corporation testified that the parcel in question is part of a larger project, and certain components of this project have already been completed. Some of the costs for the completed components have been recovered. But the remainder must be recaptured from the remaining phases, which must recover their own costs as

well. Therefore, any revenues from the proposed center should be directed to the Housing Finance and Development Corporation to recover the costs of the entire project. However, the public purpose of providing the services to be offered by the center takes precedence over the recovery of costs.

Your Committees have amended the concurrent resolution as follows:

- (1) Added the statement that adult day care and adult day health programs have been developed to care for elderly and disabled adults in the community during the day, enabling them to return to their homes and their families at night;
- (2) Deleted the statement that the Waipahu United Church of Christ has provisionally committed to develop and operate a respite care service center;
- (3) Added a statement that the purpose of the lease is for the church to develop and operate a center for elderly persons, to include adult day care, adult day health, and respite care services;
- (4) Revised the title to reflect this new purpose; and
- (5) Made technical, nonsubstantive revisions for purposes of style and clarity.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Housing and Human Services that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 277, S.D. 1, as amended herein, and recommend that it be referred to the Committee on Finance in the form attached hereto as S.C.R. No. 277, S.D. 1, H.D. 1.

Signed by all members of the Committees except Representatives Kawakami and Stegmaier.

SCRep. 1917 Education and Higher Education and the Arts on S.C.R. No. 88

The purpose of this concurrent resolution is to express legislative support for the development of vocational, technical, and core academic education programs in Hawaii high schools.

Vocational, technical, and core academic education or "tech-prep" is an alternative to the traditional academic education program in public high schools. According to supporting testimony of the Department of Education, thirty-four high schools are presently planning or implementing tech-prep programs to run concurrently with the academic program in those same schools.

Your Committees recognize that a significant number of high school graduates do not go on to pursue collegiate studies. A tech-prep program may be the most appropriate alternative for these students in order to help them become better prepared for the challenges of a high-tech oriented job market.

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 concur with the intent and purpose of S.C.R. No. 88 and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committees except Representatives Arakaki, Santiago, Takamine, Takumi, Yonamine and Halford.

SCRep. 1918 Education and Higher Education and the Arts on S.C.R. No. 254

The purpose of this concurrent resolution is to request the Department of Education, in collaboration with several arts education organizations, to provide recommendations to better incorporate arts education into the Hawaii public school curriculum.

Your Committees find that the arts have been identified as a catalyst for educational reform. Research has proven that the arts greatly increase the enjoyment of learning for students, help educators keep students interested in school, and contribute to student self-esteem, success, and productivity.

The University of Hawaii and the Department of Accounting and General Services' State Foundation on Culture and the Arts supported the Concurrent Resolution. The Department of Education submitted comments regarding the measure.

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 concur with the intent and purpose of S.C.R. No. 254, S.D. 1, and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committees except Representatives Arakaki, Santiago, Takamine, Takumi, Yonamine and Halford.

SCRep. 1919 Higher Education and the Arts on S.C.R. No. 169

The purpose of this concurrent resolution is to urge the Board of Regents of the University of Hawaii to seriously consider the purchase at a distress sale of any former hotel in the West Hawaii area to serve as the site for the University of Hawaii, West Hawaii.

The University of Hawaii submitted testimony in support of the purpose and intent of this measure. Comments were also submitted by an interested citizen.

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. 169 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Santiago, Shon, Stegmaier, Takumi and Yonamine.

SCRep. 1920 Higher Education and the Arts on S.C.R. No. 276

The purpose of this concurrent resolution is to establish a planning commission to organize and ensure the success of the Waipahu Centennial Celebration on or about June 17, 1997.

This concurrent resolution also requests:

- (1) The Governor to:
 - (a) Appoint four members from the Waipahu community; and
 - (b) Consider Goro Arakawa as the honorary chair; and
- (2) The President of the Senate and the Speaker of the House of Representatives to each appoint three members from the Waipahu community.

Your Committee received testimony in support of this measure from the State Senator of the 19th District.

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. 276 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Santiago, Shon, Stegmaier, Takumi and Yonamine.

SCRep. 1921 Higher Education and the Arts on S.C.R. No. 235

The purpose of this concurrent resolution is to request the Board of Regents of the University of Hawaii to:

- (1) Develop a ten-year facilities development plan; and
- (2) Submit a status report on its progress to develop a ten-year facilities plan, to the Legislature twenty days prior to the convening of the 1996 Regular Session.

Your Committee received testimony in support of the purpose and intent of this measure 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. 235, S.D. 1, and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Santiago, Shon, Stegmaier, Takumi and Yonamine.

SCRep. 1922 Higher Education and the Arts on S.C.R. No. 181

The purpose of this concurrent resolution is to urge the Department of Budget and Finance, the Department of Accounting and General Services, and the State Foundation on Culture and the Arts (SFCA) to expedite the processing of grants and contracts with arts organizations that encompass music, dance, theatre, the visual arts, and other organizations relating to the arts.

The Department of Budget and Finance submitted comments on the concurrent resolution. The Department of Accounting and General Services testified recommending that the concurrent resolution be deferred since the Department has streamlined its encumbrance process and also because insufficient time exists to convene a meeting and report to the Legislature before the adjournment of the 1995 Legislative session. Numerous artists' organizations testified regarding the difficulties they have experienced due to the delay in their payments.

Your Committee finds that because of the Governor's request for a review and approval process for all state contracts and grant authorizations prior to encumbrance with arts organizations, the State has had difficulty fulfilling its obligations under current contracts and grants. Several of the arts organizations have partially or fully completed their obligations and are still awaiting payments which for some are critical to the economic well being of their organizations.

Your Committee has amended this concurrent resolution by:

- b) changing the title of the concurrent resolution to "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUDGET AND FINANCE, THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES, AND THE STATE FOUNDATION ON CULTURE AND THE ARTS TO SUGGEST AND IMPLEMENT CHANGES TO EXPEDITE THE PROCESSING OF GRANTS AND CONTRACTS WITH ARTISTS' ORGANIZATIONS," and

- b) asking the Department of Budget and Finance, the Department of Accounting and General Services, and the State Foundation on Culture and the Arts to suggest and implement changes to expedite the processing of grants and contracts with the artists' organizations. The task force is required to submit a report to the Legislature of its suggested changes prior to the beginning of the 1996 Legislature.

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. 181, S.D. 1, as amended herein, and recommends its adoption, in the form attached hereto as S.C.R. No. 181, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representatives Santiago, Shon, Stegmaier, Takumi and Yonamine.

SCRep. 1923 Higher Education and the Arts on S.C.R. No. 213

The purpose of this concurrent resolution is to urge AMFAC/JMB Hawaii, Inc., to donate twenty acres of land in Waipahu, Hawaii to the Waipahu Community to establish a Hawaii Heritage Center and Park.

AMFAC/JMB Hawaii, parent company for Oahu Sugar Company, submitted testimony in support of this measure.

Your Committee finds that the Waipahu community has been the foundation for the success of AMFAC/JMB Hawaii, Inc.'s Oahu Sugar Company's sugar mill for almost one hundred years. It would be a kind gesture of appreciation for AMFAC/JMB Hawaii Inc., to donate lands in and around the sugar mill, that is closing down, for the community to enjoy a heritage center and park.

Your Committee has amended this concurrent resolution by adding the Waipahu Neighborhood Board and the Waipahu Community Foundation to those receiving copies of the concurrent resolution.

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. 213, S.D. 1, as amended herein, and recommends its adoption, in the form attached hereto as S.C.R. No. 213, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representatives Santiago, Shon, Stegmaier, Takumi and Yonamine.

SCRep. 1924 Higher Education and the Arts and Education on S.C.R. No. 191

The purpose of this concurrent resolution is to encourage the University of Hawaii and the Department of Education to integrate domestic violence prevention into their curriculum.

The Department of Education testified in support of the measure, but said that it did not feel that this concurrent resolution is necessary since programs to address the issue are already being carried out. Concerned citizens and community organizations such as Domestic Violence Legal Hotline urged passage of the concurrent resolution. The Hawaii State Coalition on Sexual Assault, Child and Family Services, Newman Center Holy Spirit Parish, Hawaii Women Lawyers, and the Hawaii State Commission on the Status of Women submitted testimony in support of the intent of the concurrent resolution. Many of the groups and individual citizens urged that the language from HCR 150 HD1 be inserted to provide a broader focus of the contexts in which violence is encountered by Hawaii's young people.

Upon careful consideration, your Committees find that violence prevention via an integrated curriculum in Hawaii's schools is a necessity to teach future generations alternatives to violence. Your Committees have amended this concurrent resolution by:

- (a) changing the name of the concurrent resolution to "SENATE CONCURRENT RESOLUTION ESTABLISHING A VIOLENCE PREVENTION COORDINATING COUNCIL TO ADDRESS THE INTEGRATION OF VIOLENCE PREVENTION CURRICULA IN PUBLIC SCHOOLS TO PREVENT VIOLENCE IN HAWAII'S HOMES, SCHOOLS, AND COMMUNITIES," and,
- (b) deleting the contents and inserting the language of HCR 150, HD 1, which expands the violence prevention curricula to address violence in not only the home, but also in the school and the community.

As affirmed by the records of votes of the members of your Committees on Higher Education and the Arts and Education that are attached to this report, your Committees concur with the intent and purpose of SCR No. 191, as amended herein, and recommends its adoption in the form attached hereto as SCR No. 191, H.D. 1.

Signed by all members of the Committees except Representatives Arakaki, Santiago, Takamine, Takumi, Yonamine and Halford.

SCRep. 1925 Labor and Public Employment on S.C.R. No. 46

The purpose of this concurrent resolution is to request that members of Hawaii's congressional delegation exercise their best efforts and do all things necessary toward the expeditious planning and construction of a new post office with adequate public parking in Waipahu.

Testimony in support of this resolution was submitted urging Hawaii's congressional delegation to enhance the process of bringing about a new post office in Waipahu.

It is noted by your Committee that current emphasis is on facilities construction in the newer outlying areas such as Waikele to the detriment of Waipahu, an established community of 60,000, the largest in the State.

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 S.C.R. No. 46 and recommends its adoption.

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

SCRep. 1926 Labor and Public Employment on S.C.R. No. 279

The purpose of this concurrent resolution is to request the Governor to explore the possibility of using Job Corps students for volunteer clerical services throughout the state administration.

The Department of Public Safety has received clerical services from some of the students in the Hawaii Job Corps over the past two years.

Testimony was submitted by the Department of Public Safety in support of this concurrent resolution. Additionally, the Department recommended that those assigned to supervise the students be willing to work with youth who are in need of increasing their work ethics, employment skills, social graces, self-esteem, and self-worth.

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 S.C.R. No. 279 and recommends its adoption.

Signed by all members of the Committee except Representative Ward.

SCRep. 1927 Water and Land Use Planning on S.C.R. No. 306

The purpose of this concurrent resolution is to preserve and promote the cultural and spiritual significance of a volcanic cone in West Oahu popularly known as Fort Barrett.

This measure urges that Pu'u o Kapolei, the proper and accurate name of the site, should be reasserted for this landmark.

The Office of Hawaiian Affairs submitted testimony in 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 concurs with the intent and purpose of S.C.R. No. 306 and recommends its adoption.

Signed by all members of the Committee except Representatives Kanoho, McMurdo, Yoshinaga, Meyer and Thielen.

SCRep. 1928 Legislative Management on S.C.R. No. 162

The purpose of this concurrent resolution is for the Legislature to disapprove the recommendation of the Commission on Legislative Salary (Commission).

Your Committee finds that the 1994 Commission is the third such commission established pursuant to Article III, section 9, of the Hawaii State Constitution. Pursuant to the Constitution, the Commission's recommendation, if approved, would apply to the Nineteenth Legislature, beginning in 1997. The Constitution further provides that the Commission's recommendation will automatically become effective, unless disapproved during this regular session by the Eighteenth Legislature or the Governor.

Your Committee further finds that the Commission, in making its recommendation, reviewed a variety of factors including the history of legislative salaries since 1967, the current non-salary benefits received by legislators, and the reports presented by the two previous commissions in 1978 and 1986. The Commission also surveyed current legislators who served during the 1994 legislative session, to determine the amount of time spent in service as legislators both during the legislative session and during the interim. Finally, the Commission developed various scenarios for determining legislative salary, of which two were selected for presentation at public hearings statewide.

Your Committee notes that upon receiving public comment, the Commission incorporated these comments into a revised scenario which was used in its recommendation to the Legislature. The Commission reported that public sentiment did not generally support a legislative pay increase at this time because of the State's austere fiscal condition. Thus, the Commission's recommendation proposed the following:

- (1) No salary increase would be given for 1997;
- (2) Any salary increase in 1999, would be based upon the average percentage increase in those collective bargaining unit contracts negotiated by the Office of Collective Bargaining within the Governor's Office; and
- (3) The calculation of any such increase would be based upon the current annual salary level of members of the Legislature, which is \$37,000 for the Senate President and Speaker of the House of Representatives and \$32,000 for the remaining members.

Upon further consideration of the Commission's recommendation, your Committee believes that while the Commission was diligent in its efforts to develop a fair and justifiable resolution to the issue of legislative salary, the linking of legislative salaries to the process of collective bargaining for public employees raises serious concerns. Of primary

concern is the separation of powers issue, which would be violated as legislative pay increases would be bound by public employee increases negotiated by the Governor's Office of Collective Bargaining. Secondly, an ancillary concern is that the Legislature approves and appropriates funds for the pay increases negotiated through the collective bargaining process, and thus, in effect, would be approving its own salary increases.

Notwithstanding the disapproval of the Commission's recommendation through this concurrent resolution, your Committee wishes to acknowledge and express its gratitude to the members of the Salary Commission for its time and its efforts expended throughout the State to accomplish its mission and to render what it believed to be a just and fair recommendation on a controversial issue in the midst of the State's financial crisis. Your Committee also appreciates and wholeheartedly agrees with the Commission's following findings, as contained in its report:

- (1) Hawaii State legislators are deserving of some form of an increase in salary, rather than maintaining the status quo or reducing the salary;
- (2) Though the Hawaii Legislature is officially considered part-time, the amount of time and energy actually required to sufficiently address constituency demands throughout the year goes far beyond the regular definition of part-time work;
- (3) Any salary increase should occur every two years;
- (4) Non-salary benefits for legislators should be considered, although the Commission cannot make recommendations affecting these benefits; and
- (5) The \$5,000 pay differential for the Senate President and the Speaker of the House of Representatives should be maintained.

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 S.C.R. No. 162, S.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Say, Okamura and Souki.

SCRep. 1929 Hawaiian Affairs and Housing and Health on S.C.R. No. 126

The purpose of this concurrent resolution is to honor the Hansen's disease patients sent to Kalaupapa on Molokai.

This measure urges the National Park Service, in partnership with the Office of Hawaiian Affairs (OHA), to mount a plaque at Kalaupapa commemorating the courage and perseverance of the thousands of people sent there since 1866.

The mounting of a plaque would be consistent with one of the purposes of the Kalaupapa National Historical Park--to educate and inspire present and future generations through research and preservation of the memories and lessons of the past.

OHA and two concerned citizens testified in support of this measure.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Housing and Health that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 126 and recommend its adoption.

Signed by all members of the Committees except Representatives Kawakami, Stegmaier and Anderson.

SCRep. 1930 Legislative Management on H.R. No. 60

The purpose of this resolution is to request the Legislative Reference Bureau to study liability issues related to volunteers, as well as nonprofit organizations and government agencies and their employees that rely on the services of volunteers.

Testimony in support of this resolution was submitted by the Honolulu Department of the Prosecuting Attorney, the Judiciary, the Queen's Medical Center, the Network of Volunteer Leaders, Big Brothers/Big Sisters of Honolulu, Inc., the Office of State Volunteer Services and Special Projects, the Hawaiian Humane Society, and two individuals.

The testimony indicated that many volunteers are working in a wide variety of settings in both the public and private sectors. Moreover, volunteers are critical to the operations of many organizations. Volunteerism continues to thrive despite an undercurrent of uncertainties regarding liability. In today's litigious society, a thorough examination of the relevant issues is necessary.

Other states have addressed these issues by protecting volunteers from liability concerns, thereby ensuring the uninterrupted services of these volunteers. Hawaii can learn much from the experiences of these other states. The study requested by this resolution includes a review of the laws and policies of these states. Your Committee feels that this kind of study will benefit both the organizations and the individuals who volunteer at these organizations.

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. 60, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Say, Okamura and Souki.

SCRep. 1931 Higher Education and the Arts on S.C.R. No. 268

The purpose of this Senate Concurrent Resolution is to request the Department of Business, Economic Development, and Tourism (DBEDT) to work in conjunction with the Board of Regents of the University of Hawaii and the University of Hawaii Space Grant College to strengthen and stabilize the Future Flight Program to ensure its immediate and future success.

The Department of Business, Economic Development, and Tourism (DBEDT) and the University of Hawaii Space Grant College testified in support of this measure. The UH Space Grant College supported the resolution provided that its passage does not replace or adversely affect priorities as indicated in the University of Hawaii Executive Biennium Budget. The Department of Education submitted written comments.

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. 268, S.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Lee, Santiago, Yonamine and Halford.

SCRep. 1932 Education and Higher Education and the Arts on S.C.R. No. 47

The purpose of this concurrent resolution is to:

- (1) Declare the Legislature's support of the goals of the Hawaii Educational Networking Consortium, which plans to focus its efforts on the initiative known as "Ke Ala 'Ike--The Path to Knowledge"; and
- (2) Request the Office of the Governor to examine the "Ke Ala 'Ike" initiative and demonstrate efforts to link all public schools and libraries throughout the State with broadband communication capabilities by the year 2000.

Your Committees find that our society and economy has shifted from the industrial to the information age, and this shift should be reflected in the ongoing development and reform of our public education system. Your Committees further find that telecommunication linkages between schools and libraries would offer an affordable means to provide an expansive education system which could integrate public and private information networks.

Testifying in favor of the concurrent resolution were the Department of Education and the University of Hawaii.

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 concur with the intent and purpose of S.C.R. No. 47 and recommend its adoption.

Signed by all members of the Committees except Representatives Arakaki, Lee, Santiago, Takamine, Yonamine and Halford.

SCRep. 1933 Judiciary on S.B. No. 1593

The purpose of this bill is to update the Uniform Controlled Substances Act to comport with federal law and to add butorphanol as a Schedule IV controlled substance.

Your Committee received testimony in support of this bill from the Department of Public Safety, the Hawaii Pharmaceutical Association, and the Department of Health.

Pursuant to State law, the Department of Public Safety recommends changes to the controlled substances act based on federal law change. Your Committee finds that the controlled substances delineated in this bill, except for butorphanol, are updates or corrections made by the federal government since the last Legislative session and should be adopted into State law.

Your Committee finds that butorphanol is a prescription drug which does not fall under the control of the Uniform Controlled Substances Act and that it is being used in conjunction with other prescription drugs to produce in the user a euphoric state. Your Committee believes that the potential for abuse of butorphanol justifies its classification as a Schedule IV controlled substance.

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. 1593 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 Menor and Yoshinaga.

SCRep. 1934 Judiciary on S.B. No. 1770

The purpose of this bill is to provide for discretionary negotiation by the Child Support Enforcement Agency (CSEA) with a parent regarding a proposed order of support, require the filing of an administrative order in the circuit where the support order is filed, and facilitate income withholding to liquidate past due support in interstate cases.

Your Committee received testimony in support of this bill from the Department of the Attorney General.

Your Committee finds that granting the CSEA discretion to enter into negotiations with the parties with respect to proposed support orders will expedite the support payment process. While your Committee believes that when a hearing request is received, the CSEA should have the discretion to conduct negotiations with the parties to reach an agreed upon disposition, your Committee was concerned that the CSEA would attempt negotiation in an increasingly small number of cases. Thus, your Committee cautions the CSEA to use restraint in the exercise of its discretion.

Your Committee finds that permitting administrative orders to be filed in the circuit court where a previously established support order was filed will help ensure complete record keeping of all pertinent orders. This will enable the CSEA to more efficiently initiate appropriate enforcement actions.

Your Committee finds that federal regulations require states to extend income withholding provisions to interstate cases and to ensure that an amount in addition to the amount ordered for current support be withheld to liquidate past due support. This bill ensures compliance with federal regulations.

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. 1770 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Menor.

SCRep. 1935 Finance on S.B. No. 1204

The purpose of this bill is to restore the position of Deputy Director for Environmental Health within the Department of Health.

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. 1204, S.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee except Representatives Alcon, Chang, Isbell and Nakasone.

SCRep. 1936 Legislative Management on H.R. No. 174

The purpose of this resolution is to request the Legislative Reference Bureau (LRB) to review literature dealing with the diagnosis, transmission, incidence, and treatment of rabies in animals and humans and the quarantine laws of countries that are considered by the World Health Organization to be "specified rabies-free environments" and that are similar to Hawaii as an island-nation or island-state.

Upon further consideration, your Committee has deleted the contents of this resolution and substituted language requesting the LRB to conduct a study to obtain data in order to assist the Legislature in formulating policies that protect the short- and long-term interests of Hawaii's gasoline consumers.

The President and the Executive Director of the Hawaii Automotive Retail Gasoline Dealers Association testified in support of this measure.

Your Committee finds that the Legislature, over the last several years, has sought to address and promote the competitiveness of selling motor vehicle fuel in the State, including imposing a moratorium prohibiting refiners and distributors of petroleum products from opening any new direct operated service stations or retail motor fuel outlets.

In addition, the Attorney General was required to gather and assess reports on the impact on motor fuel prices to consumers of a divorcement on direct retailing of motor fuel by refiners and distributors in competition with franchised and independent service stations.

Your Committee finds, however, that the Attorney General's reports, which were submitted to the Legislature in 1993 and 1994, were not broad enough to provide the Legislature with the comprehensive data necessary to formulate sound policies that protect the interests of gasoline consumers in Hawaii.

In order to ensure that the Legislature has all relevant and useful data on this issue, your Committee has therefore requested the LRB to conduct a study to gather this data and solicit the views of all participants in the petroleum industry.

As part of its study, the LRB is further requested to review other state laws that prohibit or limit the number of retail service stations that may be opened or operated by wholesalers, producers, or refiners of petroleum products, or their subsidiaries. This information will greatly assist the Legislature in formulating policies to protect Hawaii's gasoline consumers. Your Committee recognizes that this report is extremely complicated, therefore, if LRB is not able to complete all of the issues, it is requested that LRB focus on items (15) and (16).

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. 174, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 174, H.D. 2.

Signed by all members of the Committee except Representatives Say, Okamura, P. Oshiro and Souki.