

SCRep. 1368 Economic Development and Business Concerns on H.R. No. 87

The purpose of this resolution is to provide support for small businesses in historically underutilized business areas by requesting that the Small Business Administration (SBA) re-examine the criteria for designating HUBZones under the federal HUBZone Empowerment Contracting Program (HUBZone Program).

The Department of Business, Economic Development, and Tourism testified in support of this measure.

Your Committee notes that the SBA employs United States (U.S.) Census data to determine Urban designation under the HUBZone Program. The application of U.S. Census data has resulted in the designation of certain portions of the Waianae Coast as Urban HUBZones, leaving fragments of the community without Urban designation. Your Committee further finds that this division of the Waianae Coast has rendered it difficult for small business owners to qualify for the HUBZone Program. Re-examination of the criteria for designating HUBZones may enable more small business owners on the Waianae Coast to qualify for and receive HUBZone benefits, which will help stimulate economic development in the area.

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. 87 and recommends its adoption.

Signed by all members of the Committee except Representatives Karamatsu, Sonson and Ontai.

SCRep. 1369 Economic Development and Business Concerns on H.C.R. No. 90

The purpose of this concurrent resolution is to provide support for small businesses in historically underutilized business areas by requesting that the Small Business Administration (SBA) re-examine the criteria for designating HUBZones under the federal HUBZone Empowerment Contracting Program (HUBZone Program).

The Department of Business, Economic Development, and Tourism testified in support of this measure.

Your Committee notes that the SBA employs United States (U.S.) Census data to determine Urban designation under the HUBZone Program. The application of U.S. Census data has resulted in the designation of certain portions of the Waianae Coast as Urban HUBZones, leaving fragments of the community without Urban designation. Your Committee further finds that this division of the Waianae Coast has rendered it difficult for small business owners to qualify for the HUBZone Program. Re-examination of the criteria for designating HUBZones may enable more small business owners on the Waianae Coast to qualify for and receive HUBZone benefits, which will help stimulate economic development in the area.

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. 90 and recommends its adoption.

Signed by all members of the Committee except Representatives Karamatsu, Sonson and Ontai.

SCRep. 1370 Higher Education on H.R. No. 148

The purpose of this resolution is to recognize the Western Interstate Commission for Higher Education (WICHE) on its 50th anniversary.

The University of Hawaii submitted testimony in support of this resolution.

Your Committee finds that WICHE is a valuable organization that brings western states together to pool higher education resources and improve educational opportunities. This resolution recognizes the important contributions this organization has made during the last 50 years.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 148 and recommends its adoption.

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

SCRep. 1371 Higher Education on H.C.R. No. 184

The purpose of this concurrent resolution is to recognize the Western Interstate Commission for Higher Education (WICHE) on its 50th anniversary.

The University of Hawaii submitted testimony in support of this concurrent resolution.

Your Committee finds that WICHE is a valuable organization that brings western states together to pool higher education resources and improve educational opportunities. This concurrent resolution recognizes the important contributions this organization has made during the last 50 years.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 184 and recommends its adoption.

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

SCRep. 1372 Higher Education on H.C.R. No. 60

The purpose of this concurrent resolution is to express the Legislature's support for the School of Ocean and Earth Science and Technology (SOEST) at the University of Hawaii (UH).

UH submitted comments on this concurrent resolution.

Your Committee finds that currently, overhead moneys from research units at UH are deposited into the Research and Training Revolving Fund (Fund) to be used by UH to support further research ventures. However, moneys in the Fund are not

returned equitably to the research units that generated the funds, and this problem is not limited to funds generated by SOEST. Your Committee feels that this situation needs to be rectified while maintaining accountability for the use of research moneys at UH.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 60 and recommends its adoption.

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

SCRep. 1373 International Affairs on H.R. No. 164

The purpose of this resolution is to:

- (1) Reaffirm the value and meaning of aloha in the face of potential military action against Iraq; and
- (2) Support alternative, nonviolent solutions to the current crisis in Iraq.

Hui Ho'oulu, Inc., and a concerned individual testified in support of this measure. The Hawaiian Political Action Council of Hawaii supported the intent of this measure.

Your Committee has amended this resolution by:

- (1) Reflecting that the military action against Iraq is now current, and no longer a potential conflict; and
- (2) Making technical, nonsubstantive amendments to correct a typographical error and for purposes of clarity and style.

As affirmed by the record of votes of the members of your Committee on International Affairs that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 164, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 164, H.D. 1.

Signed by all members of the Committee except Representative Stonebraker.

SCRep. 1374 International Affairs on H.C.R. No. 211

The purpose of this concurrent resolution is to:

- (1) Reaffirm the value and meaning of aloha in the face of potential military action against Iraq; and
- (2) Support alternative, nonviolent solutions to the current crisis in Iraq.

Hui Ho'oulu, Inc., and a concerned individual testified in support of this measure. The Hawaiian Political Action Council of Hawaii supported the intent of this measure.

Your Committee has amended this concurrent resolution by:

- (1) Reflecting that the military action against Iraq is now current, and no longer a potential conflict; and
- (2) Making technical, nonsubstantive amendments to correct a typographical error and for purposes of clarity and style.

As affirmed by the record of votes of the members of your Committee on International Affairs that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 211, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 211, H.D. 1.

Signed by all members of the Committee except Representative Stonebraker.

SCRep. 1375 Finance on S.B. No. 582

The purpose of this bill is to authorize the issuance of general obligation bonds to finance projects for the executive branch and Judiciary.

The Department of Budget and Finance submitted testimony in support of this bill.

Your Committee has amended this bill by changing the effective date to July 1, 2003.

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. 582, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 582, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Mindo and Bukoski.

SCRep. 1376 Finance on S.B. No. 1394

The purpose of this bill is to conform Hawaii's income tax law to changes in the federal Internal Revenue Code (IRC).

The Department of Taxation supported the intent of this bill. The Tax Foundation of Hawaii offered comments.

Your Committee has amended this measure by:

- (1) Deleting the provision that adds section 62(a)(2)(D) of the IRC, relating to deductions for classroom materials paid for by educators, on the list of IRC provisions that are not operative under Hawaii income tax law; and
- (2) Making technical, nonsubstantive amendments for purposes of style and clarity.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1394, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1394, S.D. 2, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Mindo and Bukoski.

SCRep. 1377 Finance on S.B. No. 1395

The purpose of this bill is to amend or repeal obsolete tax laws.

The Department of Taxation testified in support of this measure. The Tax Foundation of Hawaii offered comments.

Your Committee has amended additional sections of the tax laws that contain references to sections being repealed in 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. 1395, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1395, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Mindo and Bukoski.

SCRep. 1378 Finance on S.B. No. 1134

The purpose of this bill is to create new sources of funding for enhancing the Judiciary's computer systems by requiring certain state circuit and district court administrative fees to be deposited into the Judiciary Computer System Special Fund.

The Judiciary submitted testimony in support of this bill. The Department of Budget and Finance, Hawaiian Collectors Assn., Inc., Pacific Collections, Vericheck, Collection Agency of Hawaii, Inc., and Doctors Business Bureau of Hawaii submitted testimony in opposition to this bill.

Your Committee has amended this bill by changing the effective date to July 1, 2010.

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. 1134, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1134, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Mindo and Bukoski.

SCRep. 1379 Finance on S.B. No. 1425

The purpose of this bill is to establish a business mentoring demonstration program within the Hawaii Workforce Development Council to aid individuals between the ages of 17 and 25 in developing career, workplace, and occupational skills.

The Department of Human Resources of the City and County of Honolulu submitted testimony in support of this bill. The Department of Education and Chamber of Commerce of Hawaii submitted testimony in support of the intent 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. 1425, S.D. 2, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee except Representative Bukoski.

SCRep. 1380 Finance on S.B. No. 843

The purpose of this bill is to further Hawaii's commitment to protect endangered species by, among other things:

- (1) Requiring legislative approval before the Board of Land and Natural Resources can enter into an HCP or SHA rejected by the Endangered Species Recovery Committee;
- (2) Making explicit the authority of the Department of Land and Natural Resources (DLNR) to revoke an HCP or SHA permit to forestall an appreciable reduction in an endangered or threatened species' likely survival and recovery;
- (3) Authorizing citizen suits against state and county agencies for violations of HCPs and SHAs; and
- (4) Authorizing the incidental taking of endangered species on public land under SHAs that are effective for a minimum of 15, rather than 5 years.

DLNR, Department of Transportation, Land Use Research Foundation of Hawaii, Sierra Club, Hawaii Chapter, Hawaii Audubon Society, and numerous concerned citizens testified in support of this measure. The University of Hawaii-West Oahu, Estate of James Campbell, and Earthjustice supported the intent of this measure. The Hawaii Forest Industry Association and Environmental Defense testified in opposition to this measure. The Nature Conservancy 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. 843, S.D. 1, H.D. 2, and recommends that it pass Third Reading.

Signed by all members of the Committee except Representatives Mindo and Bukoski.
(Representative Meyer voted no.)

SCRep. 1381 Transportation on H.C.R. No. 15

The purpose of this concurrent resolution is to reduce traffic congestion due to on-site investigation of traffic accidents and lane closures of roadways by requesting the Honolulu Police Department to study, and implement where feasible, the use of:

- (1) Multidisciplinary Accident Investigation Teams (MAIT); and
- (2) Photogrammetric computer systems.

The Department of Transportation testified in support of the intent of this measure. The Honolulu Police Department testified in opposition to this measure.

On-site investigations of accidents scenes, and their resultant lane closures, cause numerous problems for commuters, including secondary accidents and traffic delays. Recent traffic incidents have caused delays lasting from between two to eight hours. Your Committee finds that MAIT teams are utilized in many other cities of comparable size across the country and that through the use of these teams, as well as photogrammetric computer systems, accident scene investigation times showed a significant reduction.

Although traffic congestion caused by accidents are a statewide issue, Your Committee finds that studying the issue on Oahu would be an important first step in applying any information obtained from this study to the rest of the State. Accordingly, your Committee has amended this measure by:

- (1) Requesting that OMPO (Oahu Metropolitan Planning Organization) rather than HPD conduct the study;
- (2) Clarifying that in its study, OMPO also study technology, including the use of photogrammetric computer systems, as a means of mitigating traffic congestion due to traffic collisions;
- (3) Eliminating the requirement for the implementation of MAIT and photogrammetric computer systems;
- (4) Requiring OMPO to submit a report on its findings, recommendations, and any proposed legislation to the Legislature no later than 20 days prior to the convening of the Regular Session of 2004;
- (5) Changing the title to read: "REQUESTING THE OAHU METROPOLITAN PLANNING ORGANIZATION TO STUDY THE USE OF MULTIDISCIPLINARY ACCIDENT INVESTIGATION TEAMS AND TECHNOLOGY, INCLUDING THE USE OF PHOTOGRAMMETRIC COMPUTER SYSTEMS, TO EXPEDITE ACCIDENT INVESTIGATION PROCEDURES TO MINIMIZE LANE CLOSURES OF ROADWAYS;" and
- (6) 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 Transportation that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 15, as amended herein, and recommends that it be referred to the Committee on Judiciary in the form attached hereto as H.C.R. No. 15, H.D. 1.

Signed by all members of the Committee except Representative Souki.

SCRep. 1382 Transportation on H.R. No. 73

The purpose of this resolution is to address the long-range transportation plans for the island of Hawaii and mitigate any future traffic congestion problems by requesting the Department of Transportation (DOT) to conduct a study to determine the economic feasibility of constructing a fixed rail system around the island of Hawaii.

DOT testified in opposition to this measure.

The island of Hawaii still features wide-open spaces. The continued development of the island, along with an increasing population, is sure to lead to traffic congestion problems in the future. The available land appears to make the construction of a fixed rail system a feasible endeavor and one which would fit in with the broader, long-range planning for the County of Hawaii.

Your Committee notes that DOT is currently reviewing its Long Range Land Transportation Plan for the island of Hawaii and is scheduled to complete the review in 2003 and submit its report to the Legislature in 2004. Accordingly, your Committee has amended this measure by:

- (1) Requesting that DOT include a review of the economic feasibility of a fixed rail system around the island of Hawaii in its review of the Hawaii Long Range Land Transportation Plan rather than requesting DOT to conduct a separate study;
- (2) Changing the title to read: "REQUESTING THE DEPARTMENT OF TRANSPORTATION TO INCLUDE A REVIEW OF THE ECONOMIC FEASIBILITY OF CONSTRUCTING A FIXED RAIL SYSTEM AROUND THE ISLAND OF HAWAII IN THE HAWAII LONG RANGE LAND TRANSPORTATION PLAN;" and
- (3) Making technical, nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 73, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 73, H.D. 1.

Signed by all members of the Committee except Representative Souki.

SCRep. 1383 Transportation on H.C.R. No. 75

The purpose of this concurrent resolution is to address the long-range transportation plans for the island of Hawaii and mitigate any future traffic congestion problems by requesting the Department of Transportation (DOT) to conduct a study to determine the economic feasibility of constructing a fixed rail system around the island of Hawaii.

DOT testified in opposition to this measure.

The island of Hawaii still features wide-open spaces. The continued development of the island, along with an increasing population, is sure to lead to traffic congestion problems in the future. The available land appears to make the construction of a fixed rail system a feasible endeavor and one which would fit in with the broader, long-range planning for the County of Hawaii.

Your Committee notes that DOT is currently reviewing its Long Range Land Transportation Plan for the island of Hawaii and is scheduled to complete the review in 2003 and submit its report to the Legislature in 2004. Accordingly, your Committee has amended this measure by:

- (1) Requesting that DOT include a review of the economic feasibility of a fixed rail system around the island of Hawaii in its review of the Hawaii Long Range Land Transportation Plan rather than requesting DOT to conduct a separate study;
- (2) Changing the title to read: "REQUESTING THE DEPARTMENT OF TRANSPORTATION TO INCLUDE A REVIEW OF THE ECONOMIC FEASIBILITY OF CONSTRUCTING A FIXED RAIL SYSTEM AROUND THE ISLAND OF HAWAII IN THE HAWAII LONG RANGE LAND TRANSPORTATION PLAN;" and
- (3) Making technical, nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 75, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 75, H.D. 1.

Signed by all members of the Committee except Representative Souki.

SCRep. 1384 Transportation on H.R. No. 29

The purpose of this resolution is to find creative alternatives to Oahu's crowded and expensive urban lifestyle by requesting the Department of Transportation (DOT) to study the feasibility of establishing a Highway in the Sky program (program).

DOT opposed this measure.

This program is based on the concept of inter-island commuting by air. This could be of great interest to many Oahu residents who may be attracted to relocating to a Neighbor Island and commuting to their jobs on Oahu.

Cost factors require study. Compared to the cost of new highway construction, this program could incur minimum start-up capital costs.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 29 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Souki.

SCRep. 1385 Transportation on H.C.R. No. 25

The purpose of this concurrent resolution is to find creative alternatives to Oahu's crowded and expensive urban lifestyle by requesting the Department of Transportation (DOT) to study the feasibility of establishing a Highway in the Sky program (program).

DOT opposed this measure.

This program is based on the concept of inter-island commuting by air. This could be of great interest to many Oahu residents who may be attracted to relocating to a Neighbor Island and commuting to their jobs on Oahu.

Cost factors require study. Compared to the cost of new highway construction, this program could incur minimum start-up capital costs.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 25 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Souki.

SCRep. 1386 Transportation on H.R. No. 152

The purpose of this resolution is to seek solutions to Central Oahu's growing transportation problem by requesting a study on the feasibility of establishing flyer stops within the right-of-way of the H-2 Freeway and connecting to park-and-ride facilities.

Mililani Neighborhood Board No. 25 and a concerned individual testified in support of this resolution. The Department of Transportation opposed this measure.

Your Committee finds that flyer stops are freeway bus stations that allow passengers to board buses in an area directly adjacent to the freeway. This could reduce travel time since buses would not need to exit the freeway to pick up passengers.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 152 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Souki.

SCRep. 1387 Transportation on H.C.R. No. 188

The purpose of this concurrent resolution is to seek solutions to Central Oahu's growing transportation problem by requesting a study on the feasibility of establishing flyer stops within the right-of-way of the H-2 Freeway and connecting to park-and-ride facilities.

Mililani Neighborhood Board No. 25 and a concerned individual testified in support of this concurrent resolution. The Department of Transportation opposed this measure.

Your Committee finds that flyer stops are freeway bus stations that allow passengers to board buses in an area directly adjacent to the freeway. This could reduce travel time since buses would not need to exit the freeway to pick up passengers.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 188 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Souki.

SCRep. 1388 Transportation/Labor and Public Employment on H.R. No. 173

The purpose of this resolution is to mitigate traffic congestion problems through the encouragement of the use of alternative forms of transportation by requesting the Director of Human Resources Development (DHRD) to establish a voluntary public transit benefit program for state employees that allows for the purchase of monthly bus passes or transit vouchers with monthly pretax payroll deductions.

DHRD and The Hawaii Government Employees Association supported the intent of this measure.

Traffic congestion is a major problem in the State. Your Committees find that one means of mitigating this problem is by encouraging the use of alternative forms of transportation, such as TheBus on Oahu and Vanpool Hawaii, by state employees. Your Committees believe that this will cause a reduction in the number of vehicles on the roadway which will reduce traffic congestion.

Although your Committees do understand the concerns raised about the neighbor islands' lack of comprehensive mass transit systems and whether this issue should be dealt with through collective bargaining, traffic congestion continues to be a problem on Oahu, and a growing problem on the neighbor islands. Solutions such as the one proposed in this measure warrant further discussion.

As affirmed by the records of votes of the members of your Committees on Transportation and Labor and Public Employment that are attached to this report, your Committees concur with the intent and purpose of H.R. No. 173 and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committee.
Representative Moses voted no.

SCRep. 1389 Transportation/Labor and Public Employment on H.C.R. No. 221

The purpose of this concurrent resolution is to mitigate traffic congestion problems through the encouragement of the use of alternative forms of transportation by requesting the Director of Human Resources Development (DHRD) to establish a voluntary public transit benefit program for state employees that allows for the purchase of monthly bus passes or transit vouchers with monthly pretax payroll deductions.

DHRD and The Hawaii Government Employees Association supported the intent of this measure.

Traffic congestion is a major problem in the State. Your Committees find that one means of mitigating this problem is by encouraging the use of alternative forms of transportation, such as TheBus on Oahu and Vanpool Hawaii, by state employees. Your Committees believe that this will cause a reduction in the number of vehicles on the roadway which will reduce traffic congestion.

Although your Committees do understand the concerns raised about the neighbor islands' lack of comprehensive mass transit systems and whether this issue should be dealt with through collective bargaining, traffic congestion continues to be a problem on Oahu, and a growing problem on the neighbor islands. Solutions such as the one proposed in this measure warrant further discussion.

As affirmed by the records of votes of the members of your Committees on Transportation and Labor and Public Employment that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 221 and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committee.
Representative Moses voted no.

SCRep. 1390 Judiciary on H.R. No. 111

The purpose of this resolution is to improve the administration and operation of statewide traffic safety educational programs for traffic violators by requesting the Office of the Auditor to conduct a management audit of the Judiciary's Division of Driver Education (Division).

The Judiciary provided comments offering support of the audit.

Your Committee finds that an independent review of the Division will provide oversight, accountability, and guidance to ensure the integrity of the Division's management and operations.

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

Signed by all members of the Committee except Representatives Ito, M. Oshiro and Pendleton.

SCRep. 1391 Judiciary on H.C.R. No. 134

The purpose of this concurrent resolution is to improve the administration and operation of statewide traffic safety educational programs for traffic violators by requesting the Office of the Auditor to conduct a management audit of the Judiciary's Division of Driver Education (Division).

The Judiciary provided comments offering support of the audit.

Your Committee finds that an independent review of the Division will provide oversight, accountability, and guidance to ensure the integrity of the Division's management and operations.

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

Signed by all members of the Committee except Representatives Ito, M. Oshiro and Pendleton.

SCRep. 1392 Health on H.R. No. 151

The purpose of this resolution is to urge the Department of Health (DOH) to obtain grant funding from the United States Department of Health and Human Services Rural Hospital Flexibility Program to improve emergency medical service systems in rural communities.

DOH supported the intent of this measure.

Your Committee recognizes the health and emergency service needs of rural communities. In light of recent estimated revenue shortfalls, your Committee believes that all avenues to obtaining federal funds should be pursued.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 151 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Takai and Takumi.

SCRep. 1393 Health on H.C.R. No. 187

The purpose of this concurrent resolution is to urge the Department of Health (DOH) to obtain grant funding from the United States Department of Health and Human Services Rural Hospital Flexibility Program to improve emergency medical service systems in rural communities.

DOH supported the intent of this measure.

Your Committee recognizes the health and emergency service needs of rural communities. In light of recent estimated revenue shortfalls, your Committee believes that all avenues to obtaining federal funds should be pursued.

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

Signed by all members of the Committee except Representatives Takai and Takumi.

SCRep. 1394 Human Services and Housing on H.C.R. No. 155

The purpose of this concurrent resolution is to:

- (1) Request the Governor to ensure the availability of sufficient resources to provide individuals with limited English proficiency with meaningful access to federally-assisted programs and services; and
- (2) Encourage all executive departments to review existing policies and provide in their annual reports to the Legislature a summary of actions taken to ensure meaningful access to programs and services for persons with limited English proficiency.

The Hawaii Civil Rights Commission and Na Loio testified in support of this measure.

Your Committee has amended this measure by:

- (1) Referencing proposed reductions in funding the Department of Education (DOE) English as a Second Language Learners Program and adult education English and Graduate Equivalency Diploma courses for English as a second language students;
- (2) Noting that adult education classes are necessary for those who wish to obtain a Graduate Equivalency Degree or study for citizenship tests;
- (3) Requesting a written plan to correct deficiencies in the policies and practices of executive agencies with regard to access of individuals with limited English proficiency to federally-assisted programs and services if they cannot be remedied within 90 days;
- (4) Requesting DOE to provide information in its annual report to the Legislature pertaining to access to English as a Second Language programs and classes;
- (5) Sending certified copies of this concurrent resolution to health and human services agencies and organizations providing services to non-English speakers under contracts with state agencies; and
- (6) Making technical, nonsubstantive amendments for purposes of clarity and style.

As affirmed by the record of votes of the members of your Committee on Human Services and Housing that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 155, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 155, H.D. 1.

Signed by all members of the Committee except Representatives Takai, Takumi and Stonebraker.

SCRep. 1395 Judiciary on H.C.R. No. 12

The purpose of this concurrent resolution is to request the Legislature to convene a task force to examine the current situations, practices, and laws relating to public guardians for the purpose of reevaluating the placement of the Office of the Public Guardian (OPG).

The Judiciary and the Hawaii Disability Rights Center supported this measure. The State Council on Developmental Disabilities provided comments.

Your Committee finds that the current placement of OPG with the Judiciary may lead to potential conflicts of interest.

Your Committee amended this concurrent resolution by:

- (1) Requesting the Office of the Public Guardian, instead of the Legislature, to convene, and chair the task force;
- (2) Changing the title of the concurrent resolution to reflect this change; and
- (3) Making technical, nonsubstantive changes 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 concurs with the intent and purpose of H.C.R. No. 12, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 12, H.D. 1.

Signed by all members of the Committee except Representatives Ito, M. Oshiro and Pendleton.

SCRep. 1396 Transportation on H.R. No. 35

The purpose of this resolution is to reduce traffic collisions in a high accident-prone area of the Big Island by requesting the Department of Transportation (DOT) to determine the causes of accidents at the intersection of Highway 11 (Mamalahoa Highway) and the entry road to Pahala and to make improvements to reduce the risk of accidents.

DOT supported the intent of this measure.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 35 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Souki.

SCRep. 1397 Transportation on H.C.R. No. 30

The purpose of this concurrent resolution is to reduce traffic collisions in a high accident-prone area of the Big Island by requesting the Department of Transportation (DOT) to determine the causes of accidents at the intersection of Highway 11 (Mamalahoa Highway) and the entry road to Pahala and to make improvements to reduce the risk of accidents.

DOT supported the intent of this measure.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 30 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Souki.

SCRep. 1398 Transportation on H.R. No. 45

The purpose of this resolution is to alleviate traffic congestion in the area of Kailua High School by urging the Department of Accounting and General Services (DAGS) to establish an intergovernmental-community task force to develop a plan to design an alternative access road to Kailua High School.

The Ko'olau News, Kailua Neighborhood Board No. 31, and numerous individuals testified in support of this measure. The Department of Public Safety, Department of Transportation, and DAGS supported the intent of the measure. The Department of Education opposed this measure.

Currently, Kailua High School has only a single roadway permitting access to both its campus and playing fields. This limited access has caused problems for adjoining neighborhoods when events such as athletic contests, graduation exercises, and other special events are held at the school and has become a safety concern for emergency vehicles entering these neighborhoods since access becomes difficult with roadways clogged with parked cars and traffic. The construction of an alternative access road to Kailua High School should alleviate these problems.

Your Committee finds that numerous agencies have expertise in various issues that may be helpful to DAGS when developing the plan to design an alternative access road to Kailua High School. Accordingly, your Committee has amended this measure by:

- (1) Including the United States Department of Defense and state Department of Transportation as part of the list of agencies with expertise in issues including funding, security, planning, engineering, design, maintenance, and community consensus, necessary to be studied in the development of an alternative access road plan to Kailua High School; and
- (2) Making technical, nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 45, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 45, H.D. 1.

Signed by all members of the Committee except Representative Moses.

SCRep. 1399 Transportation on H.C.R. No. 41

The purpose of this concurrent resolution is to alleviate traffic congestion in the area of Kailua High School by urging the Department of Accounting and General Services (DAGS) to establish an intergovernmental-community task force to develop a plan to design an alternative access road to Kailua High School.

The Ko'olau News, Kailua Neighborhood Board No. 31, and numerous individuals testified in support of this measure. The Department of Public Safety, Department of Transportation, and DAGS supported the intent of the measure. The Department of Education opposed this measure.

Currently, Kailua High School has only a single roadway permitting access to both its campus and playing fields. This limited access has caused problems for adjoining neighborhoods when events such as athletic contests, graduation exercises, and other special events are held at the school and has become a safety concern for emergency vehicles entering these neighborhoods since access becomes difficult with roadways clogged with parked cars and traffic. The construction of an alternative access road to Kailua High School should alleviate these problems.

Your Committee finds that numerous agencies have expertise in various issues that may be helpful to DAGS when developing the plan to design an alternative access road to Kailua High School. Accordingly, your Committee has amended this measure by:

- (1) Including the United States Department of Defense and state Department of Transportation as part of the list of agencies with expertise in issues including funding, security, planning, engineering, design, maintenance, and community consensus, necessary to be studied in the development of an alternative access road plan to Kailua High School; and
- (2) Making technical, nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 41, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 41, H.D. 1.

Signed by all members of the Committee except Representative Moses.

SCRep. 1400 Transportation on H.R. No. 56

The purpose of this resolution is to find ways to mitigate traffic congestion on Oahu's roadways by requesting the Governor to establish a five-member commission to review the transportation plan for and determine the carrying capacity of Oahu's roadways.

The Department of Transportation supported the intent of this measure.

Oahu is the most burdened of the four counties when it comes to traffic congestion, with the number of automobiles and licensed drivers increasing each day. This has placed a severe strain on the transportation network which, if a solution is not found soon, will lead to gridlock and adversely affect Oahu's fragile environment.

Your Committee recognizes that the Oahu Metropolitan Planning Organization (OMPO) is responsible for coordinating the State and City and County of Honolulu's (City) efforts to address traffic congestion on Oahu and currently oversees the 25-year transportation plan for Oahu. The City also maintains oversight for a majority of the roadways on Oahu, with the exception of freeways and highways. Accordingly, your Committee has amended this measure by:

- (1) Requesting OMPO, in conjunction with the Department of Transportation Services of the City and County of Honolulu (DTS), to review the transportation plan for and determine the carrying capacity of Oahu's roadways, instead of requesting the Governor to establish a five-member commission to perform this function;
- (2) Changing the title to read: "REQUESTING THE OAHU METROPOLITAN PLANNING ORGANIZATION, IN CONJUNCTION WITH THE DEPARTMENT OF TRANSPORTATION SERVICES OF THE CITY AND COUNTY OF HONOLULU, TO REVIEW THE TRANSPORTATION PLAN FOR AND DETERMINE THE CARRYING CAPACITY OF OAHU'S ROADWAYS"; and
- (3) Making technical, nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 56, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 56, H.D. 1.

Signed by all members of the Committee except Representative Souki.

SCRep. 1401 Transportation on H.C.R. No. 53

The purpose of this concurrent resolution is to find ways to mitigate traffic congestion on Oahu's roadways by requesting the Governor to establish a five-member commission to review the transportation plan for and determine the carrying capacity of Oahu's roadways.

The Department of Transportation supported the intent of this measure.

Oahu is the most burdened of the four counties when it comes to traffic congestion, with the number of automobiles and licensed drivers increasing each day. This has placed a severe strain on the transportation network which, if a solution is not found soon, will lead to gridlock and adversely affect Oahu's fragile environment.

Your Committee recognizes that the Oahu Metropolitan Planning Organization (OMPO) is responsible for coordinating the State and City and County of Honolulu's (City) efforts to address traffic congestion on Oahu and currently oversees the 25-year transportation plan for Oahu. The City also maintains oversight for a majority of the roadways on Oahu, with the exception of freeways and highways. Accordingly, your Committee has amended this measure by:

- (1) Requesting OMPO, in conjunction with the Department of Transportation Services of the City and County of Honolulu (DTS), to review the transportation plan for and determine the carrying capacity of Oahu's roadways, instead of requesting the Governor to establish a five-member commission to perform this function;
- (2) Changing the title to read: "REQUESTING THE OAHU METROPOLITAN PLANNING ORGANIZATION, IN CONJUNCTION WITH THE DEPARTMENT OF TRANSPORTATION SERVICES OF THE CITY AND COUNTY OF HONOLULU, TO REVIEW THE TRANSPORTATION PLAN FOR AND DETERMINE THE CARRYING CAPACITY OF OAHU'S ROADWAYS"; and

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

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 53, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 53, H.D. 1.

Signed by all members of the Committee except Representative Souki.

SCRep. 1402 Transportation on H.C.R. No. 136

The purpose of this concurrent resolution is to alleviate traffic congestion on the Waianae coast by requesting Statewide Traffic Commanders to coordinate and implement responses to Waianae coast traffic concerns.

A member of the Waianae Neighborhood Board testified in support of this measure. The Department of Transportation (DOT) supported the intent of this measure. The Honolulu Police Department (HPD) opposed this measure.

Currently, the only access to the Waianae coast is through Farrington Highway. This two-lane highway provides limited access to an area with a growing population and is susceptible to closure for incidents such as brush fires, accidents, criminal investigations, and natural disasters, creating nightmares for Leeward residents.

Your Committee notes that Statewide Traffic Commanders is a statewide organization comprised of police traffic commanders from each county and that neighbor island police commanders would have no vested interest in the traffic concerns of Leeward Oahu. Accordingly, your Committee has amended this measure by:

- (1) Requesting that the DOT, Department of Transportation Services of the City and County of Honolulu, HPD, and the United States Department of Defense, coordinate and implement immediate responses to the frequent and lengthy traffic delays along the Waianae Coast;
- (2) Changing the title to read: "REQUESTING THE DEPARTMENT OF TRANSPORTATION, DEPARTMENT OF TRANSPORTATION SERVICES OF THE CITY AND COUNTY OF HONOLULU, HONOLULU POLICE DEPARTMENT, AND UNITED STATES DEPARTMENT OF DEFENSE TO COORDINATE AND IMPLEMENT RESPONSES TO WAIANAE COAST TRAFFIC CONCERNS;" and
- (3) Making technical, nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 136, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 136, H.D. 1.

Signed by all members of the Committee except Representative Moses.

SCRep. 1403 Consumer Protection and Commerce on H.C.R. No. 123

The purpose of this concurrent resolution is to request the Auditor to perform a financial and management audit of the four television access organizations, namely: Ololo Community Television; Akaku: Maui Community Television; Ho'ike: Kauai Community Television; and Na Leo o Hawaii.

Testimony in support of this measure was received from the League of Women Voters – Kaua'i County, Community Television Producers Association, Advocates for Consumer Rights, and a number of interested citizens. Akaku: Maui Community Television offered comments. Na Leo o Hawaii testified against this concurrent resolution.

Your Committee finds that various allegations of mismanagement and financial irresponsibility have been directed against the organizations that are the subject of this concurrent resolution. These allegations should be examined, and any problems corrected, to allow these organizations to best serve the public.

The allegations include:

- (1) Absence of information and oversight as to how public funds are being spent;
- (2) Public funds spent on junkets for staff and board members;
- (3) Poorly planned methods of purchasing and retiring equipment;
- (4) Amending bylaws to allow contracts of any size without board approval;
- (5) Amending bylaws to remove open records and meetings requirements;
- (6) Using public funds to provide gifts to board members;
- (7) Giving preference to in-house productions over publicly produced programs; and
- (8) Controlling programming content rather than letting the public decide.

The audit proposed by this concurrent resolution will:

- (1) Provide an objective basis for determining whether the access organizations are serving the best interests of the public;
- (2) Identify financial and management shortcomings to enable the access organizations to take remedial measures to better serve the public; and
- (3) Clarify that these organizations, while ostensibly private, are state agencies for the purposes of the Uniform Information Practices Act, and are subject to financial and management audits by the Auditor.

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

Signed by all members of the Committee except Representatives Ito, M. Oshiro and Finnegan.

SCRep. 1404 Transportation on H.C.R. No. 32

The purpose of this concurrent resolution is to alleviate traffic congestion on Hawaii's roadways by requesting the Department of Transportation (DOT) to conduct a study of the feasibility of authorizing toll roads for motor vehicle traffic in the State.

DOT commented on this measure

Toll roads have been used by numerous metropolitan areas around the country as a means of mitigating motor vehicle traffic and paying for repairs and maintenance of roadways that are heavily used. Your Committee finds that traffic congestion is an increasing problem on public roadways in the State and that toll roads may be a way of reducing traffic while offering a dedicated source of revenue for the maintenance of heavily used roadways and highways.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 32 and recommends its adoption.

Signed by all members of the Committee except Representative Moses.

SCRep. 1405 Transportation on H.C.R. No. 63

The purpose of this concurrent resolution is to mitigate traffic congestion along the Waianae Coast by requesting the Oahu Metropolitan Planning Organization (OMPO) to include the Waianae second access road project in the TOP 2025 and identify immediate sources of funding for the project.

A member of the Waianae Neighborhood Board and a concerned individual testified in support of this measure. The Department of Transportation supported the intent of this measure. OMPO commented on this measure.

Currently, the Waianae Coast has only one access road, a situation that poses a safety risk to the citizens of the Waianae Coast and causes considerable inconvenience when the roadway is closed for any length of time. Your Committee finds that there is an increasing need for an alternative access road to the Waianae Coast to alleviate traffic congestion and accommodate the growing population of leeward Oahu.

However, your Committee is cognizant of the fact that presently, no funding mechanism exists for OMPO to include a second access road to Waianae in their regional transportation plan. Accordingly, your Committee has amended this measure by:

- (1) Requesting that OMPO consider including the Waianae second access road project as part of its regional transportation plan of 2004 instead of requiring that the Waianae second access road be included as a project of the TOP 2025;
- (2) Changing the title to read: "REQUESTING THE OAHU METROPOLITAN PLANNING ORGANIZATION CONSIDER THE WAIANAE SECOND ACCESS ROAD PROJECT IN ITS REGIONAL TRANSPORTATION PLAN OF 2004 AND TO IDENTIFY IMMEDIATE SOURCES OF FUNDING FOR THE PROJECT;" and
- (3) Making technical, nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 63, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 63, H.D. 1.

Signed by all members of the Committee except Representative Moses.

SCRep. 1406 Water, Land Use, and Hawaiian Affairs/Tourism and Culture on H.R. No. 155

The purpose of this resolution is to request the Department of Land and Natural Resources (DLNR), with the support of the Hawaii Tourism Authority (HTA), to preserve certain beaches by increasing its outreach programs to involve civic and nonprofit organizations, community groups, residents, and visitors to protect these beaches.

DLNR and the Office of Hawaiian Affairs testified in support of this measure. HTA and Hawaii's Thousand Friends supported the intent of this measure.

Your Committees find that many of Hawaii's pristine beaches are at risk due to improper coastal development. These beaches need to be preserved and protected for the benefit of residents and visitors alike.

Your Committees have amended this resolution by:

- (1) Correcting a misspelled place name;
- (2) Adding Kailua Beach to the list of best beaches; and
- (3) Making technical, nonsubstantive amendments for purposes of clarity and style.

As affirmed by the records of votes of the members of your Committees on Water, Land Use, and Hawaiian Affairs and Tourism and Culture that are attached to this report, your Committees concur with the intent and purpose of H.R. No. 155, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 155, H.D. 1.

Signed by all members of the Committee except Representatives Evans, Bukoski, Karamatsu, Sonson and Ontai.

SCRep. 1407 Water, Land Use, and Hawaiian Affairs/Tourism and Culture on H.C.R. No. 192

The purpose of this concurrent resolution is to request the Department of Land and Natural Resources (DLNR), with the support of the Hawaii Tourism Authority (HTA), to preserve certain beaches by increasing its outreach programs to involve civic and nonprofit organizations, community groups, residents, and visitors to protect these beaches.

DLNR and the Office of Hawaiian Affairs testified in support of this measure. HTA and Hawaii's 'Thousand Friends supported the intent of this measure.

Your Committees find that many of Hawaii's pristine beaches are at risk due to improper coastal development. These beaches need to be preserved and protected for the benefit of residents and visitors alike.

Your Committees have amended this concurrent resolution by:

- (1) Correcting a misspelled place name;
- (2) Adding Kailua Beach to the list of best beaches; and
- (3) Making technical, nonsubstantive amendments for purposes of clarity and style.

As affirmed by the records of votes of the members of your Committees on Water, Land Use, and Hawaiian Affairs and Tourism and Culture that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 192, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 192, H.D. 1.

Signed by all members of the Committee except Representatives Evans, Bukoski, Karamatsu, Sonson and Ontai.

SCRep. 1408 Judiciary on H.R. No. 34

The purpose of this resolution is to request Congress to end the "Global Gag Rule" that prohibits nongovernmental organizations (NGOs) receiving U.S. funds from providing appropriate family planning services and information in their home countries.

The Commission on the Status of Women, Life of the Land, and Planned Parenthood of Hawaii testified in support of this resolution. The Roman Catholic Conference opposed this resolution.

Your Committee finds that the "Global Gag Rule" disproportionately harms poor women, by improperly depriving them of needed services because their only source of health care is foreign NGOs that agree to withhold information about family planning alternatives.

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. 34 and recommends its adoption.

Signed by all members of the Committee except Representatives Ito, M. Oshiro and Pendleton.

SCRep. 1409 Judiciary on H.C.R. No. 29

The purpose of this concurrent resolution is to request Congress to end the "Global Gag Rule" that prohibits nongovernmental organizations (NGOs) receiving U.S. funds from providing appropriate family planning services and information in their home countries.

The Commission on the Status of Women, Life of the Land, and Planned Parenthood of Hawaii testified in support of this concurrent resolution. The Roman Catholic Conference opposed this concurrent resolution.

Your Committee finds that the "Global Gag Rule" disproportionately harms poor women, by improperly depriving them of needed services because their only source of health care is foreign NGOs that agree to withhold information about family planning alternatives.

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. 29 and recommends its adoption.

Signed by all members of the Committee except Representatives Ito, M. Oshiro and Pendleton.

SCRep. 1410 Judiciary on S.B. No. 1274

The purpose of the bill is to make extreme mental or emotional disturbance (EMED) an affirmative defense to attempted murder based on a reasonable person standard and requiring the loss of self-control.

The Department of the Attorney General, the Department of the Prosecuting Attorney for the City and County of Honolulu, the Department of the Prosecuting Attorney for the County of Maui, the Honolulu Police Department, the Maui County Police Department, the Kauai County Police Department, the Hawaii County Police Department, and the State of Hawaii Organization of Police Officers testified in support of this bill. The Office of the Public Defender opposed the measure.

Your Committee finds that requiring the prosecution to disprove beyond a reasonable doubt that EMED does not exist is an inappropriate burden. Requiring the defense to prove by the preponderance that EMED exist is not unfair. Once EMED is shown by the evidence to exist, the defendant will then be entitled to an acquittal on the charge of murder and be instead convicted of a manslaughter offense.

Your Committee amended the bill by:

- (1) Providing that the affirmative defense of EMED applies to both attempted murder and murder;
- (2) Deleting the requirement that there be a temporary loss of self-control for the affirmative defense to apply; and
- (3) Deleting reference to the reasonable person standard.

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. 1274, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1274, 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, Ito, Kanoho, M. Oshiro, Pendleton and Thielen.

SCRep. 1411 Judiciary on S.B. No. 1234

The purpose of this bill is to establish civil liability for every adult who furnishes alcoholic beverages to individuals under the age of 21 or who owns or controls premises where the adult knows or reasonably should have known that persons under the age of 21 are consuming alcohol and who could have prohibited or prevented the consumption.

The Lieutenant Governor of the State of Hawaii, the Honolulu Police Department, Consumer Lawyers of Hawaii, the Easley Corporation, the Hawaii Food Industry Association, Mothers Against Drunk Drivers (MADD), Star Markets, and numerous concerned individuals, including several members and advisers of MADD-Hawaii Youth in Action, testified in support of this measure. The Hawaii Food Industry Association with the support of the Easley Corporation, Star Markets, and a concerned individual proposed amendments related to the authority of each county liquor commission to deal with purchases of intoxicating liquor.

Your Committee finds that underage drinking is a serious problem in Hawaii. Your Committee finds it essential to deter complacency on the part of any adult who condones or tolerates the acquisition or use of alcohol by children on premises under the adult's control. Your Committee realizes, however, that adults may have no way of knowing every detail of their children's activities on their premises.

Your Committee received testimony from retail merchants who bear the brunt of consequences in the event of unintentional sale of alcoholic beverages to minors. The retailer may be fined, and the clerk who made a mistake may be terminated, while the minor goes unpunished.

Accordingly, your Committee has amended this measure by:

- (1) Deleting, as vague, the prohibition against making alcoholic beverages available to under age persons;
- (2) Deleting the liability of an adult if the adult should reasonably have known of alcohol consumption by persons under 21 years of age on premises under the adult's control;
- (3) Giving the county liquor commissions jurisdiction over unauthorized purchases of liquor;
- (4) Amending motor vehicle licensing penalties to:
 - (a) Subject any person who repeatedly commits certain violations, including the display of a fictitious or fraudulently obtained driver's license, to a minimum possible fine of \$500; and
 - (b) Require violators who are minors below the age of 18 who are under family court jurisdiction to either pay a \$500 fine or lose their driver's license until the age of 18; and
- (5) Making technical amendments for 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. 1234, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1234, S.D. 2, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Herkes, Ito, Kanoho, Finnegan and Pendleton.

SCRep. 1412 Judiciary on S.B. No. 459

The purpose of this bill as received is to reform numerous provisions of the campaign spending laws to enhance accountability and public confidence in elected officials.

The League of Women Voters and the Green Party of Hawaii testified in support of and opposition to various provisions of the bill. Advocates for Consumer Rights opposed the bill. The Campaign Spending Commission and University of Hawaii Professional Assembly commented on various provisions of the bill and offered amendments.

Your Committee has amended the bill by deleting the text of S.B. 459, S.D. 1, and inserting the text from H.B. 284, H.D. 1, except as noted below, and further amended the bill by:

- (1) Deleting the provision on poll watchers and election officials;
- (2) Clarifying the provision prohibiting fundraising on government facilities to specify that a candidate may use such facilities for fundraising activities in the same way as any nongovernmental user, provided the facility does not prohibit all political activities on the premises; modifying the penalty to a misdemeanor for violators of this provision.
- (3) Clarifying the definitions of corporation, labor organization, and separate segregated fund;
- (4) Specifying that a committee includes corporations for purposes of compliance with campaign spending laws;
- (5) Specifying that a campaign expenditure includes a payment made to a charitable or community organization;
- (6) Deleting references to the Campaign Spending Commission's (Commission) duty to adopt a code of fair practices and censure candidates who violate these provisions because the Commission's code has been struck down by a court decision;
- (7) Requiring the Commission to establish a schedule of administrative fees for categories of violations of the campaign spending laws;

- (8) Conforming the limits for payments to charitable or community organizations by candidates, including those who receive public funding, with the campaign contribution limits under this bill and further clarifying that the payments made from surplus funds are applied to the limits for the period of time prior to the election;
- (9) Clarifying the provision prohibiting conversion of campaign funds to personal use when such funds are used for the personal benefit of any person, including the candidate;
- (10) Repealing the section that limits the number of fundraising events for candidates;
- (11) Clarifying that contributions made by any person to a candidate is limited to a maximum of: \$4,000 to any candidate seeking a four-year term of office and \$2,000 to any candidate seeking a two-year term of office;
- (12) Clarifying that for purposes of contribution limits, a candidate and candidate's committee are counted as a single entity;
- (13) Clarifying the definition of a government contractor as an entity who seeks or has, one or more government contracts that total in excess of \$25,000;
- (14) Requiring candidates who seek public funding to obtain qualifying contributions from Hawaii residents;
- (15) Repealing public funding for candidates seeking offices in special elections;
- (16) Increasing the administrative fines against corporations, organizations, associations, or labor unions that make unlawful contributions or expenditures; and
- (17) 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 Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 459, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 459, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Caldwell, Ito, M. Oshiro, Souki and Pendleton.

SCRep. 1413 Judiciary on S.B. No. 299

The purpose of this bill is to exempt elected officials from the requirement of filing multiple ethics disclosure forms during a calendar year, if the elected official has previously filed a disclosure statement.

A concerned individual testified in support of this measure. The Hawaii State Ethics Commission testified in opposition to this measure.

Your Committee finds that financial disclosure requirements are unnecessarily duplicative for incumbent candidates who are required to disclose more information than candidates who have not held public office.

Your Committee has amended this measure by:

- (1) Clarifying reporting requirements by defining "annual disclosure" and "candidate disclosure;"
- (2) Clarifying that candidates who have previously filed an annual disclosure in the election year are not required to file a candidate disclosure unless there is a change in financial interests;
- (3) Providing that confidential disclosures previously filed by a person become public records when that person becomes a candidate for state elective office;
- (4) Adding savings and severability clauses;
- (5) Adding the contents of H.B. No. 286 and H.B. No. 865, H.D. 2, that relate to standards of conduct by public officials. Both bills were heard earlier and passed by your Committee; and
- (6) Making technical, nonsubstantive changes for consistency, 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. 299, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 299, 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, Ito, Kanoho, M. Oshiro, Pendleton and Thielen.

SCRep. 1414 Judiciary on S.B. No. 614

The purpose of the bill is to:

- (1) Establish a health insurance fraud investigation unit within the Insurance Division of the Department of Commerce and Consumer Affairs to investigate fraud relating to accident, health or sickness insurance, mutual benefit societies, and health maintenance organizations; and
- (2) Grant limited civil immunity to persons providing information, evidence, or testimony concerning health insurance fraud to the Insurance Commissioner or other specified entities.

The Hawaii Medical Service Association testified in support of the bill. The Department of Commerce and Consumer Affairs supports the measure in part and opposes it in part while providing suggested amendments. The Hawaii Medical Association supports the measure with suggested amendments. Consumer Lawyers of Hawaii does not oppose the purpose of the measure and submitted comments. A concerned individual provided amendments.

Your Committee finds that this measure follows on the heels of the fraud provisions and fraud investigation unit provisions under the insurance code relating to motor vehicle insurance.

Your Committee amended the bill by deleting the contents and inserting, with some amendments, the contents of H.B. No. 43, H.D. 2. The amendments to the bill as received by your Committee are:

- (1) Adding the substance of the insurance fraud penalties section from the motor vehicle article of the Insurance Code to the health insurance articles, which includes immunity from civil liability for person who report insurance fraud;
- (2) Amending §431:10C-307.7(a)(1), Hawaii Revised Statutes, which defines insurance fraud under the motor vehicle insurance articles, to require that for providing false information on a claim to be considered insurance fraud, the false information must be provided with the intent to defraud;
- (3) Deleting the extraneous definition for "insurance fraud";
- (4) Deleting the extraneous provisions of "Limitation of Liability", but retaining the provisions that:
 - (a) Clarify that the insurance commissioner has no duty to investigate or prosecute fraud; and
 - (b) Define the term "malice";
- (5) Deleting references to appropriations; and
- (6) Making technical and nonsubstantive changes 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. 614, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 614, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Caldwell, Ito and Kanoho.

SCRep. 1415 Judiciary on S.B. No. 1075

The purpose of this bill is to authorize agencies to mandate parties in a contested case under the Administrative Procedures Act to participate in mediation, with costs borne by the parties unless otherwise agreed or ordered.

The Judiciary and the Hawaii Civil Rights Commission submitted testimony in support of this bill. The City and County of Honolulu Department of Planning and Permitting and Verizon Hawaii testified in support of this measure with amendments. Life of the Land submitted testimony in opposition to this bill. The Department of Commerce and Consumer Affairs provided comments.

Your Committee believes that mediation may serve the needs of competing parties to a dispute. Without this measure, agencies may hesitate to refer disputes to mediation even though all parties view it as a step in the right direction. Your Committee understands, however, that the agency charged with ultimate determination on the merits of a controversy may not be in the best position to determine whether mediation would help resolve a particular controversy. Your Committee notes that the cost of mediation may be more onerous for one party than another, and the strategic advantage more positive for one than the other.

Your Committee has amended this measure by:

- (1) Allowing agencies to "encourage" rather than "require" parties to participate in mediation;
- (2) Requiring the adoption of rules on to how to determine whether to encourage parties to mediate and the conditions appropriate for the mediation process;
- (3) Reducing from sixty to thirty days the maximum duration of the mediation process, unless extended by the agency, to avoid unnecessary delay in contested case proceedings; and
- (4) Making technical, nonsubstantive amendments for 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. 1075, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1075, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Caldwell, Ito and Kanoho.
(Representatives Finnegan, Pendleton and Thielen voted no.)

SCRep. 1416 Finance on S.B. No. 1496

The purpose of this bill is to facilitate cacao processing and production in Hawaii by extending the authorization to issue \$10,000,000 in special purpose revenue bonds (SPRBs) for Hawaii Gold Cacao Tree, Inc., from June 30, 2003, to June 30, 2005.

The Department of Agriculture, Hawaii Gold Cacao Tree, Inc., Hawaii Agriculture Research Center, Hakalau Farm & Nursery, and ten concerned individuals supported this bill. Business Insurance Services, Inc., submitted comments.

Your Committee has amended this bill by changing the effective date to July 1, 2010, to promote further discussion 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. 1496, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1496, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Kawakami and Nakasone.

SCRep. 1417 Finance on S.B. No. 1326

The purpose of this bill is to require the Department of Education (DOE) to provide opportunities and develop guidelines for all students to develop competency in a language in addition to English.

DOE testified in support of this measure. The Hawaii State Teachers Association supported the intent of this measure.

Your Committee has amended this bill by making technical, nonsubstantive amendments for purposes of consistency and style.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1326, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1326, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Kaho'ohalahala and Meyer.

SCRep. 1418 Finance on S.B. No. 254

The purpose of this bill is to make an emergency appropriation to demolish and rebuild a bridge in South Kohala that poses a safety hazard and which provides the only access to certain residents' homes.

Several concerned individuals submitted testimony in support of this bill. The Board of Agriculture submitted testimony in support of the intent of this bill. The Attorney General commented on this bill.

Your Committee has amended this bill by:

- (1) Clarifying that demolishing and rebuilding the bridge serves a public purpose;
- (2) Changing the effective date to July 1, 2010, to facilitate further discussion; and
- (3) Making technical, nonsubstantive changes 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. 254, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 254, S.D. 2, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Kaho'ohalahala and Bukoski.

SCRep. 1419 Finance on S.B. No. 457

The purpose of this bill is to appropriate funds for the Waipahu Community Adult Day Health Center and Youth Day Care Center pilot project.

Two individuals submitted testimony in support of this bill. The Department of Health submitted comments.

Your Committee wishes to note that the State constitution stipulates that appropriations need to be made for a public purpose. By passing this measure, your Committee expresses its view that the type of care to be provided by the Waipahu Community Adult Day Health Center and Youth Day Care Center will help to mitigate the need for more intensive and more expensive types of care which would otherwise be required. The care of Hawaii's aging adults as well as for its youth serves to reduce the burden upon families and taxpayers, and therefore serves a public purpose.

Your Committee has amended this bill by:

- (1) Changing the effective date to July 1, 2010, to facilitate further discussion; 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 Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 457, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 457, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Kawakami and Nakasone.

SCRep. 1420 Finance on S.B. No. 1621

The purpose of this bill is to provide unspecified new standard deduction amounts for state income tax purposes.

The Department of Taxation supported the intent of this bill. The Tax Foundation of Hawaii submitted comments.

Your Committee has amended this bill by making the new standard deduction amounts operative upon a declaration by the Governor that general fund tax collections have increased by at least 7.5 percent in each of two successive fiscal years.

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. 1621, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1621, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Kawakami.
(Representative Meyer voted no.)

SCRep. 1421 Finance on S.B. No. 1400

The purpose of this bill is to provide taxpayers an opportunity to resolve their delinquent tax accounts and to streamline the process by:

- (1) Giving the Director of Taxation the authority to compromise any tax claim of \$50,000 or less without the Governor's approval; and
- (2) Allowing the Department of Taxation (DoTax) to waive penalties and interest assessed for taxes that are delinquent for more than 90 days.

DoTax testified in support of this measure. The Tax Foundation of Hawaii submitted comments.

Your Committee has amended this bill by:

- (1) Authorizing DoTax to hire investigators as required; 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. 1400, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1400, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Mindo and Bukoski.

SCRep. 1422 Finance on S.B. No. 1311

The purpose of this bill is to ensure that special funds that benefit from:

- (1) Central service operations of government; or
- (2) Administrative expenses incurred by the departments responsible for the operations supported by these special funds,

pay their fair share of these costs by removing the exemption enjoyed by these special funds.

This bill also makes appropriations from certain special funds to pay for these expenses.

The Department of Budget and Finance, the Department of Commerce and Consumer Affairs, and the Judiciary offered comments. The Department of Education (DOE), Hawaii Community Development Authority (HCDA), High Technology Development Corporation, and Coalition for a Tobacco Free Hawaii opposed this bill.

Your Committee has amended this bill by:

- (1) Restoring the exemptions for the following DOE funds:
 - (a) School Cafeteria Special Funds;
 - (b) Special Out-of-school Time Instructional Program Fund; and
 - (c) Public Schools Special Fees and Charges Fund,
 and deleting the appropriations relating to these funds;
- (2) Restoring the exemption for HCDA's special fund relating to its district-wide improvement program under section 206E-6, Hawaii Revised Statutes; and
- (3) Making 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. 1311, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1311, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Kawakami.

SCRep. 1423 Finance on S.B. No. 420

The purpose of this bill is to:

- (1) Repeal certain state funds that do not meet the criteria for continuation; and
- (2) Transfer excess balances from special and revolving funds to the general fund of the State.

The Department of Agriculture supported Part III of the bill which repeals the Irrigation Water Development Special Fund. The Department of Budget and Finance submitted a proposed amendment. The Tax Foundation of Hawaii provided comments.

Your Committee has amended this bill by deleting its contents and inserting those of H.B. No. 1152, H.D. 1, that:

- (1) Repeals:
 - (a) The Petroleum Products Control Fund;
 - (b) The Hawaii Film Facility Special Fund;
 - (c) The Clean Hawaii Fund;
 - (d) The Homes Revolving Fund;
 - (e) The State Disaster Revolving Loan Fund; and
 - (f) The Hawaii Innovation Development Fund;

- (2) Transfers the unexpended and unencumbered balances of these funds and of the Boiler and Elevator Safety Revolving Fund, repealed July 31, 2003, by Act 142, Session Laws of Hawaii, 1998, to the general fund;
- (3) Transfers certain sums from the following funds that are in excess of fund requirements to the general fund;
- (a) The Cigarette Tax Stamp Enforcement Special Fund;
 - (b) The Medicaid Investigations Recovery Fund;
 - (c) The Litigation Settlement Clearance Account;
 - (d) The Aloha Tower Fund;
 - (e) The Dwelling Unit Revolving Fund;
 - (f) The Teachers' Housing Revolving Fund;
 - (g) The Housing Finance Revolving Fund;
 - (h) The Waialua Loan and Subsidy Account;
 - (i) The Compliance Resolution Fund;
 - (j) The Noise, Radiation and Indoor Air Quality Special Fund;
 - (k) The Spouse and Child Abuse Special Account;
 - (l) The Bureau of Conveyances Special Fund;
 - (m) The Statewide Planning and Geographic Information System Special Fund;
 - (n) The Homes Revolving Fund; and
 - (o) The Petroleum Products Control Special Fund;
- and
- (4) Appropriates \$175,431 in general funds for each of fiscal years 2003-2004 and 2004-2005 to operate the Hawaii Film Studio.

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. 420, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 420, S.D. 1, H.D. 1 and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Kaho'ohalahala and Bukoski.

SCRep. 1424 Finance on S.B. No. 1305

The purpose of this bill, as received, is to transfer amounts in excess of the requirements of eleven special and revolving funds into the general fund.

For purposes of receiving public testimony, your Committee circulated a proposed H.D. 1 version of this bill. The proposed draft:

- (1) Allocates 12 percent of tobacco settlement moneys to the general fund; and
- (2) Reduces allocations to the Emergency and Budget Reserve Fund, Department of Health (DOH), and the Hawaii Tobacco Prevention and Control Trust Fund.

The Department of Budget and Finance, DOH, Tobacco Prevention and Control Advisory Board, American Cancer Society, American Heart Association, Tobacco Free Kauai Coalition, Coalition for a Tobacco Free Hawaii, American Lung Association of Hawaii, Molokai General Hospital-Lamalama Ka Ili Community Health Services, several individuals from Baldwin High School, and numerous concerned individuals testified in opposition to the proposed draft. The Judiciary and Tax Foundation of Hawaii submitted comments on the bill as received.

Your Committee has amended the proposed draft by:

- (1) Deleting the specific percentages allocated from tobacco settlement moneys;
- (2) Changing the effective date to July 1, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive changes 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. 1305, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1305, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Kawakami.

SCRep. 1425 Judiciary on S.B. No. 1407

The purpose of this bill is to extend reciprocity to persons with a valid commercial driver's license (CDL) issued by another state or Canadian province.

The Department of Transportation testified in support of the measure.

Your Committee finds this measure will allow a CDL to issue to persons who possess a valid CDL issued by any other state or Canadian province with the minimum federal standards. However, a knowledge test will still be required for a hazardous materials endorsement. This will bring state law into compliance with federal 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. 1407 and recommends that it pass Third Reading.

Signed by all members of the Committee except Representatives Ito, M. Oshiro and Pendleton.

SCRep. 1426 Judiciary on S.B. No. 552

The purpose of this bill is to limit landowners' liability toward persons entering their property to control or eradicate invasive species.

The Department of Agriculture, the Department of Land and Natural Resources, the Coordinating Group on Alien Pest Species and the Invasive Species Committees on Kauai, Oahu, Maui, Molokai, and Hawaii, the Nature Conservancy of Hawaii, and the Sierra Club, Hawaii Chapter, testified in support of this bill. The Nature Conservancy of Hawaii proposed amendments. The Consumer Lawyers of Hawaii submitted testimony in support of the measure except for several proposed changes.

Your Committee believes that this bill will enhance efforts to reduce problems caused by invasive pests.

Your Committee has amended this measure by:

- (1) Changing cross-references contained in proposed new subsections 520A-3 (Duty of care of owner limited) and 520A-4 (Liability of owner limited) to refer to new subsection 520A-6 (Persons using land) to be consistent with existing provisions in Chapter 520, Hawaii Revised Statutes, upon which this measure is patterned; and
- (2) Deleting as unnecessary proposed new subsections 520A-7 (Rights) and 520A-8 (Rules).

Although your Committee has amended the cross-references in subsections 520A-3 and 520A-4 to be consistent with Chapter 520A, future consideration may need to be given as to which cross-reference will effect the intent of this 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. 552, 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. 552, S.D. 2, H.D. 2.

Signed by all members of the Committee except Representatives Ito, M. Oshiro and Pendleton.

SCRep. 1427 Judiciary on S.B. No. 1267

The purpose of this bill is to clarify and improve provisions related to the Attorney General's responsibilities with regard to cigarette tax stamps and enforcement of the Tobacco Liability Act.

The Attorney General testified in support of this measure.

Your Committee finds this measure will enable the Attorney General's Tobacco Enforcement Unit to carry out its duties more effectively.

Your Committee has amended this measure by:

- (1) Including "offered" in the list of unlawful conduct subjecting cigarettes to seizure under subsection (c) of the new section added to chapter 245 entitled "Prohibition against stamping or sale of cigarettes not listed in the directory pursuant to chapter 486P," to be consistent with subsection (a);
- (2) Adding to the proposed new subsection within chapter 486P, Hawaii Revised Statutes, entitled "Use and disclosure of information" a provision allowing the attorney general to share information with the federal government as well as with authorities of other states; and
- (3) Making technical, non-substantive changes for clarity, style and conformity with customary drafting 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. 1267, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1267, H.D. 2.

Signed by all members of the Committee except Representatives Ito, M. Oshiro and Pendleton.

SCRep. 1428 Consumer Protection and Commerce on S.B. No. 88

The purpose of this bill is to exempt military personnel from the requirement of obtaining the seller's consent to remove a privately-owned vehicle from the State when the vehicle is subject to an out-of-state lien.

The Department of the Army-Military Traffic Management Command testified in support of this measure.

Your Committee finds that the current statute creates problems for military personnel, because:

- (1) In most cases the lien holder's consent is not needed to ship a vehicle to Hawaii;
- (2) It is difficult to clear county department of motor vehicle (DMV) records of out-of-state lien holders, even after the loan has been paid in full;
- (3) Military personnel do not receive the clear title document from the financial institution once the lien is satisfied, and DMV cannot clear title and registration without the original cleared title; and

- (4) The purchase of lien holders of record by larger financial institutions complicates the task of obtaining consent to ship a vehicle.

Your Committee believes that this bill will aid military members and their families, who may be traveling to different stations of duty. The Senate placed a defective date on this bill due to lack of testimony. Your Committee has amended this bill by:

- (1) Changing its effective date to upon its approval; and
- (2) Making a technical, nonsubstantive amendment for the purpose of 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. 88, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 88, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representatives Ito, M. Oshiro and Finnegan.

SCRep. 1429 Consumer Protection and Commerce on S.B. No. 665

The purpose of this bill is to provide for a more effective administration of the Prepaid Health Care Act by prohibiting persons representing a health maintenance organization, mutual benefit society that issues individual and group hospital or medical service plans, or any other health care organization from serving as a member of the Prepaid Health Care Advisory Council (Council).

Testimony in support of this measure was submitted by the Department of Labor and Industrial Relations and Hawaii Medical Association. The Hawaii Coalition for Health and a concerned citizen testified in support of this measure and suggested amendments.

Your Committee finds that the Council affects whether a new health plan may enter the Hawaii market because it advises the Director of Labor and Industrial Relations as to whether a proposed new health care plan should be approved as providing the amount and quality of coverage required under the Prepaid Health Care Act. Historically, representatives from the Hawaii Medical Services Association and Kaiser Permanente, the two dominant health insurance plans in Hawaii, have been permitted to sit on the Council. This arrangement has the appearance of being unfair to health care contractors attempting to enter Hawaii's health care insurance market. Your Committee believes that the absence of Hawaii's health insurers on the Council would aid in assuring the public that the Council deliberates fairly and honestly, without conflicting interests. Furthermore, your Committee expects that this bill will lead to increased competition and improved health services for the public.

However, your Committee finds that because of its ambiguity, the language in the bill may be less effective than expected. Your Committee finds that as currently drafted, the bill specifically excludes from the Council, persons "representing" health maintenance and other similar organizations. However these persons are not currently required to be represented on the Council. Your Committee further finds that the law does intend that medical and public health service providers, whether employed by a health maintenance organization or other similar plan, are to be represented on the Council. Therefore, your Committee has amended this bill by:

- (1) Specifying that, other than health care services providers, employees of a managed care plan shall not be appointed to the Council;
- (2) Defining "managed care plan" as in section 431:14F-102 of the health insurance rate regulation chapter of the Hawaii Revised Statutes (HRS), to clearly identify the entities to which the prohibition in this bill applies; and
- (3) Providing that, in the event that this Act is preempted by the Employee Retirement Income Security Act, section 393-7, HRS will revert to its form prior to the enactment 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. 665, 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. 665, S.D. 1, H.D. 2.

Signed by all members of the Committee except Representatives Ito, M. Oshiro and Finnegan.

SCRep. 1430 Consumer Protection and Commerce on S.B. No. 1492

The purpose of this bill is to:

- (1) Specify that an existing condominium may become an assisted living facility if a separate entity is formed and each unit owner can determine if the owner's unit will be placed in the condominium project or the assisted living facility entity;
- (2) Amend the definition of "assisted living facility" and clarify that condominiums may not be assisted living facilities without the express authorization of the condominium project instruments; and
- (3) Require the Department of Health (DOH) to conduct a study on the impact of the bill on condominiums that may be licensed as assisted living facilities.

Testimony in support of this bill was submitted by Assisted Living Options Hawaii. Hawaii Independent Condominium & Cooperative Owners, Hawaii Council of Associations of Apartment Owners and several individuals submitted testimony in support of the bill's Senate Draft. Several concerned individuals supported the intent of the bill. A number of individuals opposed the bill. One Kalakaua Senior Living Association offered comments.

This bill attempts to address concerns arising from DOH's licensing of One Kalakaua Senior Living Association (One Kalakaua) as an assisted living facility. One Kalakaua is a condominium with a second floor that is operated as a skilled nursing facility, on a pay-as-you-go basis. The personnel operating the nursing facility have become One Kalakaua employees. One Kalakaua is the first condominium to apply for and receive a license as an assisted living facility.

As a provider of assisted living services, One Kalakaua was required to obtain insurance. When DOH licensed the association, this expense was distributed among all the apartment owners, as a common expense. Some of One Kalakaua's apartment owners have expressed grave concerns regarding the expenses and liabilities incurred by the association in providing assisted living services through its nursing facility. A legal suit ensued over a number of issues, including whether One Kalakaua was created or developed under its condominium declaration as an assisted living facility. As of this date, the suit is still pending.

Your Committee recognizes that the forefront concern for some One Kalakaua owners who do not use One Kalakaua's assisted living services, is the increase in common expenses for services that they do not receive or benefit from. Other residents of One Kalakaua are concerned that this bill would terminate the assisted living services they are currently receiving, and that they expected to receive when they purchased their One Kalakaua unit.

Your Committee recognizes the high costs associated with workers compensation and professional liability insurance and notes that common expenses of condominiums are usually limited to expenses of maintaining the common areas and operating the association for the benefit of all owners.

Your Committee has deliberated with various interested parties in this matter and has reached a suitable compromise that will not interfere with issues currently being litigated, and provides a way to limit the liability of a condominium association or cooperative housing corporation that offers assisted living services.

In this compromise, a condominium or cooperative housing corporation may provide assisted living services through a corporation, partnership, or association established separately and apart from the condominium association or cooperative housing corporation. This separate entity will be licensed and regulated by DOH as an assisted living facility, and will allow the association or cooperative housing corporation to avoid exposure to claims that may arise from the operation of the assisted living facility.

Your Committee acknowledges that the process by which a condominium changes its use to another, for example, from condominium under chapter 514A, Hawaii Revised Statutes (HRS), to an assisted living facility, needs further examination. Your Committee finds that this examination may be appropriately conducted in conjunction with the proposed recodification of chapter 514A, HRS, which will be presented to the Legislature next year.

After careful consideration, your Committee has amended this bill to:

- (1) Specify that in addition to condominiums under chapter 514A, the bill also applies to cooperative housing corporations under chapter 4211, HRS;
- (2) Allow a condominium or a cooperative housing corporation to establish a separate corporation, partnership, or association, which may enter into a contract with a provider to perform assisted living services, and become licensed and regulated as an assisted living facility by DOH;
- (3) Removing the DOH study and the amendments to the definition of "assisted living facility;"
- (4) Changing the effective date to July 1, 2050, to allow further discussion of the issues; and
- (5) Making technical, nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Consumer Protection and Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1492, 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. 1492, S.D. 1, H.D. 2.

Signed by all members of the Committee except Representatives Kanoho, Lee, M. Oshiro, Sonson and Stonebraker.

SCRep. 1431 Finance on S.B. No. 574

The purpose of this bill is to ensure regulatory oversight of the captive insurance industry by:

- (1) Establishing and funding three permanent insurance examiner positions in the Captive Insurance Administrative Branch of the Insurance Division of the Department of Commerce and Consumer Affairs (DCCA); and
- (2) Providing that the Captive Insurance Administrator report directly to the Insurance Commissioner.

The Chair of the Hawaii Captive Insurance Council testified in support of this bill. DCCA supported the bill with amendments.

Your Committee has amended this bill by inserting \$1 appropriations for the purpose of continued 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. 574, 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. 574, S.D. 1, H.D. 2.

Signed by all members of the Committee except Representative Bukoski.

SCRep. 1432 Finance on S.B. No. 740

The purpose of this bill is to:

- (1) Statutorily establish, in Part I of the bill, the Public Health Nursing Services Program (PHN Program) of the Department of Health (DOH), thereby recognizing the Program's roles and functions in the delivery of direct clinical nursing services to the people of Hawaii; and
- (2) Establish a Comprehensive School Health (CSH) program in Part II of the bill that includes;
 - (a) A comprehensive school health project in each school district;
 - (b) A joint DOH and Department of Education (DOE) planning committee to plan and coordinate the implementation of CSH services and the CSH program in conjunction with the DOE's comprehensive school support system;
 - (c) A requirement that DOH apply for federal funds and grants; and
 - (d) An appropriation of funds for CSH projects and their coordination and administration.

The Hawaii Nurses Association, Parents and Children Together, and several concerned citizens testified in support of this bill. DOH, DOE, Hawaii Government Employees Association supported the intent of the measure and a number of concerned individuals commented.

Your Committee has amended this measure by deleting Part II of the bill, which establishes the CSH program.

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

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 740, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 740, H.D. 2.

Signed by all members of the Committee except Representative Bukoski.

SCRep. 1433 Finance on S.B. No. 1261

The purpose of this bill is to implement a more timely and efficient system for purchasing and paying for government small purchase and payment operations by allowing state agencies to purchase goods or services through the use of a state procurement card.

The Department of Accounting and General Services testified in support of this bill. The State Procurement Office supported this measure with recommended revisions.

Your Committee has amended the definition of "procurement card" in this bill to:

- (1) Specify that a procurement card is a charge card with predetermined limitations;
- (2) Provide that in addition to goods and services, the card may also be used to purchase construction; and
- (3) Make technical, nonsubstantive amendments.

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. 1261, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1261, H.D. 2.

Signed by all members of the Committee except Representatives Mindo and Bukoski.

SCRep. 1434 Finance on S.B. No. 1286

The purpose of this bill is to improve the coordination of certain state programs by transferring the Housing and Community Development Corporation of Hawaii (HCDCH) from the Department of Business, Economic Development, and Tourism (DBEDT) to the Department of Human Services (DHS) for administrative purposes.

HCDCH, DBEDT, DHS, and the Department of Human Resources Development testified in support of this bill.

Your Committee has amended this bill by:

- (1) Conforming the personnel transfer provisions to standard drafting conventions; and
- (2) 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. 1286, 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. 1286, S.D. 1, H.D. 2.

Signed by all members of the Committee except Representative Magaoay.

SCRep. 1435 Finance on S.B. No. 1397

The purpose of this bill is to authorize the State's participation in multistate discussions relating to the Streamlined Sales Tax Project, which is a nationwide effort being undertaken by numerous states to reduce the burden of tax compliance for all sellers and for all types of commerce.

The Department of Taxation testified in support of this measure. The Tax Foundation of Hawaii commented on this measure.

Your Committee has amended this measure by making technical, nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1397, 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. 1397, S.D. 1, H.D. 2.

Signed by all members of the Committee except Representative Magaoay.

SCRep. 1436 Finance on S.B. No. 1237

The purpose of this bill is to:

- (1) Define the terms, "teaching out-of-field," "out-of-field teaching," and "out-of-field teacher" for purposes of statistical reporting by the Department of Education (DOE);
- (2) Require that certain annual reports by DOE to the Hawaii Teacher standards Board (HTSB) be posted on DOE's Internet website;

- (3) Mandate that licensed teachers, and officers or employees of DOE or a teacher preparation institute, report unlicensed or uncredentialed teachers;
- (4) Appropriate funds to maintain a National Board Certification Candidate Support Program (Certification Program); and
- (5) Appropriate funds to conduct the licensing and licensing renewal functions of HTSB.

DOE, HTSB, the Hawaii State Teachers Association, and Hawaii Association of Independent Schools testified in support of this measure.

Your Committee has amended this bill by:

- (1) Clarifying the expenses that qualify for support under the national board Certification Program; 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. 1237, 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. 1237, S.D. 1, H.D. 2.

Signed by all members of the Committee except Representatives Mindo and Bukoski.

SCRep. 1437 Finance on S.B. No. 1352

The purpose of this bill is to support community-based nursing care facilities in the State by extending the statutory authority for the licensing of home and community-based case management agencies and the certification of community care foster family homes. This bill extends the repeal date of Act 273, Session Laws of Hawaii 2001, from June 30, 2003, to June 30, 2005.

The Department of Human Services, Case Management Professionals, Inc., Case Management Council, and Case Management Inc., testified in support of this bill. The Queen's Medical Center supported the intent of this measure, and the County of Hawaii Office of the Mayor offered comments.

Your Committee has amended this bill by:

- (1) Changing the repeal date to June 30, 2004; and
- (2) Making technical, nonsubstantive amendments for the purpose of consistency and to correct drafting errors.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1352, 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. 1352, S.D. 1, H.D. 2.

Signed by all members of the Committee except Representative Nishimoto.

SCRep. 1438 Finance on S.B. No. 1239

The purpose of this bill is to reduce the dependence of Hawaii on fossil fuels by encouraging the use of renewable energy and alternative fuels. Specifically this bill will:

- (1) Allow for the delivery and fueling of biodiesel to all state harbors;
- (2) Provide for the installation of biodiesel fuel pumps in all state harbors;
- (3) Reduce the license taxes collected from distributors of alternative fuels for use in the operation of internal combustion engines; and
- (4) Establish a preference in public contracts for bidders using or selling biofuels.

Pacific Biodiesel, Inc., testified in support of this measure. The Department of Transportation and the Department of Accounting and General Services supported the intent of this bill. The Department of Taxation and the Tax Foundation of Hawaii commented on this bill.

Your Committee has amended this measure by:

- (1) Changing the effective date from July 1, 2003, to December 31, 2003, to allow further time to implement the proposed provisions; and
- (2) Making technical, nonsubstantive amendments for purposes of clarity, conformity, 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. 1239, 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. 1239, S.D. 1, H.D. 2.

Signed by all members of the Committee except Representative Magaoy.

SCRep. 1439 Finance on S.B. No. 1309

The purpose of this bill is to clarify the laws pertaining to the Employees' Retirement System (ERS) by, among other things:

- (1) Restoring the method used to calculate a member's average final compensation prior to enactment of Act 128, Session Laws of Hawaii 2002; and

- (2) Repealing the provision that requires the salary of the ERS administrator to be within the salary range of deputy directors.

The Hawaii State Teachers Association testified in support of this bill. ERS offered comments.

Your Committee has made technical, nonsubstantive amendments to this bill 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. 1309, 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. 1309, S.D. 2, H.D. 2.

Signed by all members of the Committee except Representative Magaoay.

SCRep. 1440 Finance on S.B. No. 538

The purpose of this bill is to provide the Agribusiness Development Corporation (ADC) with greater flexibility in managing lands transferred to it by exempting lands:

- (1) Set aside by the Governor to ADC; or
- (2) Leased to ADC by any department or agency of the State;

from the provisions of chapter 171, Hawaii Revised Statutes (HRS), relating to public lands.

ADC, the Hawaii Farm Bureau, and Kauai County Farm Bureau testified in support of this measure.

Your Committee has amended this bill by making a technical, nonsubstantive amendment.

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. 538, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 538, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representative Bukoski.

SCRep. 1441 Finance on S.B. No. 576

The purpose of this bill is to enhance the University of Hawaii's (UH) flexibility in generating and expending funds while increasing accountability by:

- (1) Allowing UH to use the UH Tuition and Fees Special Fund (Special Fund) to promote alumni activities; and
- (2) Requiring UH to submit a report to the Legislature prior to the 2004 Regular Session regarding moneys expended or transferred from the Special Fund for the purposes of the UH Foundation and UH support fund.

The UH Foundation submitted testimony in support of this bill. UH submitted testimony in support of the intent of this bill.

Your Committee has amended this bill by making technical, nonsubstantive changes 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. 576, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 576, H.D. 2.

Signed by all members of the Committee except Representatives Kaho'ohalahala and Meyer.

SCRep. 1442 Finance on S.B. No. 637

The purpose of this bill is to repeal the Hawaii Missing Children's Clearinghouse Trust Fund and transfer the balance to the Friends of the Missing Child Center Hawaii, a Hawaii nonprofit corporation.

The Hawaii Missing Children's Clearinghouse Trust Fund Board of Directors and a concerned individual testified in support of this bill. The Attorney General and Hawaii Justice Foundation submitted comments.

Your Committee has amended this bill by:

- (1) Changing the effective date to January 1, 2004; 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. 637, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 637, H.D. 2.

Signed by all members of the Committee except Representative Magaoay.

SCRep. 1443 Finance on S.B. No. 745

The purpose of this bill is to provide emergency medical services to rural communities by:

- (1) Requiring the Department of Health (DOH) to establish, maintain, evaluate, and improve emergency aeromedical services throughout the State; and
- (2) Appropriating funds for:

- (a) Emergency aeromedical helicopter services for Maui County;
- (b) Ambulance services for Waianae;
- (c) Twenty-four-hour advanced life support ambulance services for the Kihei-Wailea region of Maui; and
- (d) Emergency advanced life support ambulance services for the Hawaiian Ocean View Estates region of the island of Hawaii.

The Mayor of Maui County, several members of the Maui County Council, Hawaii County Fire Department, Healthcare Association of Hawaii, Honolulu Paramedic Association, Hawaii Health Systems Corporation, and many concerned individuals testified in support of this bill. The Department of Emergency Services of the City and County of Honolulu supported the bill with an amendment. The Department of Health supported the intent of the bill. Comments were provided by Hawaii Air Ambulance and several individuals. A concerned individual testified in opposition to the bill.

Your Committee has amended this bill by:

- (1) Changing the reference to ambulance services for Waianae to ambulance services for the Waianae Coast;
- (2) Adding additional information to the legislative findings of part II of the bill; and
- (3) Making technical, nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 745, 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. 745, S.D. 2, H.D. 2.

Signed by all members of the Committee except Representatives Kaho'ohalahala and Bukoski.

SCRep. 1444 Finance on S.B. No. 1068

The purpose of this bill is to:

- (1) Allow a patient's next of kin to obtain copies of the patient's medical records; and
- (2) Extend from June 30, 2003, to June 30, 2008, the authorization to issue special purpose revenue bonds to assist the Honolulu Neighborhood Housing Services, Inc., in planning, designing, and constructing a senior citizen lifecare retirement community.

The development manager for Honolulu Neighborhood Housing Services, Inc., testified in support of this bill. The Department of Health submitted comments.

Your Committee has amended this bill by removing the provisions allowing a patient's next of kin to obtain copies of the patient's medical records.

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. 1068, 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. 1068, S.D. 1, H.D. 2.

Signed by all members of the Committee except Representatives Kaho'ohalahala and Meyer.

SCRep. 1445 Finance on S.B. No. 1410

The purpose of this bill is to appropriate funds out of the University of Hawaii (UH) Tuition and Fees Special Fund to pay for judgments or settlements arising out of claims against UH.

UH supported this bill.

Your Committee has amended this measure by inserting an additional claim settlement of \$356,983.37 for attorneys' fees and costs related to a claim of arbitration between UHPA and the Board of Regents of UH.

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. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1410, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representatives Kaho'ohalahala and Meyer.

SCRep. 1446 Finance on S.B. No. 1423

The purpose of this bill is to establish the State Commission on Fatherhood to make recommendations and oversee policies to create programs, services, and contracts that promote healthy family relationships between parents and children and that are father-friendly and inclusive.

Parents and Children Together, Hawaii Coalition for Dads, and Healthy Mothers Healthy Babies Coalition of Hawaii supported this bill. The Department of Health and Hawaii Congress of Parents, Teachers, Student Association supported the intent 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. 1423, 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. 1423, S.D. 2, H.D. 2.

Signed by all members of the Committee except Representatives Mindo and Bukoski.

SCRep. 1447 Finance on S.B. No. 1319

The purpose of this bill is to update the Uniform Limited Partnership Act by replacing chapter 425D, Hawaii Revised Statutes, with a modified version of the 2001 Revised Uniform Limited Partnership Act as promulgated by the National Commissioners on Uniform State Laws.

The Department of Commerce and Consumer Affairs and a concerned individual testified in support of this measure.

Your Committee has made technical, nonsubstantive amendments to this bill 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. 1319, 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. 1319, S.D. 1, H.D. 3.

Signed by all members of the Committee except Representative Bukoski.

SCRep. 1448 Finance on S.B. No. 1426

The purpose of this bill is to assist substitute teachers of the Department of Education (DOE) by:

- (1) Creating collective bargaining unit (14) for substitute teachers, including part-time employees working less than one-half of a full-time equivalent position; and
- (2) Allowing members of the new bargaining unit (14) to strike.

The Laborers' International Union of North America, Local 368, AFL-CIO, testified in support of this bill. The Office of Collective Bargaining and Managed Competition and DOE opposed 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. 1426, S.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee except Representatives Kaho'ohalahala and Meyer.

SCRep. 1449 Finance on S.B. No. 528

The purpose of this bill is to transfer from the County of Hawaii to the State certain public school lands and improvements.

The Department of Education submitted comments 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. 528, S.D. 2, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee except Representatives Kaho'ohalahala and Bukoski.

SCRep. 1450 Finance on S.B. No. 837

The purpose of this bill is to address critical industry needs and promote business development by:

- (1) Requiring the Department of Business, Economic Development, and Tourism (DBEDT), to report on its efforts to increase the number of high-skilled jobs; and
- (2) Clarifying the duties of the Workforce Development Council (WDC).

Specifically, this bill requires:

- (1) DBEDT to submit an annual report to the Legislature on its efforts to increase the number of high-skilled jobs in targeted industries;
- (2) WDC to include in the comprehensive state plan for workforce development:
 - (A) The number of placements of individuals into higher-skilled jobs;
 - (B) Methods to:
 - (i) Educate the private sector about public and private financial assistance available for workforce development;
 - (ii) Facilitate access to workforce development resources; and
 - (iii) Facilitate the Department of Education's development of curriculum to prepare students for private sector employment;
 - (C) The creation and improvement of educational opportunities for individuals to learn and develop new skills;
 - (D) The need for skilled workers in the next five and ten years;
 - (E) Recommendations to change and improve existing state programs;
 - (F) The identification of resources required, obstacles to overcome, and best practice models to implement the plan; and
 - (G) A detailed budget for the plan with justification for each expenditure;

- (3) WDC to recommend policies and funding priorities that meet the State's responsibility to review and assess the coordination between state and federal workforce development programs and the placements of workers in higher-skilled jobs;
- (4) WDC to establish reporting requirements for job placement results by category of occupations in high-demand and high-growth areas; and
- (5) WDC to include in its annual report information relating to the number of individuals placed in high-demand or high-growth employment through workforce development programs by departments, and allocations of state, federal, and other funding to achieve placements into higher-skilled jobs.

The Department of Labor and Industrial Relations supported this measure. DBEDT, High Technology Development Corporation, the Chamber of Commerce of Hawaii, and Enterprise Honolulu supported 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. 837, S.D. 1, H.D. 2, and recommends that it pass Third Reading.

Signed by all members of the Committee except Representatives Kaho`ohalahala and Meyer.

SCRep. 1451 Finance on S.B. No. 975

The purpose of this bill is to provide that the State and counties shall not be liable for injuries suffered by users of public skateboard parks, except for injuries caused by conditions resulting from the failure to maintain or repair the parks.

The Department of the Attorney General and numerous individuals submitted testimony in support of this bill. The Consumer Lawyers of Hawaii submitted testimony in opposition to 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. 975, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee except Representatives Kaho`ohalahala and Bukoski.

SCRep. 1452 Finance on S.B. No. 1077

The purpose of this bill is to codify current practices of the Insurance Commissioner regarding the certification of continuing education courses and course providers.

The Department of Commerce and Consumer Affairs (DCCA), Insurance Division of DCCA, Continuing Education Advisory Committee, Hawaii Independent Insurance Agents Association, Professional Insurance Agents of Hawaii, and National Association of Insurance and Financial Advisors Hawaii submitted testimony in support 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. 1077, S.D. 1, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee except Representatives Kaho`ohalahala and Meyer.

SCRep. 1453 Finance on S.B. No. 1281

The purpose of this bill is to exempt lands held by the High Technology Development Corporation (HTDC) from chapter 171, Hawaii Revised Statutes (HRS), which provides, among other things, that public lands be managed, administered, and controlled by the Department of Land and Natural Resources (DLNR), unless the lands are specifically exempted in section 171-2, HRS.

HTDC submitted testimony in support of this bill. DLNR submitted comments.

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. 1281, S.D. 1, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee except Representative Bukoski.

SCRep. 1454 Finance on S.B. No. 426

The purpose of this bill is to enable the construction, furnishing, and equipping of an ocean science center (center) in Kakaako by:

- (1) Extending the authority of the Hawaii Community Development Authority (HCDA) to issue special facility revenue bonds (SFRBs) for the center through the 2003-2005 fiscal biennium; and
- (2) Increasing from \$20,000,000 to \$40,000,000 the amount of SFRBs that HCDA may issue for the center.

The University of Hawaii, HCDA, KUD International, LLC, Victoria Ward, Limited, and Kakaako Improvement Association submitted testimony in support 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. 426, S.D. 1, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee except Representatives Kaho`ohalahala and Bukoski.

SCRep. 1455 Finance on S.B. No. 1446

The purpose of this bill is to support cancer diagnosis and treatment efforts by:

- (1) Establishing the Cancer Detection Development Revolving Fund (CDDRF) to assist enterprises that develop healthcare and biomedical technology to detect cancer in its early stages; and
- (2) Appropriating funds to be deposited into the CDDRF.

The Hawaii Technology Trade Association, Science and Technology International, and a concerned individual supported this bill. The Department of Business, Economic Development, and Tourism and a concerned individual supported the intent of this measure. The Department of Budget and Finance opposed 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. 1446, S.D. 2, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee except Representatives Kaho'ohalahala and Bukoski.
(Representative Jernigan voted no.)

SCRep. 1456 Finance on S.B. No. 17

The purpose of this bill is to:

- (1) Make kindergarten attendance mandatory; and
- (2) Require a child entering kindergarten in the public school system to be five years of age on or before September 1 of the year in which the child enters kindergarten, beginning with the 2007-2008 school year.

The Department of Education and Hawaii State Teachers Association testified in support of this bill. Good Beginnings Alliance opposed 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. 17, S.D. 1, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee except Representative Bukoski.
(Representative Jernigan voted no.)

SCRep. 1457 Finance on S.B. No. 1262

The purpose of this bill is to amend the State's procurement policies and procedures by, among other things:

- (1) Removing architects, landscape architects, professional engineers, surveyors, and land surveyors from the definition of "professional services" and designating them instead as "design professional services";
- (2) Establishing procedures for the procurement of design professional services that involve review and selection committees to evaluate and rank qualified parties;
- (3) Ranking the selection criteria for professional services and design professional services to be used by the selection committees;
- (4) Requiring that only professional service contracts exceeding \$25,000 be posted electronically;
- (5) Allowing nonselected professional and design professional service providers and unsuccessful competitive sealed bid offerors to request a debriefing;
- (6) Requiring the Department of Accounting and General Services (DAGS), with the State Procurement Office and Procurement Policy Board, to conduct a study of the small business and qualified rehabilitation program provisions; and
- (7) Establishing the Hawaii Procurement Institute, in cooperation with the William S. Richardson School of Law, to provide education and training for Hawaii's contractors and to promote and develop a professional acquisition workforce through education and training.

Testifying in support of this bill were: the American Institute of Architects Hawaii State Council, Building Industry Association – Hawaii, Pacific Geotechnical Engineers, Inc., Paul Louie & Associates, Inc., Kauahikaua & Chun/Architects, Group 70 International, Inc., Austin Tsutsumi & Associates, Inc., Clifford Projects Inc., Parsons Brinckerhoff, Earth Tech, Inc., Consulting Structural Hawaii, Inc., and three concerned individuals.

The American Council of Engineering Companies of Hawaii, American Public Works Association – Hawaii Chapter, Hawaii Society of Professional Engineers, Miyasato Kuniyoshi Engineers LLC, Pacific Structural Consultants, Inc., and one concerned individual supported this bill with amendments.

The State Procurement Office and DAGS supported the intent of this measure with amendments. The City and County of Honolulu, County of Hawaii, and the County of Kauai Department of Water opposed portions 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. 1262, S.D. 1, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee except Representatives Mindo and Bukoski.

SCRep. 1458 Finance on S.B. No. 1321

The purpose of this bill is to make mental health parity permanent by repealing the June 30, 2003, sunset date of Act 121, Session Laws of Hawaii 1999.

The Governor, Hawaii Government Employees Association, Blueprint for Change, Hawaii Nurses' Association, Mental Health Association in Hawaii, Hawaii Psychological Association, Hawaii Psychiatric Medical Association, Equal Insurance Coalition, Kaiser Permanente, National Association of Social Workers, NAMI Oahu, and many concerned individuals testified in support of this

measure. The Department of Health, Department of Commerce and Consumer Affairs, and Hawaii Medical Association supported the intent of this measure. The Hawaii Medical Service Association submitted comments.

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. 1321, H.D. 2, and recommends that it pass Third Reading.

Signed by all members of the Committee except Representative Kawakami.

SCRep. 1459 Finance on S.B. No. 1393

The purpose of this bill is to split the current Department of Public Safety (DPS) into two new departments:

- (1) The Department of Law Enforcement that will accept certain functions and authority from DPS; and
- (2) The Department of Corrections, including the Hawaii Paroling Authority and Crime Victim Compensation Commission for administrative purposes.

The Department of Human Resources Development, Honolulu Police Department, and Department of the Prosecuting Attorney testified in support of this bill. The Department of Public Safety supported the intent of this measure. The Office of the Lieutenant Governor submitted comments.

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. 1393, S.D. 2, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee except Representatives Kaho'ohalahala and Bukoski.

SCRep. 1460 Finance on S.B. No. 1055

The purpose of this bill is to increase compliance with Hawaii's motor vehicle insurance laws by establishing a statewide information system that uses the most current technology to enable law enforcement officers and the Judiciary to immediately and accurately determine whether a driver has motor vehicle insurance as required by law.

The Honolulu Police Department and an individual submitted testimony in support of this bill. The Insurance Division of the Department of Commerce and Consumer Affairs and the Department of Customer Services of the City and County of Honolulu supported the intent of this bill. The Hawaii Insurers Council, AIG Hawaii Insurance Company, Inc., State Farm Insurance Companies, Liberty Mutual Insurance Companies, and an individual opposed 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. 1055, S.D. 1, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee except Representative Kawakami.
(Representative Moses voted no.)

SCRep. 1461 Finance on S.B. No. 1034

The purpose of this bill is to ensure the long-term productive use of agricultural lands by allowing certain agricultural lands leased or available to be leased by the Department of Land and Natural Resources (DLNR), to be transferred to, and managed by, the Department of Agriculture (DOA).

DLNR, Hawaii Agriculture Research Center, Hawaii Forest Industry Association, and Hawaii Farm Bureau Federation testified in support of this bill. DOA supported the intent of this measure. The Sierra Club, Hawaii Chapter opposed this bill.

Your Committee has amended this measure by:

- (1) Inserting language to protect existing contractual rights from impairment by this bill; and
- (2) Making technical, nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1034, 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. 1034, S.D. 1, H.D. 2.

Signed by all members of the Committee except Representative Kawakami.

SCRep. 1462 Finance on S.B. No. 1432

The purpose of this bill is to promote diversified agriculture on Kauai and facilitate the productive use of state facilities by appropriating:

- (1) \$100,000 for refurbishment of the Kauai Tropical Fruit Disinfestation Facility (Facility); and
- (2) Funds for the co-location and establishment of an incubator community kitchen within the Facility.

The Hawaii Farm Bureau Federation, Kauai County Farm Bureau, Kauai Community College, and five concerned citizens supported this bill. The Agribusiness Development Corporation and the University of Hawaii College of Tropical Agriculture and Human Resources supported the intent of this bill.

Your Committee has amended this measure by:

- (1) Changing the appropriation amount for the refurbishment of the Facility to \$1 to promote further discussion; and
- (2) Making technical, nonsubstantive amendments for purposes of style and clarity.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1432, 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. 1432, S.D. 2, H.D. 2.

Signed by all members of the Committee except Representatives Kawakami and Nakasone.

SCRep. 1463 Finance on S.B. No. 1661

The purpose of this bill is to facilitate the continuing development of Kapolei by requiring the Housing and Community Development Corporation of Hawaii (HCDCH) to:

- (1) Complete the construction of Kapolei within five years of the effective date of this Act; and
- (2) Coordinate with the City and County of Honolulu to implement recommendations of the Villages at Kapolei Homeowners Association's traffic study.

The Villages of Kapolei Association and two concerned individuals testified in support of this bill. HCDCH opposed this measure.

Your Committee has amended this measure by:

- (1) Inserting language requiring the Reviser of Statutes to fill in the Act numbers intended for the amendments concerned in Sections 2 and 3 of this bill with the Act number that is designated for this bill upon enactment;
- (2) Changing the effective date from upon its approval to July 1, 2010, for the purpose of further discussion; and
- (3) Making technical, nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1661, S.D. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1661, S.D. 2, H.D. 1.

Signed by all members of the Committee except Representatives Kaho'ohalahala and Bukoski.

SCRep. 1464 Finance on S.B. No. 1700

The purpose of this bill is to:

- (1) Improve the funding methodology for charter schools; and
- (2) Appropriate funds for the operation of charter schools.

The Hawaii State Teachers Association, Chamber of Commerce of Hawaii, Hawaii Business Roundtable, Hawaii Association of Independent Schools, Hawaii Charter Schools Network, and numerous students, teachers, administrators, and other individuals associated with charter schools submitted testimony in support of this bill. The League of Women Voters and an individual submitted testimony in support of this bill with proposed changes. The Department of Education submitted testimony in support of the intent of this bill. The Hawaii Government Employees Association submitted comments on this bill.

Your Committee has amended this bill by making technical, nonsubstantive changes 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. 1700, 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. 1700, S.D. 1, H.D. 2.

Signed by all members of the Committee except Representatives Kaho'ohalahala and Meyer.

SCRep. 1465 Finance on S.B. No. 1241

The purpose of this bill is to eliminate unnecessary and impractical statutory requirements by repealing the provision that requires every hospital licensed by the State to offer a uterine cytologic examination for cancer to every female in-patient, twenty years-of-age or over, unless contraindicated by the attending physician or unless the examination has been performed within the previous year.

Kaiser Permanente and Kapiolani Medical Center for Women and Children supported this bill. The Department of Health (DOH), Hawaii State Commission on the Status of Women, and Healthcare Association of Hawaii supported the intent of this bill. Planned Parenthood of Hawaii and a concerned citizen opposed this bill.

Your Committee has amended this measure by:

- (1) Requiring cancer examinations to be part of a statewide Comprehensive Cancer Control Plan to be developed by DOH;
- (2) Requiring DOH to work with other government agencies, health care providers, health insurers, and others to improve the overall rates of screening, early diagnosis, and treatment of cancer;
- (3) Making this bill effective upon its approval; and
- (4) Making other technical, nonsubstantive amendments for purposes 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. 1241, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1241, H.D. 2.

Signed by all members of the Committee except Representatives Kaho'ohalahala and Bukoski.

SCRep. 1466 Finance on S.B. No. 1505

The purpose of this bill is to provide effective oversight, coordination, direction, and planning to control and eradicate harmful invasive species by statutorily establishing the temporary Hawaii Invasive Species Council.

In addition, this bill:

- (1) Prohibits importation and sale of *Salvinia molesta*, or *Salvinia minima* and *pistia stratiotes* plants within Hawaii; and
- (2) Extends the limitation on the effective term of interim rules adopted by the Department of Agriculture (DOA) for plant and nondomestic animal quarantine to one year.

A councilmember of the Maui County Council, The Nature Conservancy of Hawaii, Coordinating Group on Alien Pest Species, Kauai Invasive Species Committee, Oahu Invasive Species Committee, Maui Invasive Species Committee, Molokai Invasive Species Committee, and the Big Island Invasive Species Committee supported this bill. DOA, Department of Land and Natural Resources, Department of the Attorney General, and Sierra Club, Hawaii Chapter supported the intent of this bill.

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

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1505, 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. 1505, S.D. 1, H.D. 2.

Signed by all members of the Committee except Representatives Kaho'ohalahala and Meyer.

SCRep. 1467 Finance on S.B. No. 1519

The purpose of this bill is to appropriate funds from the Emergency and Budget Reserve Fund for community health centers.

The Healthcare Association of Hawaii, Hawaii Primary Care Association, and Hana Community Health Center submitted testimony in support of this bill.

Your Committee has amended this bill by making technical, nonsubstantive changes 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. 1519, 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. 1519, S.D. 1, H.D. 2.

Signed by all members of the Committee except Representatives Kawakami and Nakasone.

SCRep. 1468 Finance on S.B. No. 945

The purpose of this bill is to allocate a percentage of the Tocacco Settlement Special Fund and appropriate moneys to be used for nonschool-hour programs for children and youth.

The Office of Youth Services of the Department of Human Services, Honolulu Police Department, Hawaii Youth Services Network, and Coalition for a Drug-Free Hawaii submitted testimony in support of this bill. The Department of Education submitted testimony in support of the intent of this bill. The Department of Budget and Finance submitted testimony in opposition to this bill.

Your Committee has amended this bill by:

- (1) Changing the effective date to July 1, 2010, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of style and clarity.

As affirmed by the record of votes of the members of your Committee on Finance 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 Third Reading in the form attached hereto as S.B. No. 945, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representatives Kaho'ohalahala and Bukoski.

SCRep. 1469 Finance on S.B. No. 1675

The purpose of this bill is to transfer the Executive Office on Aging (EOA) from the Office of the Governor to the Department of Health (DOH) for administrative purposes.

Your Committee circulated a proposed draft of this bill that would, in addition to transferring EOA, require the Auditor to conduct a comprehensive management and financial audit of the Hawaii Health Systems Corporation (HHSC).

EOA and DOH supported the bill as received. The Hawaii Government Employees Association supported the intent of this measure as received.

A concerned individual testified in support of the proposed draft. Several concerned individuals opposed the proposed draft.

Your Committee has amended this bill by inserting the contents of the proposed draft and 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. 1675, H.D. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1675, H.D. 3.

Signed by all members of the Committee except Representatives Kaho'ohalahala and Bukoski.

SCRep. 1470 Finance on S.B. No. 658

The purpose of this bill is to require hospitals that provide emergency care to sexual assault survivors to provide information about emergency contraception and to offer and administer emergency contraception upon the sexual assault survivor's request.

The Hawaii State Commission on the Status of Women, Sex Abuse Treatment Center, American Civil Liberties Union of Hawaii, Planned Parenthood of Hawaii, and the Community Alliance on Prisons testified in support of this measure. The Department of Health and a member of the Hawaii County Council supported this measure with amendments. Hawaii Right to Life, St. Francis Healthcare System of Hawaii, Seventh-day Adventist Church Hawaii Conference, and several individuals opposed this measure. A concerned citizen submitted comments.

Your Committee has amended this bill by:

- (1) Inserting a provision that the hospital is not required to provide emergency contraception to a sexual assault survivor who requests it if such treatment is medically contra-indicated; 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. 658, 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. 658, S.D. 1, H.D. 3.

Signed by all members of the Committee except Representative Kawakami.
(Representatives Meyer and Moses voted no.)

SCRep. 1471 Finance on S.B. No. 1373

The purpose of this bill is to restore an exemption from chapter 76, Hawaii Revised Statutes, to provide a statutory basis for civil service exempt positions established by the Department of Labor and Industrial Relations (DLIR) to implement federally funded employment or training programs.

DLIR and the Hawaii Government Employees Association testified in support of this bill.

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

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1373, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1373, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representatives Kawakami and Nakasone.

SCRep. 1472 Finance on S.B. No. 1403

The purpose of this bill is to provide the Harbors Division of the Department of Transportation (DOT) with greater flexibility to develop lands and facilities, subject to the approval of the Board of Land and Natural Resources.

Testimony in support of this bill was provided by the DOT, Maritime Committee of the Chamber of Commerce of Hawaii, Young Brothers, Limited, Transmarine Navigation Corporation, and Waldron Steamship Co., Ltd. Hawaii's Thousand Friends opposed the bill.

Your Committee has amended this bill by:

- (1) Changing its effective date from upon approval to July 1, 2005; 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. 1403, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1403, H.D. 1.

Signed by all members of the Committee except Representatives Kawakami and Nakasone.

SCRep. 1473 Finance on S.B. No. 1156

The purpose of this bill is to enable the Office of Hawaiian Affairs (OHA) to identify and locate persons for whose benefit its programs and projects are intended by:

- (1) Requiring OHA to create a registry of all persons of Hawaiian ancestry, regardless of place of residence; and
- (2) Appropriating funds for this purpose.

OHA testified in support of this measure.

Your Committee has amended this bill by:

- (1) Removing the appropriation provision; and
- (2) Removing the portion of the effective date that provided that the appropriation section take effect on July 1, 2003.

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. 1156, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1156, H.D. 2.

Signed by all members of the Committee except Representative Kawakami.

SCRep. 1474 Finance on S.B. No. 359

The purpose of this bill is to provide incentives for motion picture and film production in Hawaii by:

- (1) Expanding the tax credit for costs incurred in the production of motion picture or television films (Tax Credit) to include costs incurred in the production of commercials that advertise products and services to consumers; and
- (2) Increasing the amount of the Tax Credit to:
 - (A) Eight percent of the costs incurred in any county with a population of over 700,000; and
 - (B) Ten percent of the costs incurred in any county with a population of 700,000 or less;

In addition, this bill:

- (1) Prohibits any taxpayer that has claimed a Tax Credit from qualifying as a "qualified high technology business" for certain other tax benefits, including the income tax exclusion for royalties under section 235-7.3, Hawaii Revised Statutes (HRS); and
- (2) Requires the Hawaii Television and Film Development Board, with participation from Hawaii's film and media industry, to review and propose recommendations on possible tax or other incentives that may be enacted and implemented to encourage the acquisition, use, and local availability of television and movie production equipment in the State.

The Office of Economic Development of Maui County, Big Island Film Office of Hawaii County, Kauai Film Office of Kauai County, Honolulu Film Office of the City and County of Honolulu, FilmWorks Pacific & FilmWorks Press, University of Hawaii Cinematic and Digital Arts Program, Association of Independent Commercial Producers, Inc., Hawaii Movie Studios, LLC, Reel Services/Hawaii, Inc., Pacific Focus Inc., Hawaii Media Inc., SDR Films, Screen Actors Guild Hawaii Branch, Makua Pictures, Radio & Cellular Rentals, Olena Productions, and eight concerned citizens supported this bill. The Hawaii State AFL-CIO supported the intent of this bill. The Department of Taxation and the Department of Business, Economic Development, and Tourism opposed this bill. The Tax Foundation of Hawaii offered comments.

Your Committee has amended this bill by:

- (1) Allowing the Tax Credit to be claimed only upon a declaration by the Governor;
- (2) Requiring the Governor to issue a declaration allowing taxpayers to claim the Tax Credit when general fund tax collections at the close of each of two successive fiscal years exceed 7.5 percent of general fund tax collections for each of the prior two fiscal years;
- (3) Requiring the Director of Taxation to notify the Governor of general fund tax collections at the close of every year;
- (4) Making the tax credit apply to taxable years beginning after December 31, 2002 and repealing it on January 1, 2008; and
- (5) 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. 359, 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. 359, S.D. 2, H.D. 2.

Signed by all members of the Committee except Representative Kawakami.

SCRep. 1475 Finance on S.B. No. 1040

The purpose of this bill is to provide a dedicated funding source for the Hawaii Statewide Trail And Access Program by:

- (1) Requiring ten percent of excess revenues in the Tourism Special Fund to be deposited in the Special Land and Development Fund; and
- (2) Removing the annual ceiling on funding for trails and trail accesses under the jurisdiction of the Department of Land and Natural Resources (DLNR).

DLNR and the Nature Conservancy submitted testimony in support of this bill. The Department of Taxation and Tax Foundation of Hawaii submitted comments on this bill.

Your Committee has amended this bill by:

- (1) Changing the effective date to July 1, 2005, to facilitate further discussion; 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 Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1040, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1040, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representative Kawakami.

SCRep. 1476 Finance on S.B. No. 209

The purpose of this bill is increase support services for year round, multi-track schools by appropriating funds to convert ten-month certificated positions to twelve-month certificated positions, as needed.

The Hawaii State Teachers Association and two principals supported this bill. The Department of Education supported the intent of this bill.

Your Committee has amended this bill by:

- (1) Inserting \$1 as the appropriation amount to facilitate further discussion; and
- (2) Making technical, nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 209, S.D. 3, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 209, S.D. 3, H.D. 1.

Signed by all members of the Committee except Representative Bukoski.

SCRep. 1477 Finance on S.B. No. 1332

The purpose of this bill is to:

- (1) Establish an Executive Salary Commission (Commission) to review the salaries of the Governor, Lieutenant Governor, executive branch department heads other than the president of the University of Hawaii and the Superintendent of Education, and deputy department heads; and
- (2) Provide a procedure by which salaries recommended by the Commission become effective unless disapproved by the Legislature or the Governor.

The Governor, Department of Human Resources Development, and Attorney General, testified in support of this bill. The Judiciary provided testimony in support and stated concerns.

Your Committee has amended this bill to:

- (1) Change the Commission appointment process to allow the five members of the Commission to be appointed as follows:
 - (a) Two members to be appointed by the Senate President;
 - (b) Two members to be appointed by the House Speaker; and
 - (c) One member to be appointed by the Chief Justice of the Supreme Court;and
- (2) Make clear that either the Legislature or the Governor may reject Commission recommendations.

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. 1332, 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. 1332, S.D. 2, H.D. 2.

Signed by all members of the Committee except Representatives Kaho'ohalahala and Bukoski.

SCRep. 1478 Finance on S.B. No. 1462

The purpose of this bill is to, among other things:

- (1) Authorize the Board of the Hawaii Tourism Authority (HTA) to appoint a sports coordinator;
- (2) Clarify that the designated representative on the Board of HTA for the Director of Business, Economic Development, and Tourism, the Director of Transportation, and the Chairperson of the Board of Land and Natural Resources shall be an employee of these respective departments; and
- (3) Adjust the percentages of the Tourism Special Fund to be used for administrative expenses, and to adjust the percentage of that amount to be used for the compensation package for the Executive Director of HTA.

HTA testified in support of this measure. The Department of Budget and Finance opposed this measure.

Your Committee has amended this bill by:

- (1) Changing the effective date to July 1, 2005; 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. 1462, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1462, H.D. 2.

Signed by all members of the Committee except Representative Kawakami.

SCRep. 1479 Finance on S.B. No. 248

The purpose of this bill is to increase the amount of transient accommodations tax (TAT) revenues that can be deposited into the Convention Center Enterprise Special Fund (Special Fund) from \$31,000,000 to \$34,000,000.

The Hawaii Tourism Authority supported this bill. The Department of Budget and Finance opposed this measure. The Tax Foundation of Hawaii submitted comments.

Your Committee has amended this measure by:

- (1) Changing the limit on the amount of TAT revenues that can be deposited into the Special Fund from \$34,000,000 to a blank amount for purposes of further discussion; and
- (2) Making technical, nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 248, S.D. 3, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 248, S.D. 3, H.D. 1.

Signed by all members of the Committee except Representatives Kaho'ohalahala and Bukoski.
(Representative Jernigan voted no.)

SCRep. 1480 Finance on S.B. No. 464

The purpose of this bill is address traffic congestion and other transportation-related problems on Oahu by requiring the Department of Transportation (DOT), in conjunction with both the Oahu Metropolitan Planning Organization and the City and County of Honolulu, to develop an action plan for the implementation of a fixed rail transit system for Oahu.

DOT and Life of the Land testified in opposition to this bill.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion; and
- (2) Making technical, nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 464, 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. 464, S.D. 2, H.D. 2.

Signed by all members of the Committee except Representative Kawakami.
(Representative Jernigan voted no.)

SCRep. 1481 Finance on S.B. No. 317

The purpose of this bill is to appropriate funds for the fiftieth anniversary commemoration of the Korean War Commission.

The Department of Defense, Disabled American Veterans, Oahu Veterans Council, Office of Veterans Services, Aloha Chapter of the Chosin Few, Inc., Chamber of Commerce of Hawaii, Chapter 282 of the Korean War Veterans Association, members of the 5th Regimental Combat Team, and several individuals submitted testimony in support of this bill.

Your Committee has amended this bill by:

- (1) Changing the appropriation amount to \$1 to facilitate further discussion; 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 Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 317, S.D. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 317, S.D. 2, H.D. 1.

Signed by all members of the Committee except Representatives Kawakami and Nakasone.

SCRep. 1482 Finance on S.B. No. 1050

The purpose of this bill is to require the Office of Veterans' Services (OVS) to provide grants of up to \$2,500 per grant under the Veterans Burial Grant Program (Program) to reimburse survivors or interested parties of deceased World War II Filipino veterans for funeral and burial expenses, or the cost of transporting the remains to the Philippines.

In addition, this bill:

- (1) Requires valid documentation that the WWII Filipino veteran was, at the time of death, a resident of Hawaii; and
- (2) Requires OVS to complete the grant application processing and eligibility determination within seven working days following receipt of the completed application and all required documents.

OVS supported the intent of this bill.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2010, to facilitate further discussion; and
- (2) Making technical, nonsubstantive amendments for purposes of style and clarity

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1050, 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. 1050, S.D. 2, H.D. 2.

Signed by all members of the Committee except Representative Kawakami.

SCRep. 1483 Finance on S.B. No. 16

The purpose of this bill is to create a tuition reimbursement program for individuals who graduate from a state-approved teacher education program in Hawaii and who teach in Hawaii public schools for at least six consecutive years.

The University of Hawaii, Hawaii State Teachers Association, Hawaii Business Roundtable, Hawaii Association of Independent Schools, and the University of Phoenix testified in support of this measure. The Department of Education supported the intent of this measure.

Your Committee has amended this bill by making technical, nonsubstantive amendments for purposes of consistency and style.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 16, 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. 16, S.D. 2, H.D. 2.

Signed by all members of the Committee except Representative Kawakami.

SCRep. 1484 Finance on S.B. No. 748

The purpose of this bill is to establish a Nursing Education Loan Program (Program) and Special Fund administered by the University of Hawaii (UH) that:

- (1) Provides loans for students in eligible nursing programs; and
- (2) Allows loans to be forgiven incrementally for recipients who work as nurses in Hawaii.

Additionally, this bill appropriates funds for the Program and nursing faculty at UH.

The Hawaii Government Employees Association, Hawaii Nurses' Association, Healthcare Association of Hawaii, and an individual submitted testimony in support of this bill. UH submitted comments.

Your Committee has amended this bill by:

- (1) Changing the effective date to July 1, 2010, to facilitate further discussion; 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 Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 748, 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. 748, S.D. 2, H.D. 2.

Signed by all members of the Committee except Representative Kawakami.

SCRep. 1485 Finance on S.B. No. 325

The purpose of this bill, as received by your Committee, is to authorize the issuance of \$200,000,000 in special purpose revenue bonds (SPRBs) to assist The Queen's Health Systems, and its nonprofit affiliates, in financing the costs of construction, improvements, and equipment for health care facilities.

For purposes of facilitating discussion, your Committee solicited a proposed H.D. 1 for public review and comment. As proposed, S.B. No. 325, H.D. 1, would authorize the issuance of \$100,000,000 in SPRBs for Jacoby Development, Inc., to finance a plasma municipal solid waste processing system on Oahu to convert solid wastes into electricity and chemically and biologically inert slag.

McCorriston Miller Mukai MacKinnon LLP and a concerned citizen supported the proposed draft. American Friends Service Committee opposed the bill, as received by your Committee, and the proposed draft. Covanta Energy offered comments on the proposed draft.

Your Committee has amended this measure, as received, by:

- (1) Deleting its contents; and
- (2) Authorizing the issuance of \$100,000,000 in SPRBs for Geoplasma LLC to finance a plasma municipal solid waste processing system on Oahu to convert solid wastes into electricity and chemically and biologically inert slag.

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. 325, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 325, H.D. 1.

Signed by all members of the Committee except Representatives Kaho'ohalahala and Bukoski.

SCRep. 1486 Finance on S.B. No. 354

The purpose of this bill is to extend tax credits for heat pumps and ice storage systems that are installed and placed in service before July 1, 2007.

The Building Industry Association of Hawaii, Plumbing and Mechanical Contractors Association of Hawaii, Subcontractors Association of Hawaii, Plumbers and Fitters Union Local 675, Hawaii Solar Energy Association, Inter-Island Solar Supply, Economy Plumbing & Sheet Metal, Inc., Elite Mechanical, Inc., PowerLight Corporation, Trane Company, American Society of Heating, Refrigerating and Air Conditioning Engineers-Hawaii Chapter, and Acutron Co. Inc. testified in support of this measure. The Department of Business, Economic Development, and Tourism, The Gas Company, Hawaiian Electric Company, Hawaii Electric Light Company, Maui Electric Company, and Off-Peak/Elite Energy Group, LLC supported the intent of this measure. The Department of Taxation and Tax Foundation of Hawaii submitted comments.

Your Committee has amended this bill by:

- (1) Specifying that after the 2003 taxable year, the tax credit may be claimed only upon a declaration by the Governor, provided that the general fund collections at the close of each of two successive fiscal years exceed 7.5 percent of the general fund tax collections for each of the two prior fiscal years; and
- (2) Making technical, nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 354, 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. 354, S.D. 2, H.D. 2.

Signed by all members of the Committee except Representative Kawakami.

SCRep. 1487 Finance on S.B. No. 1399

The purpose of this bill is to establish a long-term care (LTC) tax credit on the cost of LTC insurance premium payments that goes into effect upon declaration from the Governor when general fund tax collections for two successive fiscal years exceed 7.5 percent of the collections for each of the prior two fiscal years.

The Department of Taxation, Hawaii State Teachers Association, Hawaii Long Term Care Association, Chamber of Commerce of Hawaii, Healthcare Association of Hawaii, Hawaii Medical Association, American Council of Life Insurers, Health Insurance Association of America, and National Association of Insurance and Financial Advisors Hawaii submitted testimony in support of this bill. The Office of the Governor submitted testimony in support of this bill with amendments. The Department of Health submitted testimony in support of the intent of this bill. The Hawaii State Commission on the Status of Women, Kokua Council, and an individual submitted testimony in opposition to this bill. The Department of the Attorney General and Tax Foundation of Hawaii submitted comments.

Your Committee has amended this bill by:

- (1) Changing the effective date to July 1, 2010, to facilitate further discussion; 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 Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1399, 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. 1399, S.D. 2, H.D. 2.

Signed by all members of the Committee except Representative Kawakami.

SCRep. 1488 Finance on S.B. No. 635

The purpose of this bill is to:

- (1) Establish the Problem Solving Courts Special Fund (Fund) to support a range of problem solving courts;
- (2) Deposit in the fund, uncontested fines, forfeitures, assessments, and penalties collected pursuant to section 291C-171, Hawaii Revised Statutes, as well as grants, donations, and other moneys;
- (3) Designate that a specific amount of these uncontested fines are to be deposited into the Judiciary Computer System Special Fund in fiscal years 2003-2004 and 2004-2005; and
- (4) Appropriate funds.

The Judiciary and Hawaii State Bar Association supported this bill. The Department of Budget and Finance and Honolulu Police Department opposed this measure.

Your Committee has amended this bill by:

- (1) Requiring that a certain percentage of the fines, forfeitures, assessments, and penalties be deposited into the Fund, instead of only uncontested fines;
- (2) Providing that a specific amount of this percentage of fines, forfeitures, assessments, and penalties, is to be deposited in the Judiciary Computer System Special Fund in fiscal years 2003-2004 and 2004-2005; and
- (3) Making technical, nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 635, 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. 635, S.D. 2, H.D. 2.

Signed by all members of the Committee except Representatives Kaho'ohalahala and Bukoski.

SCRep. 1489 Finance on S.B. No. 919

The purpose of this measure is to appropriate funds for:

- (1) A biotreatability evaluation on sediments from various waterways targeted for dredging over the next three calendar years statewide;
- (2) Research on contaminated sediments from waterways statewide;
- (3) Small-scale testing, including a twelve-month screening program for plant species to remediate polycyclic aromatic hydrocarbons, halogenated hydrocarbons and heavy metals, and small scale field-testing;
- (4) Collaboration with federal agencies and other states for the planning and pilot demonstration of constructed wetlands at appropriate waterways statewide;
- (5) Collaboration with the United States Fish and Wildlife Service and other agencies to research host-specificity of the Brazilian weevil and other potential bio-control agents for salvinia molesta; and
- (6) The identification and solicitation of federal and other funding for research, development, and long-term maintenance of constructed wetlands and developed habitats.

The Pacific International Center for High Technology Research and Hawaii Water Environment Association testified in support of this bill. The Maui Invasive Species Committee and the University of Hawaii College of Tropical Agriculture and Human Resources supported the intent of this bill.

Your Committee finds that with long-time concerns over the preservation of Hawaii's environment, ecosystem, and water purity, along with more recent alarms regarding invasive species, it is in the State's best interest to actively explore innovative ways of addressing these matters. One potential solution is the natural bioremediation of pollutants to reduce contamination of Hawaii's waterways through the use of constructed wetlands.

Constructed wetlands imitate the physical, chemical and biological processes typically found in natural wetlands such as flood control, the removal of contaminants, the filtration of sediments and the provision of wildlife habitats. Furthermore, in addition to removing toxic compounds which may be harmful to water and watersheds, constructed wetlands can also eliminate excess nutrients which may contribute to the growth of invasive alien species.

A constructed wetlands project would consist of three phases. Phase I would involve an extensive assessment and evaluation of waterways resulting in the extraction and eradication of any existing invasive species. Phase II would consist of bioremediation or treating of the contaminants through the natural cleaning system of the wetland. Finally, Phase III would create and maintain a freshwater habitat which could foster and enhance the growth of natural wildlife and ecotourism.

The use of bioremediation can potentially improve and restore native ecosystems statewide by eliminating problems relating to invasive alien species. One need only look to the community of Arcata, California to see the success of such a project. Arcata, after having to deal with mounting sewage problems and the greatly polluted nearby Humboldt Bay, took the forward-looking step of combining the construction of wetland marshes with an urban redevelopment plan. Seventeen years later, the once contaminated area had been transformed into a clean, extremely populated, multi-species bird habitat.

Furthermore, State funds appropriated for this purpose have the potential for matches by existing federal programs such as the United States Environmental Protection Agency and the United States Fish and Wildlife Service. Therefore, it is suggested that the Legislature explore ways to utilize State funding in order to leverage additional federal and private funds, perhaps through a matching requirement. Additionally, implementation of such a project may include the flexibility to assign appropriate work to the agencies and offices that are able to most effectively secure such funding.

In conclusion, constructed wetlands serve as a viable and low cost alternative to wastewater treatment systems. Studies show that such wetlands can be built for 60%-90% less than conventional sewage plants and can operate at 95% less than mechanical plants. Moreover, the development of constructed wetlands would encourage collaboration between various community and government groups and would serve to enhance and strengthen environmental protection efforts. The appropriation contained within this measure, by funding small scale testing and a pilot demonstration, will help get Hawaii on its way toward effectively preserving our irreplaceable natural resources.

Your Committee wishes to add that although this measure appropriates funds from the Department of Health Hazardous Waste Revolving Fund, the absence of a fund so named in statute precludes an actual appropriation from being made. Your Committee notes that the proponents of the bill have indicated that the Environmental Response Revolving Fund is the correct source of funding, and should be considered in further deliberations.

Your Committee has amended this measure by changing the appropriation to \$1 and by making technical, nonsubstantive changes for the 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. 919, 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. 919, S.D. 1, H.D. 2.

Signed by all members of the Committee except Representatives Kaho'ohalahala and Bukoski.
(Representative Meyer voted no.)

SCRep. 1490 Finance on S.B. No. 931

The purpose of this bill is to:

- (1) Promote the State's interest in reducing domestic violence, sexual assault, and stalking by enabling victims of domestic or sexual violence to maintain the financial independence necessary to leave abusive situations, achieve safety, minimize the physical and emotional injuries from domestic or sexual violence, and reduce the devastating economic consequences of domestic or sexual violence to employers and employees;
- (2) Promote the State's interest in ensuring that victims of domestic or sexual violence can recover from and cope with the effects of such violence and participate in criminal and civil justice processes, without fear of adverse economic consequences from their employers; and
- (3) Ensure that victims of domestic or sexual violence can recover from the effects of such violence and participate in criminal and civil justice processes without fear of adverse economic consequences.

Specifically, this bill assists victims of domestic violence, sexual assault, and stalking by entitling employees to take paid or unpaid leave for the purpose of:

- (1) Seeking medical attention;
- (2) Obtaining services from a victim services organization;
- (3) Obtaining psychological or other counseling;
- (4) Temporarily or permanently relocating; or
- (5) Taking legal action.

The Department of Labor and Industrial Relations, Hawaii State Coalition Against Domestic Violence, Na Loio Immigrant Rights and Public Interest Legal Center, First Unitarian Church, Domestic Violence Clearing House, and Hawaii Women Lawyers testified in support of this bill. The Department of Human Resources Development and Hawaii State Commission on the Status of Women supported the intent of the bill. The Chamber of Commerce of Hawaii, Society for Human Resource Management-Hawaii Chapter, and Building Industry Association opposed this measure.

Your Committee has amended this measure by:

- (1) Clarifying that an employee is also entitled to take paid or unpaid leave to seek medical attention allowing the employee's minor child to recover from physical or psychological injury or disability caused by domestic or sexual violence;
- (2) Clarifying that physical or psychological injury to or disability to an employee's minor child and the condition of the employee's minor child shall be considerations in determining a reasonable period of time for leave; 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. 931, 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. 931, S.D. 2, H.D. 2.

Signed by all members of the Committee except Representative Kawakami.
(Representatives Jernigan and Meyer voted no.)

SCRep. 1491 Finance on S.B. No. 1460

The purpose of this bill is to require the Hawaii Tourism Authority (HTA) to include certain contract provisions that protect state interests and ensure the responsible use of moneys for complicated contracts or contracts that exceed \$6,000,000 in value.

HTA submitted testimony in support of this bill.

Your Committee has amended this bill by:

- (1) Changing the effective date to July 1, 2005, to facilitate further discussion; 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 Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1460, 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. 1460, S.D. 1, H.D. 2.

Signed by all members of the Committee except Representative Kawakami.

SCRep. 1492 Finance on S.B. No. 377

The purpose of this bill is to stimulate economic growth and tourism in West Oahu by establishing a nonrefundable tax credit (Tax Credit) for qualified costs incurred in the development of facilities for attractions and educational purposes at Ko Olina Resort and Marina.

The Department of Taxation, Department of Business, Economic Development, and Tourism, Hawaii Tourism Authority, a member of the Hawaii State Senate, Ko Olina Company, Ko Olina Resort and Marina, The Chamber of Commerce of Hawaii, Outrigger Hotels, The Estate of James Campbell, Ocean Sports Productions, LLC, Building Industry Association of Hawaii, Kusao & Kurahashi, Inc., and three concerned individuals supported this bill. A concerned individual opposed this measure. The Tax Foundation of Hawaii offered comments.

The point was raised in testimony that the developers of the Ko Olina project are planning to acquire Makaha Resort to operate a training hotel and other resort training facilities. Although this component is not included in the measure, your Committee notes that further discussion on its possible incorporation should continue through the Conference period.

Your Committee has amended this measure by:

- (1) Allowing the Tax Credit to be claimed only upon a declaration by the Governor;
- (2) Requiring the Governor to issue a declaration allowing taxpayers to claim the Tax Credit when general fund tax collections at the close of each of two successive fiscal years exceed 7.5 percent of general fund tax collections for each of the prior two fiscal years;
- (3) Requiring the Director of Taxation to notify the Governor of general fund tax collections at the close of every year;
- (4) Inserting a repeal date of January 1, 2009, for this measure; and
- (5) 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. 377, 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. 377, S.D. 1, H.D. 2.

Signed by all members of the Committee except Representative Kawakami.

SCRep. 1493 Finance on S.B. No. 1629

The purpose of this bill is to exempt from the general excise tax (GET) amounts received by:

- (1) A submanager of an association of apartment owners of a condominium property regime or a nonprofit homeowners or community association in reimbursement of sums paid for common expenses;
- (2) An operator of a hotel from a timeshare association equal to and which are disbursed by the operator for employee wages, salaries, payroll taxes, insurance premiums, and benefits; and
- (3) A suboperator of a hotel from the owner of the hotel, operator of the hotel, or a timeshare association, equal to and which are disbursed by the suboperator for employee wages, salaries, payroll taxes, insurance premiums, and benefits.

Outrigger Hotels supported this bill. The Department of Taxation opposed this bill. The Tax Foundation of Hawaii offered comments.

Your Committee has amended this measure by:

- (1) Allowing taxpayers to claim the exemption provided for in this bill only upon declaration by the Governor;
- (2) Requiring the Governor to issue a declaration allowing taxpayers to claim the GET exemption when general fund tax collections at the close of each of two successive fiscal years exceed seven and a half percent of general fund tax collections for each of the prior two fiscal years;
- (3) Requiring the Director of Taxation to notify the Governor of general fund tax collections at the close of every year; and
- (4) Inserting a repeal date of January 1, 2008, for 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. 1629, 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. 1629, S.D. 1, H.D. 2.

Signed by all members of the Committee except Representative Kawakami.

SCRep. 1494 Finance on S.B. No. 1088

The purpose of this bill is to provide for the long-term care (LTC) needs of the State by, among other things:

- (1) Establishing a LTC income tax to pay for a defined benefit LTC program;
- (2) Providing that LTC benefits shall be excluded from income tax;
- (3) Establishing a LTC tax credit; and
- (4) Appropriating funds to the Department of Taxation (DOT) and the Department of Budget and Finance for start-up costs related to the LTC income tax.

The Hawaii State Commission on the Status of Women, Healthcare Association of Hawaii, Kokua Council, Hawaii Alliance for Retired Americans, National Association of Social Workers, Coalition for Affordable Long Term Care, Temporary Board of Trustees for the Long Term Care Financing Act, Faith Action for Community Equity, Policy Advisory Board for Elder Affairs, and two individuals submitted testimony in support of this bill. DOT submitted testimony in support of the intent of this bill. The Chamber of Commerce of Hawaii, Hawaii Medical Association, Hawaii Association of Realtors, National Association of Insurance and Financial Advisors Hawaii, Health Insurance Association of America, Hawaii Bankers Association, and an individual submitted testimony in opposition to this bill. The Department of the Attorney General, Tax Foundation of Hawaii, and an individual submitted comments.

Your Committee has amended this bill by:

- (1) Changing the effective date to July 1, 2010, to facilitate further discussion; 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 Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1088, 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. 1088, S.D. 2, H.D. 2.

Signed by all members of the Committee except Representative Kawakami.
(Representatives Bukoski, Jernigan, Meyer and Moses voted no.)

SCRep. 1495 Finance on S.B. No. 1172

The purpose of this bill is to support commercial airlines that service Hawaii during this period of unprecedented financial challenges by:

- (1) Providing a tax credit for an unspecified percentage of landing fees imposed on airlines with Hawaii-based operations; and
- (2) Authorizing the Director of Transportation, on a one-time basis, to:
 - (a) Waive the airport landing fees, joint use charge fees, and exclusive use terminal rental fees for a thirty-day period; and
 - (b) Defer these same fees for a subsequent sixty-day period,
 in the event of a substantial decrease in in-bound passengers due to an armed conflict or war.

Four concerned individuals testified in support of this measure. The Airlines Committee of Hawaii and the Chamber of Commerce of Hawaii supported the intent of this bill. The Tax Foundation of Hawaii offered comments, and the Departments of Taxation, Transportation, and Budget and Finance opposed this measure.

Your Committee has amended this bill by:

- (1) Removing the airport landing fees tax credit;
- (2) Clarifying that the emergency program shall only be implemented on a one-time basis;
- (3) Changing the effective date to July 1, 2010, for the purpose of continued discussion; 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. 1172, 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. 1172, S.D. 2, H.D. 2.

Signed by all members of the Committee except Representative Kawakami.

SCRep. 1496 Finance on S.B. No. 1333

The purpose of this bill is to establish a process that ensures the regular updating of salaries for Judicial Branch employees. This bill authorizes the Judicial Salary Commission (Commission) to determine, rather than recommend, salaries for various employees effective July 1, 2004, and every eight years thereafter, subject to legislative and gubernatorial approval.

The Department of the Attorney General, the Hawaii State Bar Association, and the Hawaii Chapter of the American Judicature Society testified in support of this measure. The Judiciary offered comments.

Your Committee has amended this bill by decentralizing the appointing authority as follows:

- (1) The Governor shall appoint one member rather than all five members of the Commission;
- (2) The Senate President shall appoint two members; and
- (3) The House Speaker shall appoint two members.

Prior to these amendments, three of the Governor's appointments would be made from lists of nominees submitted by the Senate President, House Speaker, and Chief Justice.

Technical, nonsubstantive amendments were also made for purposes of consistency and to correct drafting errors.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1333, 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. 1333, S.D. 1, H.D. 2.

Signed by all members of the Committee except Representatives Kaho'ohalahala and Bukoski.

SCRep. 1497 Finance on S.B. No. 1619

The purpose of this bill is to:

- (1) Stimulate economic development in west Oahu; and
- (2) Provide a controlled venue for car racing,

by establishing a motor sports recreation and public safety training and educational facility investment tax credit (Tax Credit) for qualified investments made in the Motor Sports Recreation and Public Safety Training and Educational Facility (Facility) on parcel 9 at Kalaeloa.

The Honolulu Police Department, Ironworkers Union Local 625, Performance Motorsports of Hawaii, LLC, Hawaii Motorsports Center, Sports Car Club of American Hawaii Solo II, Performance Machine Services of Hawaii, and numerous concerned citizens supported this bill. The Department of Business, Economic Development, and Tourism and the Hawaii Farm Bureau Federation opposed this bill. The Department of Taxation, Department of Hawaiian Home Lands, Tax Foundation of Hawaii, and a concerned citizen offered comments.

Your Committee has amended this measure by:

- (1) Allowing the Tax Credit to be claimed only upon a declaration by the Governor;
- (2) Requiring the Governor to issue a declaration allowing taxpayers to claim the Tax Credit when general fund tax collections at the close of each of two successive fiscal years exceed 7.5% of general fund tax collections for each of the prior two fiscal years;

- (3) Requiring the Director of Taxation to notify the Governor of general fund tax collections at the close of every year;
- (4) Inserting a repeal date of January 1, 2008, for this measure; and
- (5) 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. 1619, 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. 1619, S.D. 2, H.D. 2.

Signed by all members of the Committee except Representative Kawakami.

SCRep. 1498 Finance on S.B. No. 855

The purpose of this bill is to encourage the use of renewable energy systems and reduce the State's reliance on fossil fuels by:

- (1) Providing a renewable energy technology income tax credit for systems installed after June 30, 2003;
- (2) Requiring a Department of Taxation (DOTAX) report on the cost of tax credits to the State, including information on the systems installed; and
- (3) Requiring the Director of the Department of Business, Economic Development, and Tourism (DBEDT), who serves as the Energy Resources Coordinator, to conduct a review exploring the most cost-effective means of supporting increased energy efficiency and sustainability, including a review of renewable energy tax credits and report to the 2011 Legislature and every seven years thereafter.

The Chamber of Commerce of Hawaii, Sierra Club, Hawaii Chapter, Hawaii Renewable Energy Alliance, Hawaii Solar Energy Association, R&R Services, Inter-Island Solar Supply, PowerLight Corporation, Island Energy Solutions, The Gas Company, Hawaiian Electric Company, Hawaii Electric Light Company, Maui Electric Company, ProVision Technologies, Inc., Off-Peak / Elite Energy Group, LLC, KAI Hawaii Inc., and a concerned individual testified in support of this bill. DOTAX, DBEDT, and the Tax Foundation of Hawaii commented on the bill.

Your Committee has amended this bill by:

- (1) Allowing taxpayers to claim the renewable energy technologies income tax credit only after general fund tax collections after two successive fiscal years exceed 7.5 percent of the collections for the prior two fiscal years, and the Governor issues a declaration allowing the credit to be claimed; and
- (2) Making a technical, nonsubstantive amendment 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. 855, 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. 855, S.D. 1, H.D. 3.

Signed by all members of the Committee except Representatives Abinsay, Herkes, Tamayo, Bukoski and Kawakami.

SCRep. 1499 Finance on S.B. No. 1070

The purpose of this bill is to improve the Workers' Compensation Law by requiring:

- (1) That any examination performed solely to determine permanent impairment in workers' compensation cases be conducted by an impairment examiner who has been mutually agreed upon by the employer and employee;
- (2) The Director of the Department of Labor and Industrial Relations (DLIR), in the event the parties are not able to mutually agree upon an examiner, to appoint an impairment examiner from a list of qualified examiners categorized and selected by specialty of practice;
- (3) The Director of DLIR to compile and maintain a list of impairment examiners and to appoint examiners to conduct examinations in the order they appear on the list; and
- (4) The cost of examinations to be borne by the employer.

Consumer Lawyers of Hawaii supported the intent of this bill. DLIR, The Chamber of Commerce of Hawaii, Hawaii Medical Association, Hawaii Insurers Council, Hawaii Employers' Mutual Insurance Company, Inc., Society for Human Resource Management-Hawaii Chapter, and three concerned citizens opposed 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. 1070, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee except Representative Kawakami.
(Representatives Meyer and Moses voted no.)

SCRep. 1500 Judiciary on S.B. No. 946

The purpose of the bill is to allow the caregiver of a minor, who is unable to obtain the signature of a minor's parent, guardian, or legal custodian, to enroll the minor in school and to allow the minor to participate in school activities.

Your Committee received testimony in support of the measure from Na Keiki Law Center, Kokua Council, the ILWU Local 142, and concerned individuals. The Department of Education (DOE) supported the intent of the measure but expressed concerns. The Department of Attorney General suggested amendments. The Office of Hawaiian Affairs supported the measure and provided revisions to address suggested amendments.

Your Committee finds that this measure addresses the need for caregiver consent in lieu of unobtainable consent from absentee parents in the context of school enrollment and school activities.

Your Committee has amended this bill by requiring that:

- (1) A copy of the caregiver's affidavit be presented to DOE for inclusion in the minor's file;
- (2) The caregiver documents the attempts to secure the parent's signature;
- (3) The caregiver affirms that the minor's residency with the caregiver is not for the purpose of:
 - (a) Attending a particular school;
 - (b) Circumventing the department of education's district exemption process;
 - (c) Participating in athletics at a particular school; or
 - (d) Taking advantage of special services or programs offered at a particular school;
- (4) That notification has been provided by the caregiver to the Child Protective Services Unit of the Department of Human Services if the minor covered by the affidavit is residing with the caregiver due to abuse or neglect perpetuated by the minor's parent;
- (5) The caregiver consent affidavit shall be superseded by written notification by the minor's parent, guardian, or legal custodian to the minor's school principal rather than by a contrary decision communicated to the school;
- (6) Persons relying on such affidavit shall not be subject to civil or criminal liability, or to professional disciplinary action; and
- (7) DOE may transfer a minor to the minor's home if the minor has been enrolled in a school based on an invalid caregiver affidavit.

Your Committee has also made technical, nonsubstantive changes for 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. 946, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 946, H.D. 2.

Signed by all members of the Committee except Representatives Caldwell, Ito and Kanoho.

SCRep. 1501 Judiciary on S.B. No. 373

The purpose of this bill is to establish a deadline after which the purchaser of a condominium unit in a nonjudicial foreclosure becomes responsible for the payment of common expenses.

Your Committee received testimony in support of this measure from the Mortgage Bankers Association of Hawaii. The Hawaii Council of Associations of Apartment Owners submitted testimony in support of the intent and purpose of this measure.

Your Committee finds that this bill fills a gap in statutory provisions because the condominium property regime law has not been updated to reflect the alternative power of sale foreclosure process.

Your Committee has amended this measure by:

- (1) Changing the word "auction" to "public sale" for consistency with terminology in chapter 667, Hawaii Revised Statutes;
- (2) Specifying that this measure refers to power of sale foreclosure under section 667-5, Hawaii Revised Statutes, as opposed to the rarely used Alternate Power of Sale Foreclosure Process under Part II of chapter 667, Hawaii Revised Statutes;
- (3) Rewording "party to the hearing" to "person who appears at the hearing" clarifying that it refers to bidders and others who may appear at the hearing on a motion for confirmation of sale without being a party to the foreclosure action;
- (4) Including "or order" in the phrase "reconsideration of the motion or order" to reflect different stages where reconsideration of a court's ruling might be sought;
- (5) Adding the word "proposed" in the phrase "objects to the form of the proposed order" to reflect court rules allowing objections to the form of a proposed order;
- (6) Rephrasing "debtor who is a party to the hearing or foreclosure" for clarity as "debtor or mortgagee"; and
- (7) Making technical, nonsubstantive changes for 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. 373, 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. 373, S.D. 1, H.D. 2.

Signed by all members of the Committee except Representatives Herkes, Ito, Kanoho, Finnegan and Pendleton.

SCRep. 1502 Judiciary on S.B. No. 78

The purpose of this bill as received is to authorize the Attorney General to seek civil penalties on behalf of the State in dependent elder abuse or neglect cases and provide for civil actions by dependent elders that may include enhanced penalties in the discretion of the court.

AARP Hawaii, Department of the Prosecuting Attorney of the City and County of Honolulu, and a concerned individual testified in support of the bill. Hawaii Long Term Care Association testified in support of the intent of the bill and opposed parts of the bill. Healthcare Association of Hawaii testified in support of the intent of the bill, opposed parts of the bill and offered amendments. The Department of the Attorney General testified in support of part of the bill and opposed other parts of the bill. A concerned individual offered comments.

Your Committee recognizes the need to provide additional remedies to deter elder abuse. However, your Committee was concerned about various aspects of the private civil remedy proposed in this bill, including the broad definition of "neglect," the standards upon which the court may impose treble damages, the absence of consideration given for the dependent elder's health care directives, and the possible impact this type of remedy will have on insurance costs for care facilities.

Your Committee has amended the bill by:

- (1) Deleting the private civil remedy portion of the bill;
- (2) Adding the definition of abuse from section 346-222, Hawaii Revised Statutes, amending the definition of neglect to a standard of reckless disregard for the health, safety and welfare of the dependent adult, and narrowing the examples of neglect to require knowledge of the condition of the dependent elder and consideration for the dependent elder's health care directives;
- (3) Clarifying the definition of caregiver; and
- (4) Making technical, nonsubstantive changes for style, consistency, and clarity.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 78, S.D. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 78, S.D. 2, H.D. 1.

Signed by all members of the Committee except Representatives Caldwell, Ito and Kanoho.

SCRep. 1503 Judiciary on S.B. No. 1594

The purpose of this bill is to:

- (1) Add a member to the Commission on Water Resource Management (Commission); and
- (2) Require that one member of the Commission have substantial experience in traditional Hawaiian water resource management techniques and traditional riparian usage.

The Office of Hawaiian Affairs, Hawaii's Thousand Friends, Life of the Land, and the Hawaii Chapter of the Sierra Club submitted testimony in support of this bill. The Department of Land and Natural Resources testified in opposition to this bill.

Your Committee finds that it would be beneficial to include on the Commission an individual with experience in traditional Hawaiian water resource management techniques, enabling the Commission to better perform its duties.

Your Committee has amended this bill by:

- (1) Specifying that more than one member of the Commission may have the required experience;
- (2) Clarifying that the member may have experience or expertise in addition to experience in Hawaiian water resource management techniques and traditional riparian usage; and
- (3) Making technical, nonsubstantive changes 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. 1594, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1594, H.D. 1.

Signed by all members of the Committee except Representatives Ito, M. Oshiro and Pendleton.

SCRep. 1504 Judiciary on S.B. No. 1051

The purpose of this bill is to regulate electric personal assistive mobility devices.

Your Committee received testimony in support of this measure from Segway LLC. The Department of Transportation and two concerned individuals testified in opposition to this measure.

Your Committee believes that development of guidelines for operating this new transportation device is a proactive means to facilitate acceptance of innovation.

Your Committee has amended this measure by:

- (1) Replacing "roadway" with "street" because "roadway" as defined in section 291C-1, Hawaii Revised Statutes, does not include a shoulder;
- (2) Limiting sales of commercial electric personal assistive mobility devices to those models operated by keys allowing speeds of no more than 8 miles per hour;
- (3) Providing an effective date of July 1, 2050, to allow further consideration of this bill.
- (4) Making technical nonsubstantive changes for clarity and style; and

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. 1051, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1051, H.D. 2.

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

SCRep. 1505 Finance on S.B. No. 830

The purpose of this bill is to implement the recommendations of the Criminal History Record Check Working Group (Working Group) that was established by Act 263, Session Laws of Hawaii 2001 (Act 263).

Specifically, this bill:

- (1) Resolves the disparate practices, inconsistencies, and duplicative language relating to the conduct of criminal history record checks for employment, certification, and licensing of individuals; and
- (2) Extends the Working Group to 2005 and requests that the Working Group continue to review issues relating to the use of criminal history record checks in employment and licensing as assigned by the Legislature.

The Hawaii Civil Rights Commission, Department of Human Resources Development (DHRD), Department of Human Services (DHS), Judiciary, Honolulu Police Department, Hawaii Bankers Association, The Chamber of Commerce of Hawaii, and the Society for Human Resource Management testified in support of the bill. The Department of Education (DOE), Department of Health (DOH), Department of Commerce and Consumer Affairs Insurance Division, Department of the Attorney General (AG), and Hawaii Health Systems Corporation testified in support of the bill and offered amendments. The Hawaii Government Employees Association opposed this bill.

Your Committee finds that historically, statutory authorization to conduct in-depth criminal history record checks on prospective employees has been granted on a piecemeal basis to various departments in state government, based upon the need to protect vulnerable populations, such as children and dependent adults, or for security reasons. The Department of Public Safety, DOE, DOH, and DHS have the ability to conduct in-depth criminal history record checks on employees who have direct contact with vulnerable populations or who work in correctional facilities.

This approach has resulted in a group of employees who work for state departments or public agencies who are not required to undergo criminal history record checks but who have the same level of contact with vulnerable populations or with persons in correctional facilities.

The Working Group recommended the creation of a new section in chapter 78, Hawaii Revised Statutes (HRS), relating to public employment, that authorizes criminal history record checks for applicants and employees who have the same level of contact with vulnerable populations or access to persons in correctional facilities.

Your Committee finds that this new section relating to public employment is necessary and that applicants and employees who will be subject to these criminal history record checks should be treated in the same manner as employees who work for departments that have existing statutory authorization to conduct criminal history record checks.

Your Committee finds that this category of employees should be narrowly defined to protect against unnecessary intrusion into private information obtained through in-depth criminal history record checks. Your Committee recognizes that under the proposed language, applicants may be current employees seeking a transfer or promotion to a position that requires criminal history record checks. However, your Committee finds that existing employees who seek such positions are no different than those employees who seek promotion or who transfer into positions where statutory authorization for criminal history record checks are already required for certain positions. Your Committee further recognizes that an employee who is disqualified from a position for which the employee applies due to information obtained through a criminal history record check, may feel at risk in their present position. However, the use of such information as a basis for an adverse employment decision will be subject to section 831-3.1, HRS, which provides protection against arbitrary action.

Current law governing an employer's inquiry and use of criminal conviction information treats public and private employees differently. Specifically, section 378-2.5, HRS, permits a private employer, after a conditional offer of employment is made, to consider a criminal conviction that occurred within ten years that bears a rational relationship to the duties and responsibilities of the job, which is known as the "rational relationship" standard.

In contrast, section 831-3.1, HRS, provides that a person shall not be disqualified from public employment solely by reason of a prior conviction within twenty years. This statute permits the public employer to make an adverse employment decision when the criminal conviction is an offense that directly relates to the performance of the job, and after consideration of efforts of rehabilitation, which is known as the "direct relationship" standard. Section 831-3.1, HRS, also prohibits the use of nonconviction information.

Significantly, sections 378-2.5 and 831-3.1, HRS, apply only to an employer's consideration of publicly accessible Hawaii State criminal conviction information. Public and private employers who have specific statutory authorization to conduct in-depth criminal history record checks, which include federal and state conviction and nonconviction information, are exempt from the standards set forth in both sections.

The Working Group recommended that public employers be able to consider convictions for a ten-year period under the rational relationship standard and use the direct relationship standard for convictions older than ten years. Other recommendations include repealing the prohibition on the use of nonconviction information and limitation on use of conviction information when considering character traits.

Your Committee has two concerns regarding the recommendations of the Working Group. First, the repeal of the prohibition on the use of nonconviction information may create uncertainty as to the manner and extent to which such information may be used. Accordingly, in its next report, the Working Group is asked to review the use of such information, from a legal and practical point of view, to ensure that employers or licensing authorities do not unnecessarily infringe upon constitutional privacy rights.

Second, collective bargaining rights may be affected where conviction information is used to make an adverse employment decision on an employee in the employee's current position. Your Committee does not intend that this legislation create a new mechanism for a public employer to use criminal conviction information to take an adverse employment action against an employee who is otherwise meeting the performance standards of the employees' job. This legislation is also not intended to limit rights under collective bargaining for employees whose continued employment in the employee's current position is affected by a criminal conviction.

Your Committee has amended the bill by:

- (1) Narrowing the category of applicants for public employment under chapter 78 who are subject to criminal history record checks to those who have contact with children, dependent adults, and access to persons committed to correctional facilities;
- (2) Establishing standards for the denial of public employment under chapter 78 to be consistent with standards used by other state departments who are authorized to conduct criminal record history record checks on their applicants;
- (3) Specifying that chapter 78 employees holding positions on the effective date of the Act who will be subject to a criminal history record check, be treated in the same manner as employees in other departments that have existing authority to conduct criminal history record checks and are entitled to rights under collective bargaining;
- (4) Clarifying the definitions for applicant and employee, and adding a definition for "public employee" under chapter 78 for purposes of criminal history record checks;
- (5) Restoring original language to section 302A-A relating to actions that the DOE may take based on criminal conviction information, as requested by the DOE;
- (6) Allowing criminal history record checks to be conducted by any organization, entity, or the State, its branches, political subdivisions, or agencies as authorized by law;
- (7) Exempting chapter 78 public employees from the requirements under section 378-2.5, relating to the ability of private employers to inquire into and use criminal conviction information;
- (8) Modifying the Working Group to include representation from the Office of the Public Defender;
- (9) Requiring DHRD and the AG to provide administrative support jointly to the Working Group; and
- (10) Making technical, nonsubstantive changes for style, clarity, and consistency.

Your Committee received numerous requests from state departments and other entities seeking amendments to this bill to create new statutory authorization to obtain criminal history record checks for applicants, employees, contract services providers, and licensing applicants. Your Committee declines to make these changes to this bill to ensure that this bill accurately reflects the recommendations and efforts of the Working Group.

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. 830, 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. 830, S.D. 1, H.D. 3.

Signed by all members of the Committee except Representative Kawakami.

SCRep. 1506 Finance on S.B. No. 58

The purpose of this bill is to improve public education facilities in the State by appropriating funds to:

- (1) Hawaii 3R's whose mission is to leverage funds with volunteerism to repair and maintain public schools; and
- (2) The Department of Accounting and General Services for a position to coordinate public and private efforts to repair and maintain public schools.

A member of Hawaii's Congressional delegation, the Department of Education, Hawaii 3R's, Hawaii State Teachers Association, Chamber of Commerce of Hawaii, American Society of Civil Engineers, Paul Louie & Associates, Inc., Aylward Enterprises, Incorporated, Bryco Painting, Painter's Warehouse, Inc., America's Promise Hawaii, many representatives of public schools, and a number of concerned individuals testified in support of this bill.

Your Committee has amended this bill by:

- (1) Establishing the Hawaii 3R's School Repair and Maintenance Fund (Hawaii 3R's Fund);
- (2) Repealing the Hawaii School Repair and Maintenance Fund (Repair and Maintenance Fund) upon the Internal Revenue Service's determination that Hawaii 3R's is a qualified nonprofit organization under section 501(c)(3) of the Internal Revenue Code;
- (3) Transferring the funds in the Repair and Maintenance Fund to the Hawaii 3R's Fund at the time specified in paragraph (2); 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 Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 58, 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. 58, S.D. 1, H.D. 2.

Signed by all members of the Committee except Representative Kaho'ohalahala and Bukoski.

SCRep. 1507 Finance on S.B. No. 1647

The purpose of this bill is to authorize the Public Utilities Commission (PUC) to restructure telephone rates, charges, and classifications to fund telecommunications services for the blind and visually impaired.

Assistive Technology Resource Centers of Hawaii and several individuals submitted testimony in support of this bill. The Disability and Communication Access Board submitted testimony in support of the intent of this bill. PUC, Verizon Hawaii, and an individual submitted testimony in opposition to this bill. The Consumer Advocate and an individual submitted comments on this bill.

Your Committee has amended this bill by:

- (1) Changing the effective date to July 1, 2010, to facilitate further discussion; 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 Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1647, 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. 1647, S.D. 2, H.D. 2.

Signed by all members of the Committee except Representative Kaho`ohalahala and Bukoski.

SCRep. 1508 Finance on S.B. No. 44

The purpose of this bill is to provide further economic relief and otherwise assist airport concessionaires affected by the economic downturn caused by the terrorist attacks on September 11, 2001

HMSHost-Hawaii, Meadow Gold Dairies, Airport Electronics, Inc., Corporate Services International, Inc., Hawaiian Host, Inc., Maui Divers of Hawaii, Kona Joe Coffee, LLC, DFS Hawaii, Hansen Foodservice, Condor, LLC, Island Shoppers, Inc., Merchandising Solutions, LLC, Mountain Apple Company, KOP Distributors, and Armstrong Produce Co., submitted testimony in support of this bill. The Sub-Committee for Relief and Legislative Affairs of the Airports Concessionaires Committee, ANC Rental Corporation, JN Truck & Car Rental, Avis Rent A Car, Dollar Rent A Car, and Standard Parking submitted testimony in support of this bill with amendments. The Department of Budget and Finance, Department of Transportation, and Airlines Committee of Hawaii submitted testimony in opposition to this bill.

Your Committee has amended this bill by:

- (1) Changing the effective date to July 1, 2010, to facilitate further discussion; 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 Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 44, 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. 44, S.D. 2, H.D. 2.

Signed by all members of the Committee except Representative Kawakami.

SCRep. 1509 Economic Development and Business Concerns/Energy and Environmental Protection on H.C.R. No. 55

The purpose of this concurrent resolution is to:

- (1) Promote alternative methods of managing solid waste; and
- (2) Reduce the State's dependence on landfills,

by requesting the Department of Business, Economic Development, and Tourism (DBEDT) to assist in the accommodation of a plasma-arc torch facility in the State.

The Hokuipili Foundation and the president of the Waianae Kai Hawaiian Homestead Association supported this measure. DBEDT offered comments.

Your Committees recognize the potential value of plasma-arc torch facilities in addressing the health and environmental problems associated with hazardous wastes. However, your Committees note that DBEDT's Business Action Center may be better suited to facilitate the introduction of a plasma-arc torch facility in the State.

Accordingly, your Committees have amended this measure by:

- (1) Deleting the provision that requests DBEDT to assist in the accommodation of a plasma-arc torch facility in the State;
- (2) Deleting the provisions that request DBEDT to:
 - (A) Educate prospective applicants on the regulatory requirements and processes;
 - (B) Assist prospective applicants with all permitting applications; and
 - (C) Educate the counties and public on the relative benefits of plasma-arc torch technology as compared to current landfill disposal practices;
- (3) Requesting DBEDT's Business Action Center to coordinate and facilitate the project review and permitting process of a plasma-arc torch facility in the State;
- (4) Changing the title of this measure to reflect the provisions established under (3); and
- (5) Making technical, nonsubstantive amendments for purposes of style and clarity.

Your Committees note that other technologies and other businesses also face complex, highly-layered permitting processes and support future legislative efforts to address this concern.

As affirmed by the records of votes of the members of your Committees on Economic Development and Business Concerns and Energy and Environmental Protection that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 55, as amended herein, and recommend that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 55, H.D. 1.

Signed by all members of the Committee except Representatives Magaoay, B. Oshiro, Tamayo, Ontai, Waters, Bukoski and Thielen.

SCRep. 1510 Economic Development and Business Concerns on H.R. No. 121

The purpose of this resolution is to support efforts to improve and diversify Hawaii's economy by requesting the Department of Business, Economic Development, and Tourism (DBEDT) to convene an Economic Summit in October of 2003 to develop a strategic plan to:

- (1) Increase job creation in high-demand industries;
- (2) Expand Hawaii's emerging industry clusters; and
- (3) Maximize Hawaii's strategic assets for growing the State's economy.

DBEDT supported this measure. AlohaCare, Hale Opio Kauai, Inc., Hawaii Youth Services Network, National Association of Social Workers, The Alliance for Health and Human Services, National Federation of Independent Businesses, The Hawaii Business League, and a concerned individual supported the intent of this bill.

Your Committee supports the establishment of an Economic Summit as a forum where stakeholders can work together to exchange ideas and develop a strategic plan to improve Hawaii's economic climate.

Your Committee notes that this measure, as received, requested that DBEDT convene the Economic Summit with the participation and collaboration of certain specific entities and organizations, such as the Hawaii Business Roundtable and The Chamber of Commerce of Hawaii. However, your Committee recognizes that other organizations, including small business organizations and nonprofit groups, were not specifically included in the list of collaborative entities.

Accordingly, your Committee has amended this measure by:

- (1) Deleting the list of organizations that DBEDT is to collaborate with; and
- (2) Providing that DBEDT convene the Economic Summit with the collaboration and participation of business organizations, both large and small, including nonprofit organizations.

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 Economic Development and Business Concerns that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 121, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 121, H.D. 1.

Signed by all members of the Committee except Representatives Magaoay, B. Oshiro, Tamayo and Ontai.

SCRep. 1511 Economic Development and Business Concerns on H.C.R. No. 150

The purpose of this concurrent resolution is to support efforts to improve and diversify Hawaii's economy by requesting the Department of Business, Economic Development, and Tourism (DBEDT) to convene an Economic Summit in October of 2003 to develop a strategic plan to:

- (1) Increase job creation in high-demand industries;
- (2) Expand Hawaii's emerging industry clusters; and
- (3) Maximize Hawaii's strategic assets for growing the State's economy.

DBEDT supported this measure. AlohaCare, Hale Opio Kauai, Inc., Hawaii Youth Services Network, National Association of Social Workers, The Alliance for Health and Human Services, National Federation of Independent Businesses, The Hawaii Business League, and a concerned individual supported the intent of this bill.

Your Committee supports the establishment of an Economic Summit as a forum where stakeholders can work together to exchange ideas and develop a strategic plan to improve Hawaii's economic climate.

Your Committee notes that this measure, as received, requested that DBEDT convene the Economic Summit with the participation and collaboration of certain specific entities and organizations, such as the Hawaii Business Roundtable and The Chamber of Commerce of Hawaii. However, your Committee recognizes that other organizations, including small business organizations and nonprofit groups, were not specifically included in the list of collaborative entities.

Accordingly, your Committee has amended this measure by:

- (1) Deleting the list of organizations that DBEDT is to collaborate with; and
- (2) Providing that DBEDT convene the Economic Summit with the collaboration and participation of business organizations, both large and small, including nonprofit organizations.

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 Economic Development and Business Concerns that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 150, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 150, H.D. 1.

Signed by all members of the Committee except Representatives Magaoay, B. Oshiro, Tamayo and Ontai.

SCRep. 1512 Economic Development and Business Concerns on H.R. No. 60

The purpose of this resolution is to support small businesses by endorsing certain rights for small businesses set forth in the Small Business Bill of Rights.

The Department of Business, Economic Development, and Tourism, National Federation of Independent Businesses, The Hawaii Business League, Rainbow Rehabilitation Services, Inc., and The Chamber of Commerce of Hawaii supported the intent of this measure.

Your Committee recognizes the importance of protecting the rights of small businesses. However, your Committee notes that the adoption of the specific rights described in this measure may result in unintended consequences and lead to abuse or misuse of such rights.

Accordingly, your Committee has amended this measure by:

- (1) Deleting the provision that endorses the Small Business Bill of Rights;
- (2) Deleting the specific rights listed;
- (3) Requesting the Small Business Regulatory Review Board (Review Board) to conduct a study to develop a bill of rights that protects and preserves the rights of small businesses;
- (4) Establishing that the Review Board submit a report of its findings, including the bill of rights and any proposed legislation, to the Legislature prior to the Regular Session of 2004;
- (5) Changing the title of this measure to reflect the new request to the Review Board; 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.R. No. 60, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 60, H.D. 1.

Signed by all members of the Committee except Representatives Magaoay, B. Oshiro, Tamayo and Ontai.

SCRep. 1513 Economic Development and Business Concerns on H.C.R. No. 57

The purpose of this concurrent resolution is to support small businesses by endorsing certain rights for small businesses set forth in the Small Business Bill of Rights.

The Department of Business, Economic Development, and Tourism, National Federation of Independent Businesses, The Hawaii Business League, Rainbow Rehabilitation Services, Inc., and The Chamber of Commerce of Hawaii supported the intent of this measure.

Your Committee recognizes the importance of protecting the rights of small businesses. However, your Committee notes that the adoption of the specific rights described in this measure may result in unintended consequences and lead to abuse or misuse of such rights.

Accordingly, your Committee has amended this measure by:

- (1) Deleting the provision that endorses the Small Business Bill of Rights;
- (2) Deleting the specific rights listed;
- (3) Requesting the Small Business Regulatory Review Board (Review Board) to conduct a study to develop a bill of rights that protects and preserves the rights of small businesses;
- (4) Establishing that the Review Board submit a report of its findings, including the bill of rights and any proposed legislation, to the Legislature prior to the Regular Session of 2004;
- (5) Changing the title of this measure to reflect the new request to the Review Board; 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. 57, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 57, H.D. 1.

Signed by all members of the Committee except Representatives Magaoay, B. Oshiro, Tamayo and Ontai.

SCRep. 1514 Health on H.R. No. 119

The purpose of this resolution is to promote universal immunization against hepatitis B by urging the Department of Health (DOH) to require full immunization against this disease of all students who attend any institution of higher education.

The University of Hawaii testified in support of this resolution. DOH supported the intent of this measure.

Currently, students at all post-secondary schools in Hawaii are required to present proof of immunization against or immunity to measles, mumps, and rubella. DOH is considering adding a hepatitis B requirement in its next revision of administrative rules planned for 2004. Such a step will help to prevent the spread of this disease.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 119 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Takai, Takumi and Stonebraker.

SCRep. 1515 Health on H.C.R. No. 148

The purpose of this concurrent resolution is to promote universal immunization against hepatitis B by urging the Department of Health (DOH) to require full immunization against this disease of all students who attend any institution of higher education.

The University of Hawaii testified in support of this concurrent resolution. DOH supported the intent of this measure.

Currently, students at all post-secondary schools in Hawaii are required to present proof of immunization against or immunity to measles, mumps, and rubella. DOH is considering adding a hepatitis B requirement in its next revision of administrative rules planned for 2004. Such a step will help to prevent the spread of this disease.

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

Signed by all members of the Committee except Representatives Takai, Takumi and Stonebraker.

SCRep. 1516 Health on H.R. No. 143

The purpose of this resolution is to request the Department of Health (DOH) to implement an epidemic prevention program to prevent and monitor the entry of communicable disease vectors that may cause an epidemic in Hawaii.

DOH opposed this measure.

DOH believes that this measure is unnecessary because an epidemic prevention program already exists. However, your Committee believes that because of recent events including the spread of Severe Acute Respiratory Syndrome (SARS), and because Hawaii is a gateway city to all corners of the globe, epidemic prevention needs to remain a priority.

Accordingly, your Committee has amended this resolution by:

- (1) Changing its title to read: "REQUESTING THE DEPARTMENT OF HEALTH AND HAWAII'S U.S. PUBLIC HEALTH OFFICE TO FURTHER IMPLEMENT THEIR EPIDEMIC PREVENTION PROGRAM TO PREVENT THE POTENTIAL ENTRY OF COMMUNICABLE DISEASE VECTORS THAT MAY CAUSE AN EPIDEMIC IN HAWAII";
- (2) Referencing SARS;
- (3) Requesting assistance from Hawaii's U.S. Public Health Office;
- (4) Deleting the monitoring request;
- (5) Deleting the request that DOH adopt rules;
- (6) Requesting Congress to provide additional funding for Hawaii's U.S. Public Health Office;
- (7) Sending copies of this resolution to the U.S. Public Health Office and Hawaii's Congressional Delegation; and
- (8) Making technical, nonsubstantive amendments for purposes of clarity and style.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 143, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 143, H.D. 1.

Signed by all members of the Committee except Representatives Hale, Takai and Finnegan.

SCRep. 1517 Health on H.C.R. No. 179

The purpose of this concurrent resolution is to request the Department of Health (DOH) to implement an epidemic prevention program to prevent and monitor the entry of communicable disease vectors that may cause an epidemic in Hawaii.

DOH opposed this measure.

DOH believes that this measure is unnecessary because an epidemic prevention program already exists. However, your Committee believes that because of recent events including the spread of Severe Acute Respiratory Syndrome (SARS), and because Hawaii is a gateway city to all corners of the globe, epidemic prevention needs to remain a priority.

Accordingly, your Committee has amended this concurrent resolution by:

- (1) Changing its title to read: "REQUESTING THE DEPARTMENT OF HEALTH AND HAWAII'S U.S. PUBLIC HEALTH OFFICE TO FURTHER IMPLEMENT THEIR EPIDEMIC PREVENTION PROGRAM TO PREVENT THE POTENTIAL ENTRY OF COMMUNICABLE DISEASE VECTORS THAT MAY CAUSE AN EPIDEMIC IN HAWAII";
- (2) Referencing SARS;
- (3) Requesting assistance from Hawaii's U.S. Public Health Office;
- (4) Deleting the monitoring request;
- (5) Deleting the request that DOH adopt rules;
- (6) Requesting Congress to provide additional funding for Hawaii's U.S. Public Health Office;
- (7) Sending copies of this concurrent resolution to the U.S. Public Health Office and Hawaii's Congressional Delegation; and
- (8) Making technical, nonsubstantive amendments for purposes of clarity and style.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 179, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 179, H.D. 1.

Signed by all members of the Committee except Representatives Hale, Takai and Finnegan.

SCRep. 1518 Health on H.R. No. 165

The purpose of this resolution is to:

- (1) Express support for a women's health platform that recognizes serious inequities in the health prevention and treatment of women, and calls for the elimination of these inequities to improve the health status of women in Hawaii; and
- (2) Request that every state agency and institution that receives state grants or funding take appropriate action to achieve improved and equal access to quality health care for women.

The Hawaii State Commission on the Status of Women, Community Alliance on Prisons, and a concerned individual testified in support of this measure.

Your Committee has amended this resolution by:

- (1) Resolving that the annual Women's Health Month program held throughout the month of September be used to address and eliminate inequities in health prevention and treatment of women;
- (2) Specifying that those state agencies or institutions that are requested to take action to achieve improved and equal access to quality health care for women are those that receive grants or funding for health prevention and treatment services;
- (3) Sending certified copies of this resolution to women's organizations in addition to the State Commission on the Status of Women; 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 Health that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 165, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 165, H.D. 1.

Signed by all members of the Committee except Representatives Hale, Takai and Finnegan.

SCRep. 1519 Health on H.C.R. No. 213

The purpose of this concurrent resolution is to:

- (1) Express support for a women's health platform that recognizes serious inequities in the health prevention and treatment of women, and calls for the elimination of these inequities to improve the health status of women in Hawaii; and
- (2) Request that every state agency and institution that receives state grants or funding take appropriate action to achieve improved and equal access to quality health care for women.

The Hawaii State Commission on the Status of Women, Community Alliance on Prisons, and a concerned individual testified in support of this measure.

Your Committee has amended this concurrent resolution by:

- (1) Resolving that the annual Women's Health Month program held throughout the month of September be used to address and eliminate inequities in health prevention and treatment of women;
- (2) Specifying that those state agencies or institutions that are requested to take action to achieve improved and equal access to quality health care for women are those that receive grants or funding for health prevention and treatment services;
- (3) Sending certified copies of this concurrent resolution to women's organizations in addition to the State Commission on the Status of Women; 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 Health that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 213, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 213, H.D. 1.

Signed by all members of the Committee except Representatives Hale, Takai and Finnegan.

SCRep. 1520 Health on H.C.R. No. 153

The purpose of this concurrent resolution is to request the Insurance Commissioner to conduct an actuarial study of a health insurance scheme that requires treatment for alcohol dependency and drug dependency at rates and on terms and conditions comparable to those applicable to treatment for medical and surgical conditions currently required to be covered by health insurers.

The Hawaii Psychological Association, Hawaii Medical Service Association, Hawaii Psychiatric Medical Association, and Blueprint for Change testified in support of this measure. The Department of Health supported this measure with amendments.

Your Committee has amended this concurrent resolution by replacing its contents, and among other things:

- (1) Changing the title to read: "REQUESTING A STUDY OF MANDATORY HEALTH INSURANCE COVERAGE FOR MENTAL HEALTH AND ALCOHOL AND DRUG ABUSE TREATMENT";
- (2) Referencing S.B. No. 1321, H.D. 1, Regular Session of 2003, that proposes to amend the definition of "serious mental illness" and mandate insurance coverage;

- (3) Referencing that parity in coverage for the treatment of alcohol dependency and drug dependency should be considered; and
- (4) Requesting the Auditor to assess the social and financial effects of the mandatory insurance coverage proposed in S.B. No. 1321, H.D. 1, and for alcohol and drug dependency.

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. 153, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 153, H.D. 1.

Signed by all members of the Committee except Representatives Takai and Takumi.

SCRep. 1521 Health/Human Services and Housing on H.R. No. 158

The purpose of this resolution is to request the Long-Term Care Ombudsman, with the assistance of various agencies and organizations, to establish an outreach program to:

- (1) Encourage volunteers and family members to visit adult residential care homes, licensed assisted living facilities, and nursing care facilities; and
- (2) Report any abuse, neglect, or mistreatment of the elderly and dependent adults.

The Coalition for Affordable Long Term Care, AARP Hawaii, and several individuals testified in support of this measure. The State Long Term Care Ombudsman supported the intent of this measure. The Department of Health (DOH), Hawaii Coalition of Care Home Administrators, United Group of Home Operators, and Big Island Adult Residential Care Home Association opposed this measure. The Hawaii Long Term Care Association provided comments.

Your Committees find that outreach to encourage people to visit care homes and nursing facilities is vital to the health and happiness of the patients and residents. While it is also crucial that visitors be aware of signs of abuse of patients and residents, the primary goal of this legislation is to provide emotional stability and happiness to the patients and residents who have limited social contact.

Your Committees have amended this resolution by:

- (1) Changing its title to read: "REQUESTING THE DEPARTMENT OF HEALTH AND EXECUTIVE OFFICE ON AGING TO DEVELOP EDUCATIONAL MATERIALS AND PROGRAM STRATEGIES THAT ENCOURAGE FAMILY MEMBERS TO VISIT ADULT RESIDENTIAL CARE HOMES, LICENSED ASSISTED LIVING FACILITIES, AND NURSING CARE FACILITIES TO PROVIDE SUPPORT AND ENCOURAGEMENT, AND TO MONITOR THE HEALTH STATUS OF DEPENDENT ADULT FAMILY MEMBERS";
- (2) Clarifying that the purpose of the visits is to provide support and encouragement, in addition to monitoring status of health and well-being;
- (3) Requesting DOH and the Executive Office on Aging to develop educational materials and a program to encourage visitation;
- (4) Encouraging care homes to obtain assistance from various agencies and organizations to develop policies and programs to encourage visitation, and to establish regular visiting hours;
- (5) Sending a certified copy of this resolution to adult residential care home organizations and residential alternative community care home organizations; and
- (6) Making technical, nonsubstantive amendments for purposes of clarity and style.

As affirmed by the records of votes of the members of your Committees on Health and Human Services and Housing that are attached to this report, your Committees concur with the intent and purpose of H.R. No. 158, as amended herein, and recommend 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 Takai, Takumi and Stonebraker.

SCRep. 1522 Health/Human Services and Housing on H.C.R. No. 195

The purpose of this concurrent resolution is to request the Long-Term Care Ombudsman, with the assistance of various agencies and organizations, to establish an outreach program to:

- (1) Encourage volunteers and family members to visit adult residential care homes, licensed assisted living facilities, and nursing care facilities; and
- (2) Report any abuse, neglect, or mistreatment of the elderly and dependent adults.

The Coalition for Affordable Long Term Care, AARP Hawaii, and several individuals testified in support of this measure. The State Long Term Care Ombudsman supported the intent of this measure. The Department of Health (DOH), Hawaii Coalition of Care Home Administrators, United Group of Home Operators, and Big Island Adult Residential Care Home Association opposed this measure. The Hawaii Long Term Care Association provided comments.

Your Committees find that outreach to encourage people to visit care homes and nursing facilities is vital to the health and happiness of the patients and residents. While it is also crucial that visitors be aware of signs of abuse of patients and residents, the primary goal of this legislation is to provide emotional stability and happiness to the patients and residents who have limited social contact.

Your Committees have amended this concurrent resolution by:

- (1) Changing its title to read: "REQUESTING THE DEPARTMENT OF HEALTH AND EXECUTIVE OFFICE ON AGING TO DEVELOP EDUCATIONAL MATERIALS AND PROGRAM STRATEGIES THAT

ENCOURAGE FAMILY MEMBERS TO VISIT ADULT RESIDENTIAL CARE HOMES, LICENSED ASSISTED LIVING FACILITIES, AND NURSING CARE FACILITIES TO PROVIDE SUPPORT AND ENCOURAGEMENT, AND TO MONITOR THE HEALTH STATUS OF DEPENDENT ADULT FAMILY MEMBERS";

- (2) Clarifying that the purpose of the visits is to provide support and encouragement, in addition to monitoring status of health and well-being;
- (3) Requesting DOH and the Executive Office on Aging to develop educational materials and a program to encourage visitation;
- (4) Encouraging care homes to obtain assistance from various agencies and organizations to develop policies and programs to encourage visitation, and to establish regular visiting hours;
- (5) Sending a certified copy of this concurrent resolution to adult residential care home organizations and residential alternative community care home organizations; and
- (6) Making technical, nonsubstantive amendments for purposes of clarity and style.

As affirmed by the records of votes of the members of your Committees on Health and Human Services and Housing that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 195, as amended herein, and recommend that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 195, H.D. 1.

Signed by all members of the Committee except Representatives Takai, Takumi and Stonebraker.

SCRep. 1523 Health/Human Services and Housing on H.R. No. 170

The purpose of this resolution is to support the establishment of the Hawaii Health Care Roundtable (Roundtable) to promote improvements in Hawaii's health care system.

Kaiser Permanente Hawaii, the Hawaii Medical Service Association, and Hawaii Long Term Care Association testified in support of this measure. The Department of Health (DOH) supported the intent of this measure.

Your Committees find that open and continuing discussion on Hawaii's health care system is essential to address the many issues affecting the health of Hawaii's citizens. Some of these issues include health insurance, the uninsured population, and long-term care, among others.

Your Committees have amended this resolution by:

- (1) Requesting DOH to convene the Roundtable; and
- (2) Making technical, nonsubstantive amendments for purposes of clarity and style.

As affirmed by the records of votes of the members of your Committees on Health and Human Services and Housing that are attached to this report, your Committees concur with the intent and purpose of H.R. No. 170, as amended herein, and recommend that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 170, H.D. 1.

Signed by all members of the Committee except Representatives Takai, Takumi, Stonebraker, Takai, Takumi and Stonebraker.

SCRep. 1524 Health/Human Services and Housing on H.C.R. No. 218

The purpose of this concurrent resolution is to support the establishment of the Hawaii Health Care Roundtable (Roundtable) to promote improvements in Hawaii's health care system.

Kaiser Permanente Hawaii, the Hawaii Medical Service Association, and Hawaii Long Term Care Association testified in support of this measure. The Department of Health (DOH) supported the intent of this measure.

Your Committees find that open and continuing discussion on Hawaii's health care system is essential to address the many issues affecting the health of Hawaii's citizens. Some of these issues include health insurance, the uninsured population, and long-term care, among others.

Your Committees have amended this concurrent resolution by:

- (1) Requesting DOH to convene the Roundtable; and
- (2) Making technical, nonsubstantive amendments for purposes of clarity and style.

As affirmed by the records of votes of the members of your Committees on Health and Human Services and Housing that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 218, as amended herein, and recommend that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 218, H.D. 1.

Signed by all members of the Committee except Representatives Takai, Takumi and Stonebraker.

SCRep. 1525 Health on H.R. No. 122

The purpose of this resolution is to request the Legislative Reference Bureau to study the provisions of the Medical Marijuana law.

Your Committee finds that since the adoption of the Medical Marijuana law in 2000, concerns have been raised about its provisions and its implementations. The concerns are not one-sided; some advocates see the law as too stringent, and others see it as not stringent enough. After three years, your Committee finds that a dispassionate policy review of the law is necessary to look at these and other community concerns to determine the impact of the law.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 122 and recommends that it be referred to the Committee on Judiciary.

Signed by all members of the Committee except Representatives Hale, Takai and Finnegan.

SCRep. 1526 Human Services and Housing/Health on H.C.R. No. 212

The purpose of this concurrent resolution is to request the Department of Health to review existing policies and procedures and work with the department of psychiatry at the University of Hawaii School of Medicine to improve access to mental health services by Medicaid and Hawaii QUEST participants.

Your Committee circulated a proposed draft that added to this concurrent resolution the contents of H.R. No. 122, requesting the Legislative Reference Bureau to study the provisions of the Medical Marijuana law.

Your Committee finds that since the adoption of the Medical Marijuana law in 2000, concerns have been raised about its provisions and its implementation. The concerns are not one-sided; some advocates see the law as too stringent, and others see it as not stringent enough. After three years, your Committee finds that a dispassionate policy review of the law is necessary to look at these and other community concerns to determine the impact of the law.

Your Committee has amended the proposed H.D. 1 to delete Part I, relating to Department of Health's review of improved access to mental health services. Your Committee has further amended the proposed H.D. 1 and has changed the title to reflect that change to include an amendment suggested by the Legislative Reference Bureau that would request state and county health and law enforcement agencies to cooperate with the Bureau and provide it with relevant data and information.

As affirmed by the records of votes of the members of your Committees on Human Services and Housing and Health that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 212, as amended herein, and recommend that it be referred to the Committee on Higher Education, in the form attached hereto as H.C.R. No. 212, H.D. 1.

Signed by all members of the Committee except Representatives Hale, Kawakami, Takumi and Finnegan.

SCRep. 1527 Health on H.C.R. No. 103

The purpose of this concurrent resolution is to request the Department of Health (DOH) to address hepatitis C infections and related issues including, among other things, developing a plan, conducting surveillance, and promoting professional education.

The Hawaii Government Employees Association, Hoffman La Roche Service Corporation, HepCats, and several concerned individuals testified in support of this measure. DOH supported the intent of this measure.

Your Committee has amended this concurrent resolution by:

- (1) Inserting information on HCV transmission;
- (2) Requesting DOH to provide a briefing instead of a written report to the Legislature; 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 Health that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 103, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 103, H.D. 1.

Signed by all members of the Committee except Representatives Hale, Takai, Takumi and Finnegan.

SCRep. 1528 Health on H.R. No. 172

The purpose this resolution is to request the John A. Burns School of Medicine to host a symposium fostering a better understanding of the relationship between standard medical practices and the various alternative and complementary medical practices from the various immigrant cultures in Hawaii.

The John A. Burns School of Medicine, Hawaii Medical Association and Christian Science Committee on Publication for Hawaii, submitted testimony in support of this resolution.

Your Committee finds that pursuant to Hawaii's diverse population, many different curative, remedial and healing traditions may be classified as "complementary" and "alternative" to standard medical practices. Moreover, with an emphasis on basic and applied medical research, the John A. Burns School of Medicine Biomedical Research Center could serve as a clearinghouse of information on alternative/complementary and standard medical practices, which may lead to many medical breakthroughs and may be of great benefit to Hawaii's economy in terms of diversification and growth.

Your Committee has amended this bill accordingly by:

- (1) Inserting, on line 1, page 1, after WHEREAS, "the State of" and on same line and page, replacing "island" with "archipelago;" and
- (2) Making technical, nonsubstantive amendments for purposes of clarity, consistency and style.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 172, as amended herein, and recommends that it be referred to the Committee on Higher Education in the form attached hereto as H.R. No. 172, H.D. 1.

Signed by all members of the Committee except Representatives Takai and Takumi.

SCRep. 1529 Health on H.C.R. No. 220

The purpose this concurrent resolution is to request the John A. Burns School of Medicine to host a symposium fostering a better understanding of the relationship between standard medical practices and the various alternative and complementary medical practices from the various immigrant cultures in Hawaii.

The John A. Burns School of Medicine, Hawaii Medical Association and Christian Science Committee on Publication for Hawaii, submitted testimony in support of this concurrent resolution.

Your Committee finds that pursuant to Hawaii's diverse population, many different curative, remedial and healing traditions may be classified as "complementary" and "alternative" to standard medical practices. Moreover, with an emphasis on basic and applied medical research, the John A. Burns School of Medicine Biomedical Research Center could serve as a clearinghouse of information on alternative/complementary and standard medical practices, which may lead to many medical breakthroughs and may be of great benefit to Hawaii's economy in terms of diversification and growth.

Your Committee has amended this bill accordingly by:

- (1) Inserting, on line 1, page 1, after WHEREAS, "the State of" and on same line and page, replacing "island" with "archipelago;" and
- (2) Making technical, nonsubstantive amendments for purposes of clarity, consistency and style.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 220, as amended herein, and recommends that it be referred to the Committee on Higher Education in the form attached hereto as H.C.R. No. 220, H.D. 1.

Signed by all members of the Committee except Representatives Takai and Takumi.

SCRep. 1530 Health on H.R. No. 71

The purpose of this resolution is to request the Department of Health and the Governor to explore the possibility of Hawaii's participation in the Turning Point initiative.

The Department of Health submitted testimony supporting the intent of this concurrent resolution.

Your Committee finds that the Turning Point initiative, funded by the Robert Wood Johnson Foundation and the W.K. Kellogg Foundation; is an organization, established in twenty-three states and forty-one community-level partnerships, seeking to strengthen the public health system at all levels by making it more community based and collaborative.

In addition, your Committee finds that the state-level partners of Turning Point are collaborating to: Influence good public health, expand information technology so data is available to local communities for addressing health concerns and to stimulate state agencies and organizations to develop comprehensive state health plans. Moreover, through intensive research and cooperation, the Turning Point Public Health Statute Modernization National Collaborative has drafted a Model State Public Health Act, designed as a tool for state, local and tribal governments to use in revising or updating public health statutes and administrative rules.

For the foregoing reasons, your Committee finds that this resolution will be a benefit for the health and safety of the citizens of Hawaii.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 71 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Takai, Takumi and Stonebraker.

SCRep. 1531 Health on H.C.R. No. 73

The purpose of this concurrent resolution is to request the Department of Health and the Governor to explore the possibility of Hawaii's participation in the Turning Point initiative.

The Department of Health submitted testimony supporting the intent of this concurrent resolution.

Your Committee finds that the Turning Point initiative, funded by the Robert Wood Johnson Foundation and the W.K. Kellogg Foundation; is an organization, established in twenty-three states and forty-one community-level partnerships, seeking to strengthen the public health system at all levels by making it more community based and collaborative.

In addition, your Committee finds that the state-level partners of Turning Point are collaborating to: Influence good public health, expand information technology so data is available to local communities for addressing health concerns and to stimulate state agencies and organizations to develop comprehensive state health plans. Moreover, through intensive research and cooperation, the Turning Point Public Health Statute Modernization National Collaborative has drafted a Model State Public Health Act, designed as a tool for state, local and tribal governments to use in revising or updating public health statutes and administrative rules.

For the foregoing reasons, your Committee finds that this concurrent resolution will be a benefit for the health and safety of the citizens of Hawaii.

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

Signed by all members of the Committee except Representatives Takai, Takumi and Stonebraker.

SCRep. 1532 Public Safety and Military Affairs on H.R. No. 57

The purpose of this resolution is to promote efforts to improve Hawaii's civil defense by urging the Governor and the mayor of each county to continue their support for the development of an officially recognized Urban Search and Rescue Task Force (Task Force) in Hawaii.

The Department of Defense and the Civil Defense Agency of the County of Hawaii supported this measure.

Your Committee notes that this measure will help sustain the substantial progress made in developing a Task Force in the State. A Task Force will be able to conduct round-the-clock search-and-rescue operations following earthquakes, hurricanes, floods, and other catastrophes, and will provide critical support for state and local emergency response units.

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. 57 and recommends its adoption.

Signed by all members of the Committee except Representative Souki.

SCRep. 1533 Public Safety and Military Affairs on H.C.R. No. 54

The purpose of this concurrent resolution is to promote efforts to improve Hawaii's civil defense by urging the Governor and the mayor of each county to continue their support for the development of an officially recognized Urban Search and Rescue Task Force (Task Force) in Hawaii.

The Department of Defense and the Civil Defense Agency of the County of Hawaii supported this measure.

Your Committee notes that this measure will help sustain the substantial progress made in developing a Task Force in the State. A Task Force will be able to conduct round-the-clock search-and-rescue operations following earthquakes, hurricanes, floods, and other catastrophes, and will provide critical support for state and local emergency response units.

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. 54 and recommends its adoption.

Signed by all members of the Committee except Representative Souki.

SCRep. 1534 Public Safety and Military Affairs on H.R. No. 74

The purpose of this resolution is to assist Filipino veterans of World War II by urging the United States (U.S.) Congress to support the passage of H.R. 664 to improve benefits for Filipino veterans and their surviving spouses.

The WWII Fil-Am Veterans Hawaii Chapter and a concerned citizen supported this measure. Several concerned citizens supported the intent of this measure.

Your Committee recognizes the important contributions and sacrifices made by Filipino veterans of World War II in supporting the U.S. war effort. Your Committee notes that H.R. 664 will provide medical services and increased compensation and burial benefits for certain Filipino veterans and will increase the rate of payment of dependency and indemnity compensation for surviving spouses of certain Filipino veterans.

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. 74 and recommends its adoption.

Signed by all members of the Committee except Representatives M. Oshiro and Pendleton.

SCRep. 1535 Public Safety and Military Affairs on H.C.R. No. 76

The purpose of this concurrent resolution is to assist Filipino veterans of World War II by urging the United States (U.S.) Congress to support the passage of H.R. 664 to improve benefits for Filipino veterans and their surviving spouses.

The WWII Fil-Am Veterans Hawaii Chapter and a concerned citizen supported this measure. Several concerned citizens supported the intent of this measure.

Your Committee recognizes the important contributions and sacrifices made by Filipino veterans of World War II in supporting the U.S. war effort. Your Committee notes that H.R. 664 will provide medical services and increased compensation and burial benefits for certain Filipino veterans and will increase the rate of payment of dependency and indemnity compensation for surviving spouses of certain Filipino veterans.

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. 76 and recommends its adoption.

Signed by all members of the Committee except Representatives M. Oshiro and Pendleton.

SCRep. 1536 Health on H.R. No. 66

The purpose of this resolution is to strongly urge GlaxoSmithKline Corporation to immediately resume all the prescription drug deliveries to Canadian pharmacies suspended on January 21, 2003.

GlaxoSmithKline and the Board of Pharmacy submitted comments on this resolution. An individual provided written testimony supporting the resolution.

Your Committee finds that Americans pay a higher price for prescription drugs than any other nation and said higher prices have a severe economic impact on our senior citizens.

Moreover, your Committee finds that Canadian pharmacies are a critical resource for Americans to purchase prescription drugs at up to eight per cent less than comparable prescription drugs purchased within the United States and one of the major supplier to Canadian-based mail-order pharmacies is the British GlaxoSmithKline Corporation, the world's second largest drug manufacturer. On January 21, 2003, GlaxoSmithKline suspended all shipments of prescription drugs to these Canadian pharmacies and said suspension will severely affect the medical needs of many of America's seniors.

Finally, your Committee finds that the assertion by GlaxoSmithKline, that Americans may be violating United States drug laws, must be balanced by repeated assurances from the United States Food and Drug Administration officials that individuals importing prescription drugs from Canada, for exclusively personal use, have no need to fear that the federal government will interfere in their Canadian drug purchases.

For the foregoing reasons, your Committee finds that this resolution is beneficial to the American purchaser, especially senior citizens, of prescription drugs.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 66 and recommends its adoption.

Signed by all members of the Committee except Representatives Takai, Kahikina, Finnegan, Stonebraker, Takai, Takumi and Stonebraker.

SCRep. 1537 Health on H.C.R. No. 65

The purpose of this concurrent resolution is to strongly urge GlaxoSmithKline Corporation to immediately resume all the prescription drug deliveries to Canadian pharmacies suspended on January 21, 2003.

GlaxoSmithKline and the Board of Pharmacy submitted comments on this concurrent resolution. An individual provided written testimony supporting the concurrent resolution.

Your Committee finds that Americans pay a higher price for prescription drugs than any other nation and said higher prices have a severe economic impact on our senior citizens.

Moreover, your Committee finds that Canadian pharmacies are a critical resource for Americans to purchase prescription drugs at up to eight per cent less than comparable prescription drugs purchased within the United States and one of the major supplier to Canadian-based mail-order pharmacies is the British GlaxoSmithKline Corporation, the world's second largest drug manufacturer. On January 21, 2003, GlaxoSmithKline suspended all shipments of prescription drugs to these Canadian pharmacies and said suspension will severely affect the medical needs of many of America's seniors.

Finally, your Committee finds that the assertion by GlaxoSmithKline, that Americans may be violating United States drug laws, must be balanced by repeated assurances from the United States Food and Drug Administration officials that individuals importing prescription drugs from Canada, for exclusively personal use, have no need to fear that the federal government will interfere in their Canadian drug purchases.

For the foregoing reasons, your Committee finds that this concurrent resolution is beneficial to the American purchaser, especially senior citizens, of prescription drugs.

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. 65 and recommends its adoption.

Signed by all members of the Committee except Representatives Takai, Takumi and Stonebraker.

SCRep. 1538 Health on H.R. No. 81

The purpose of this resolution is to ensure that the lifesaving procedure of dialysis continues to be accessible and available for Hawaii's residents by urging the Hawaii Health Systems Corporation (HHSC) and St. Francis Healthcare System of Hawaii (St. Francis) to continue the partnership and other agreements that are currently in effect, until medical advances and new technology can better serve Hawaii's hemodialysis patients.

St. Francis testified in support of this measure. HHSC supported this measure with amendments.

Your Committee has amended this measure by inserting language that:

- (1) More accurately reflects the relationship between St. Francis and the State by clarifying that the State has provided substantial funding for construction of new dialysis facilities and the renovation of existing dialysis treatment centers;
- (2) States that HHSC supports and encourages the important dialysis services that St. Francis provides to patients served by one or more of the 12 public hospitals of HHSC;
- (3) Urges St. Francis to continue its commitment of resources to the dialysis program to upgrade those services and increase access to dialysis care, particularly on the neighbor islands; 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 Health that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 81, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 81, H.D. 1.

Signed by all members of the Committee except Representatives Takai, Takumi and Stonebraker.

SCRep. 1539 Health on H.C.R. No. 82

The purpose of this concurrent resolution is to ensure that the lifesaving procedure of dialysis continues to be accessible and available for Hawaii's residents by urging the Hawaii Health Systems Corporation (HHSC) and St. Francis Healthcare System of Hawaii (St. Francis) to continue the partnership and other agreements that are currently in effect, until medical advances and new technology can better serve Hawaii's hemodialysis patients.

St. Francis testified in support of this measure. HHSC supported this measure with amendments.

Your Committee has amended this measure by inserting language that:

- (1) More accurately reflects the relationship between St. Francis and the State by clarifying that the State has provided substantial funding for construction of new dialysis facilities and the renovation of existing dialysis treatment centers;
- (2) States that HHSC supports and encourages the important dialysis services that St. Francis provides to patients served by one or more of the 12 public hospitals of HHSC;

- (3) Urges St. Francis to continue its commitment of resources to the dialysis program to upgrade those services and increase access to dialysis care, particularly on the neighbor islands; 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 Health that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 82, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 82, H.D. 1.

Signed by all members of the Committee except Representatives Takai, Takumi and Stonebraker.

SCRep. 1540 Tourism and Culture on H.R. No. 171

The purpose of this resolution is to preserve Hawaii's cultural heritage by:

- (1) Recognizing the beauty and cultural significance of the Sanju Pagoda as a valuable asset to the State of Hawaii; and
- (2) Supporting the restoration and maintenance of Sanju Pagoda.

A councilmember of the City Council of the City and County of Honolulu and six concerned citizens supported this measure.

Your Committee has amended this measure by:

- (1) Requesting the Friends of Honolulu Memorial Park to:
 - (A) Explore the possibility of obtaining a grant from the National Historic Trust to assist in the restoration of the Sanju Pagoda;
 - (B) Meet with the Director of Planning and Permits of the City and County of Honolulu to consider the feasibility of subdividing the parcel of land upon which the Sanju Pagoda is situated from the remainder of the Honolulu Memorial Park; and
 - (C) Continue discussion with the owners of Honolulu Memorial Park regarding a possible dedication or donation of a subdivided Sanju Pagoda parcel to the Friends of Honolulu Memorial Park or another suitable nonprofit organization;
- (2) Encouraging the Friends of Honolulu Memorial Park to explore the possibility of obtaining a grant from the Transportation Enhancements Program under the United States Department of Transportation; 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 Tourism and Culture that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 171, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 171, H.D. 1.

Signed by all members of the Committee except Representatives Herkes, B. Oshiro, Schatz, Wakai and Leong.

SCRep. 1541 Tourism and Culture on H.C.R. No. 219

The purpose of this concurrent resolution is to preserve Hawaii's cultural heritage by:

- (1) Recognizing the beauty and cultural significance of the Sanju Pagoda as a valuable asset to the State of Hawaii; and
- (2) Supporting the restoration and maintenance of Sanju Pagoda.

A councilmember of the City Council of the City and County of Honolulu and six concerned citizens supported this measure.

Your Committee has amended this measure by:

- (1) Requesting the Friends of Honolulu Memorial Park to:
 - (A) Explore the possibility of obtaining a grant from the National Historic Trust to assist in the restoration of the Sanju Pagoda;
 - (B) Meet with the Director of Planning and Permits of the City and County of Honolulu to consider the feasibility of subdividing the parcel of land upon which the Sanju Pagoda is situated from the remainder of the Honolulu Memorial Park; and
 - (C) Continue discussion with the owners of Honolulu Memorial Park regarding a possible dedication or donation of a subdivided Sanju Pagoda parcel to the Friends of Honolulu Memorial Park or another suitable nonprofit organization;
- (2) Encouraging the Friends of Honolulu Memorial Park to explore the possibility of obtaining a grant from the Transportation Enhancements Program under the United States Department of Transportation; 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 Tourism and Culture that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 219, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 219, H.D. 1.

Signed by all members of the Committee except Representatives Herkes, B. Oshiro, Schatz, Wakai and Leong.

SCRep. 1542 Public Safety and Military Affairs on H.R. No. 75

The purpose of this resolution is to urge the United States (U.S.) Congress to support passage of S. 68, which would:

- (1) Improve benefits for Filipino veterans of World War II (veterans) and their surviving spouses;
- (2) Make certain that veterans residing in the U.S. are eligible for full disability pensions;
- (3) Provide veterans who reside in the U.S. and are U.S. citizens or lawful permanent residents, with hospital and nursing home care and medical services for service-connected disabilities; and
- (4) Provide outpatient care and services for service- and non-service-connected disabilities for all veterans residing in the Republic of the Philippines.

The WWII Filipino American Veterans Hawaii Chapter testified in support of this resolution. Several concerned individuals supported the intent of the resolution.

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. 75 and recommends its adoption.

Signed by all members of the Committee except Representatives M. Oshiro and Pendleton.

SCRep. 1543 Public Safety and Military Affairs on H.C.R. No. 77

The purpose of this concurrent resolution is to urge the United States (U.S.) Congress to support passage of S. 68, which would:

- (1) Improve benefits for Filipino veterans of World War II (veterans) and their surviving spouses;
- (2) Make certain that veterans residing in the U.S. eligible for full disability pensions;
- (3) Provide veterans who reside in the U.S. and are U.S. citizens or lawful permanent residents, with hospital and nursing home care and medical services for service-connected disabilities; and
- (4) Provide outpatient care and services for service- and non-service-connected disabilities for all veterans residing in the Republic of the Philippines.

The WWII Filipino American Veterans Hawaii Chapter testified in support of this concurrent resolution. Several concerned individuals supported the intent of the concurrent resolution.

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 and recommends its adoption.

Signed by all members of the Committee except Representatives M. Oshiro and Pendleton.

SCRep. 1544 Consumer Protection and Commerce on H.C.R. No. 88

The purpose of this concurrent resolution is to request the Auditor to conduct a comparative analysis of the State's health insurance market and the insurance markets of the rest of the nation.

Testimony in support of this measure was received from the Hawaii State Teachers Association, Aloha Care, Mestizo Association, and Kaiser Permanente. The Hawaii Medical Service Association offered comments. The Insurance Division of the Department of Commerce and Consumer Affairs offered comments and an amendment.

Although Hawaii's health care costs are among the lowest in the nation, these costs are rising and are forcing health insurance premium rate increases. Your Committee finds that the development of an appropriate regulatory response by the Legislature requires an understanding of the cost drivers that contribute to these increases.

The study requested by this concurrent resolution will provide information on the differences between Hawaii's health insurance market and those of the rest of the nation, which will lead to a better understanding of Hawaii's insurance market, and meaningful and effective health policy and legislation.

Your Committee finds that if the study is to be helpful to policy makers in Hawaii, it must compare Hawaii's health insurance market to similarly populated states with comparable coverage and other appropriate variables as determined in the analysis.

Accordingly, your Committee has amended this concurrent resolution by requiring that the audit include:

- (1) An analysis comparing Hawaii's health insurance market to health insurance markets with not only similar populations, but also comparable coverage, including but not limited to the scope and quality of such coverage, and any other variables determined to be appropriate to ensure an objective review;
- (2) A determination of what barriers to entry insurers seeking to enter the Hawaii health insurance market face;
- (3) A comparative analysis of provider reimbursement rates in Hawaii and in similar markets; and
- (4) A determination of whether "cost shifting" of unpaid public payer costs to private payers affects consumer health insurance costs in Hawaii.

As affirmed by the record of votes of the members of your Committee on Consumer Protection and Commerce that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 88, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 88, H.D. 1.

Signed by all members of the Committee except Representatives Ito, M. Oshiro and Finnegan.

SCRep. 1545 Health on S.C.R. No. 16

The purpose of this concurrent resolution is to request the Department of Health (DOH) to address hepatitis C infections and related issues including, among other things, developing a plan, conducting surveillance, and promoting professional education.

The Hawaii Government Employees Association, Hoffman La Roche Service Corporation, HepCats, and several concerned individuals testified in support of this measure. DOH supported the intent of this measure.

Your Committee has amended this concurrent resolution by:

- (1) Inserting information on HCV transmission;
- (2) Deleting reference to the prevalence of hepatitis C in emergency service and health care personnel;
- (3) Requesting DOH to provide a briefing instead of a written report to the Legislature; 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 Health that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 16, 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. 16, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representatives Hale, Takai, Takumi and Finnegan.

SCRep. 1546 Agriculture/Water, Land Use, and Hawaiian Affairs on H.C.R. No. 157

The purpose of this concurrent resolution is to formally recognize the Agriculture Working Group and its efforts to formulate appropriate land use policies.

The 1978 Constitutional Convention mandated in part that "The State shall conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency and assure the availability of agriculturally suitable lands." To that end, in August through October 2001, your Committees held a series of hearings to gain information and consensus on legislation to fulfill that mandate. As a result of these efforts legislation was introduced during the Regular Session of 2002 which failed to gain conference committee approval. Similar legislation was introduced during this current session; however, the difficulty in resolving these complex issues dictated that this matter be deferred and subjected to further in-depth discussion by all involved stakeholders in the agricultural community.

Your Committees find that a group of approximately forty-eight stakeholders in the agricultural community, the Agriculture Working Group, met on February 8 and 28, 2003, to focus on legislation to protect agricultural lands and will continue its efforts to formulate appropriate agricultural land use policies and legislation.

Your Committees wish to formally recognize the Agriculture Working Group and commend its members for their time and effort. Your Committees further request that the Agriculture Working Group continue to address all pertinent issues it deems appropriate, including:

- (1) Reviewing state and county jurisdictional issues;
- (2) Criteria and qualifications of agricultural lands;
- (3) Land use models and tools;
- (4) Attracting Hawaii's youth to farming by helping to provide educational assistance, land, start-up capital and business acumen;
- (5) The appropriateness of increasing minimum agricultural lot sizes from one acre to two, three, or five acres; and
- (6) The purchase and transfer of development rights.

Your Committees have amended this measure to note that the Agriculture Working Group is a successor to the Agricultural Coalition that was organized in 2001 and 2002, primarily to advance agricultural activity in the State. Your Committees have made further technical nonsubstantive changes for purposes of clarity.

As affirmed by the records of votes of the members of your Committees on Agriculture and Water, Land Use, and Hawaiian Affairs that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 157, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 157, H.D. 1.

Signed by all members of the Committee except Representatives Karamatsu, B. Oshiro, Schatz, Tamayo, Wakai, Ontai, Bukoski and Thielen.

SCRep. 1547 Agriculture/Energy and Environmental Protection on H.R. No. 123

The purpose of this resolution is to protect Hawaii's natural environment and resources by urging the Department of Agriculture (DOA) and the Department of Land and Natural Resources (DLNR) to develop a joint procedure to prevent potentially invasive alien aquatic organisms from being imported into the State without the approval of both DOA and DLNR.

The Nature Conservancy of Hawaii, Greenpeace Foundation, Earthtrust, Sierra Club - Hawaii Chapter, and Hawaii Audubon Society supported this measure. DOA and DLNR opposed this measure.

Your Committees have amended this measure by:

- (1) Deleting the provision urging DOA and DLNR to develop a joint procedure to prevent potentially invasive alien aquatic organisms from being imported into the State without the approval of both DOA and DLNR;
- (2) Requesting DOA and DLNR to update and report to the Legislature on their efforts to:

- (A) Monitor and restrict the importation of invasive alien aquatic organisms; and
- (B) Eradicate these types of organisms;
- (3) Changing the title of this measure to reflect the changes under item (2); and
- (4) Making technical, nonsubstantive amendments for purposes of style and clarity.

As affirmed by the records of votes of the members of your Committees on Agriculture and Energy and Environmental Protection that are attached to this report, your Committees concur with the intent and purpose of H.R. No. 123, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 123, H.D. 1.

Signed by all members of the Committee except Representatives Karamatsu, B. Oshiro, Schatz, Tamayo, Wakai, Ontai, Bukoski and Thielen.

SCRep. 1548 Agriculture/Energy and Environmental Protection on H.C.R. No. 158

The purpose of this concurrent resolution is to protect Hawaii's natural environment and resources by urging the Department of Agriculture (DOA) and the Department of Land and Natural Resources (DLNR) to develop a joint procedure to prevent potentially invasive alien aquatic organisms from being imported into the State without the approval of both DOA and DLNR.

The Nature Conservancy of Hawaii, Greenpeace Foundation, Earthtrust, Sierra Club - Hawaii Chapter, and Hawaii Audubon Society supported this measure. DOA and DLNR opposed this measure.

Your Committees have amended this measure by:

- (1) Deleting the provision urging DOA and DLNR to develop a joint procedure to prevent potentially invasive alien aquatic organisms from being imported into the State without the approval of both DOA and DLNR;
- (2) Requesting DOA and DLNR to update and report to the Legislature on their efforts to:
 - (A) Monitor and restrict the importation of invasive alien aquatic organisms; and
 - (B) Eradicate these types of organisms;
- (3) Changing the title of this measure to reflect the changes under item (2); and
- (4) Making technical, nonsubstantive amendments for purposes of style and clarity.

As affirmed by the records of votes of the members of your Committees on Agriculture and Energy and Environmental Protection that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 158, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 158, H.D. 1.

Signed by all members of the Committee except Representatives Karamatsu, B. Oshiro, Schatz, Tamayo, Wakai, Ontai, Bukoski and Thielen.

SCRep. 1549 Consumer Protection and Commerce on H.R. No. 107

The purpose of this resolution is to urge all individuals and organizations involved with telecommunications and call centers to initiate customer right-to-know procedures regarding all inbound and outbound communications.

Testimony in support of this measure was submitted by Communications Workers of America Local 9415, Hawaii, and a concerned citizen.

Your Committee finds that a significant number of companies use call centers based in foreign countries where United States (U.S.) privacy laws are not in effect. This poses a problem because some of these countries are either themselves in conflict with the U.S., or have a data-sharing agreement with a country that is in conflict with the U.S. Your Committee finds that this type of situation represents a potential breach of security, and believes that consumers conducting business on the telephone have the right to know where the call center agent is located.

However, your Committee is also aware of the call center industry's important role in Hawaii's economy, and thus intends to address these security issues while still supporting growth of the call center industry in Hawaii. Accordingly, your Committee has amended this measure by:

- (1) Directing the Legislative Reference Bureau (LRB) to review pending customer rights practices, and to draft legislation requiring call centers to accurately disclose their location upon a customer inquiry;
- (2) Resolving that every effort be made to ensure that the call center industry protects individuals' personal data and national security interest; and
- (3) Specifying that certified copies of this resolution also be sent to LRB.

Your Committee has also amended this measure to reduce distribution costs, by providing that the certified copies sent to Congress, are to be sent only to the Majority Leader of the United States Senate and Speaker of the United States House of Representatives.

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. 107, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 107, H.D. 1.

Signed by all members of the Committee except Representatives Herkes, Chang, Ito, Kanoho, M. Oshiro, Souki and Stonebraker.

SCRep. 1550 Consumer Protection and Commerce on H.C.R. No. 128

The purpose of this concurrent resolution is to urge all individuals and organizations involved with telecommunications and call centers to initiate customer right-to-know procedures regarding all inbound and outbound communications.

Testimony in support of this measure was submitted by Communications Workers of America Local 9415, Hawaii, and a concerned citizen.

Your Committee finds that a significant number of companies use call centers based in foreign countries where United States (U.S.) privacy laws are not in effect. This poses a problem because some of these countries are either themselves in conflict with the U.S., or have a data-sharing agreement with a country that is in conflict with the U.S. Your Committee finds that this type of situation represents a potential breach of security, and believes that consumers conducting business on the telephone have the right to know where the call center agent is located.

However, your Committee is also aware of the call center industry's important role in Hawaii's economy, and thus intends to address these security issues while still supporting growth of the call center industry in Hawaii. Accordingly, your Committee has amended this measure by:

- (1) Directing the Legislative Reference Bureau (LRB) to review pending customer rights practices, and to draft legislation requiring call centers to accurately disclose their location upon a customer inquiry;
- (2) Resolving that every effort be made to ensure that the call center industry protects individuals' personal data and national security interest; and
- (3) Specifying that certified copies of this concurrent resolution also be sent to LRB.

Your Committee has also amended this measure to reduce distribution costs, by providing that the certified copies sent to Congress, are to be sent only to the Majority Leader of the United States Senate and Speaker of the United States House of Representatives.

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. 128, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 128, H.D. 1.

Signed by all members of the Committee except Representatives Herkes, Chang, Ito, Kanoho, M. Oshiro, Souki and Stonebraker.

SCRep. 1551 Consumer Protection and Commerce on H.C.R. No. 142

The purpose of this measure is to request the Legislative Reference Bureau to study predatory home lending in Hawaii and make recommendations to protect consumers from predatory practices.

Specifically, this Concurrent Resolution requests that the Bureau's study of predatory home lending practices:

- (1) Determine the extent of predatory home lending, including problems concerning unregulated persons;
- (2) Review existing state and federal protections against predatory lending;
- (3) Consider the effect of current and pending federal laws and regulations on state legislation;
- (4) Survey other state laws and experiences in the area;
- (5) Evaluate H.B. No. 1438, H.D. 1 and H.D. 2 in terms of protection and unintended consequences; and
- (6) Recommend actions needed to protect Hawaii homeowners.

Your Committee finds that some residents of Hawaii have fallen victim to predatory home lending practices and, as a result, have lost or stand to lose their homes. A number of other states have laws that address predatory lending and a federal proposal is pending. Your Committee believes that this measure will clarify predatory home lending practices in Hawaii, by consulting all stakeholders or their representatives to get a clearer picture of the problem.

Upon further consideration, your Committee has amended this measure by making technical amendments that:

- (1) Clarify the scope of the study to be conducted by the Legislative Reference Bureau to require the Bureau to consult with various parties concerning the range and type of practices that each agency or organization considers to be predatory home lending practices and available or desirable consumer protections;
- (2) Simplifying the title for the purpose of clarity; and
- (3) Adding the Hawaii Association of Realtors as a party to be consulted.

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. 142, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 142, H.D. 1.

Signed by all members of the Committee except Representatives Herkes, Chang, Ito, Kanoho, M. Oshiro, Souki and Stonebraker.

SCRep. 1552 Judiciary on H.R. No. 10

The purpose of this resolution is to continue to support efforts at reconciliation with the indigenous Hawaiian people and the restoration of their rights to self-determination by requesting:

- (1) Federal recognition of the relationship between the government of the United States and the indigenous Hawaiian people in a manner similar to that afforded to Native Americans and Alaska natives; and

- (2) Designation of a permanent federal agency to address indigenous Hawaiian reconciliation proceedings and the political status of indigenous Hawaiians.

The Office of Hawaiian Affairs testified in support of this resolution.

Your Committee finds that this measure expresses the Legislature's steadfast support of reconciliation and restoration of the rights of the Hawaiian people to self-determination.

Your Committee has amended this measure by:

- (1) Including a provision that highlights the nonpartisan nature of support for this measure, as demonstrated by support from Hawaii's Governor, Lieutenant Governor, and Hawaii's Congressional delegation; and
- (2) Making technical, nonsubstantive amendments for 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 H.R. No. 10, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 10, H.D. 2.

Signed by all members of the Committee except Representatives Ito, M. Oshiro and Pendleton.

SCRep. 1553 Judiciary on H.C.R. No. 10

The purpose of this concurrent resolution is to continue to support efforts at reconciliation with the indigenous Hawaiian people and the restoration of their rights to self-determination by requesting:

- (1) Federal recognition of the relationship between the government of the United States and the indigenous Hawaiian people in a manner similar to that afforded to Native Americans and Alaska natives; and
- (2) Designation of a permanent federal agency to address indigenous Hawaiian reconciliation proceedings and the political status of indigenous Hawaiians.

The Office of Hawaiian Affairs testified in support of this concurrent resolution.

Your Committee finds that this measure expresses the Legislature's steadfast support of reconciliation and restoration of the rights of the Hawaiian people to self-determination.

Your Committee has amended this measure by:

- (1) Including a provision that highlights the nonpartisan nature of support for this measure, as demonstrated by support from Hawaii's Governor, Lieutenant Governor, and Hawaii's Congressional delegation; and
- (2) Making technical, nonsubstantive amendments for 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 H.C.R. No. 10, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 10, H.D. 2.

Signed by all members of the Committee except Representatives Ito, M. Oshiro and Pendleton.

SCRep. 1554 Economic Development and Business Concerns on H.R. No. 54

The purpose of this resolution is to provide additional resources in the effort to protect Hawaii from terrorist attacks and other disasters by requesting the Secretary of the Department of Homeland Security to establish a Pacific Oceanic Administrative Region to be headquartered in Honolulu.

The Department of Defense supported 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 H.R. No. 54 and recommends its adoption.

Signed by all members of the Committee except Representatives Karamatsu, B. Oshiro, Tamayo and Ontai.

SCRep. 1555 Economic Development and Business Concerns on H.C.R. No. 51

The purpose of this concurrent resolution is to provide additional resources in the effort to protect Hawaii from terrorist attacks and other disasters by requesting the Secretary of the Department of Homeland Security to establish a Pacific Oceanic Administrative Region to be headquartered in Honolulu.

The Department of Defense supported 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 H.C.R. No. 51 and recommends its adoption.

Signed by all members of the Committee except Representatives Karamatsu, B. Oshiro, Tamayo and Ontai.

SCRep. 1556 Energy and Environmental Protection on H.R. No. 115

The purpose of this resolution is to urge the President of the United States to submit the Kyoto Protocol to the United Nations Framework Convention on Climate Change (Kyoto Protocol) to the U.S. Senate for ratification in an effort to reduce the emissions of greenhouse gases.

The Sierra Club, Hawaii Chapter, Hawaii Renewable Energy Alliance, Life of the Land, and a concerned individual testified in support of this measure.

Your Committee finds that significant scientific evidence exists that the planet's climate is growing warmer, with potentially catastrophic effects on coastal regions and global weather patterns. Furthermore, the United States signed the Kyoto Protocol on November 12, 1998, committing the nation to a target of reducing greenhouse gases by seven percent below 1990 levels during a "commitment period" between 2008-2012. However, the current administration withdrew the United States from the Kyoto Protocol in March 2001, claiming, among other things, that meeting the treaty's nation-by-nation targets would be too costly for the U.S. economy.

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. 115 and recommends its adoption.

Signed by all members of the Committee except Representatives Morita, Evans and Bukoski.

SCRep. 1557 Energy and Environmental Protection on H.C.R. No. 143

The purpose of this concurrent resolution is to urge the President of the United States to submit the Kyoto Protocol to the United Nations Framework Convention on Climate Change (Kyoto Protocol) to the U.S. Senate for ratification in an effort to reduce the emissions of greenhouse gases.

The Sierra Club, Hawaii Chapter, Hawaii Renewable Energy Alliance, Life of the Land, and a concerned individual testified in support of this measure.

Your Committee finds that significant scientific evidence exists that the planet's climate is growing warmer, with potentially catastrophic effects on coastal regions and global weather patterns. Furthermore, the United States signed the Kyoto Protocol on November 12, 1998, committing the nation to a target of reducing greenhouse gases by seven percent below 1990 levels during a "commitment period" between 2008-2012. However, the current administration withdrew the United States from the Kyoto Protocol in March 2001, claiming, among other things, that meeting the treaty's nation-by-nation targets would be too costly for the U.S. economy.

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. 143 and recommends its adoption.

Signed by all members of the Committee except Representatives Morita, Evans and Bukoski.

SCRep. 1558 Finance on H.R. No. 78

The purpose of this resolution is to encourage the preservation of our beaches and shorelines.

Upon further consideration, your Committee has amended this resolution to require state government to consider rather than provide a tax incentive to implement restoration and maintenance of Hawaii's beaches and shorelines.

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. 78, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 78, H.D. 1.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1559 Finance on H.C.R. No. 80

The purpose of this concurrent resolution is to encourage the preservation of our beaches and shorelines.

Upon further consideration, your Committee has amended this resolution to require state government to consider rather than provide a tax incentive to implement restoration and maintenance of Hawaii's beaches and shorelines.

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. 80, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 80, H.D. 1.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1560 Finance on H.C.R. No. 131

The purpose of this concurrent resolution is to prevent discrimination against individuals seeking to rent property as recipients of the federal Section 8 voucher program by:

- (1) Requesting the Auditor to perform a management and financial audit of the Section 8 voucher program administered by the Housing and Community Development Corporation of Hawaii (HCDCH); and
- (2) Requesting HCDCH to convene a Task Force to determine the appropriate changes to be made to the Section 8 program to improve the delivery of governmental resources to recipients and improve flexibility of the program.

As this was a decision making meeting only, no public testimony was accepted. However, your Committee acknowledges communication received from HCDCH indicating that the United States Department of Housing and Urban Development (HUD) has requested funding to contract with an independent auditor to perform a management and performance audit of HCDCH's Section 8 program.

Therefore, your Committee has amended this concurrent resolution by:

- (1) Requesting that the audit include a performance assessment of HCDCH as it pertains to the processing of paperwork and remittance of the first month's rent payment;

- (2) Providing the Auditor with discretion to either defer or discontinue the audit in the event that funds are released to HUD to contract for an independent federal audit of the Section 8 program; 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 concurs with the intent and purpose of H.C.R. No. 131, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 131, H.D. 2.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1561 Finance on H.C.R. No. 12

The purpose of this concurrent resolution is to request the Office of the Public Guardian to convene a task force to re-evaluate the placement of the Office of the Public Guardian.

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. 12, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1562 Finance on H.R. No. 17

The purpose of this resolution is to authorize the establishment of a state-province relations of friendship between the State of Hawaii and the province of Ilocos Norte of the Republic of the Philippines.

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. 17, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1563 Finance on H.C.R. No. 17

The purpose of this concurrent resolution is to authorize the establishment of a state-province relations of friendship between the State of Hawaii and the province of Ilocos Norte of the Republic of the Philippines.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 17, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1564 Finance on H.R. No. 18

The purpose of this resolution is to support the development of a rural health care center at the University of Hawaii at Hilo.

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. 18 and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1565 Finance on H.C.R. No. 19

The purpose of this concurrent resolution is to support the development of a rural health care center at the University of Hawaii at Hilo.

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. 19 and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1566 Finance on H.R. No. 45

The purpose of this resolution is to urge the Department of Accounting and General Services to establish an intergovernmental-community task force to plan for the development of an alternative access road to Kailua High School in Kailua.

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. 45, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1567 Finance on H.C.R. No. 41

The purpose of this concurrent resolution is to urge the Department of Accounting and General Services to establish an intergovernmental-community task force to plan for the development of an alternative access road to Kailua High School in Kailua.

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. 41, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1568 Finance on H.R. No. 50

The purpose of this resolution is to request the Legislative Reference Bureau to conduct a study concerning the establishment of an office of international affairs in State government.

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. 50, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1569 Finance on H.C.R. No. 47

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to conduct a study concerning the establishment of an office of international affairs in State government.

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. 47, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1570 Finance on H.C.R. No. 55

The purpose of this concurrent resolution is to request the Department of Business, Economic Development, and Tourism Business Action Center to coordinate and facilitate the project review and permitting process of a plasma-arc torch facility in the state.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 55, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1571 Finance on H.C.R. No. 68

The purpose of this concurrent resolution is to request the Board of Land and Natural Resources to consider the leasing of unutilized fast and submerged lands at Keehi Lagoon for the private development of boating and ocean recreational facilities.

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. 68, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1572 Finance on H.C.R. No. 85

The purpose of this concurrent resolution is to request a program audit of the various agencies involved in the child protective services 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 H.C.R. No. 85, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1573 Finance on H.C.R. No. 92

The purpose of this concurrent resolution is to request the Department of Labor and Industrial Relations, in conjunction with Hawaii's health plans, to explore options for providing medical savings accounts and high deductible health plans to Hawaii's businesses under Hawaii's Prepaid Health Care Act.

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 and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1574 Finance on H.C.R. No. 93

The purpose of this concurrent resolution is to request the Legislative Auditor to conduct a social and financial analysis of the impact medical savings accounts would have on the Prepaid Health Care Act.

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. 93 and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1575 Finance on H.C.R. No. 151

The purpose of this concurrent resolution is to request the establishment of an interim task force on Universal Health Care to consider the feasibility of providing universal health care in the State.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 151, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Ito, Moses, Pendleton, Kahikina, Takai, Stonebraker, Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1576 Finance on H.R. No. 127

The purpose of this resolution is to request the establishment of a task force to examine state regulation of providers of death 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 H.R. No. 127, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1577 Finance on H.C.R. No. 162

The purpose of this concurrent resolution is to request the establishment of a task force to examine state regulation of providers of death 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 H.C.R. No. 162, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1578 Finance on H.C.R. No. 165

The purpose of this concurrent resolution is to request the Legislative Auditor to conduct an audit of the Kalaupapa Settlement operations and expenditures.

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. 165, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1579 Finance on H.R. No. 136

The purpose of this resolution is to request the consumer advocate to form an ad hoc advisory group to investigate and make recommendations regarding the implementation of standard offer contracts and standardized interconnection agreements to facilitate the purchase of electricity from renewable energy producers in 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. 136, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1580 Finance on H.C.R. No. 172

The purpose of this concurrent resolution is to request the consumer advocate to form an ad hoc advisory group to investigate and make recommendations regarding the implementation of standard offer contracts and standardized interconnection agreements to facilitate the purchase of electricity from renewable energy producers in 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. 172, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1581 Finance on H.C.R. No. 179

The purpose of this concurrent resolution is to request the Department of Health to implement an epidemic prevention program to prevent the potential entry of communicable disease vectors that may cause an epidemic in 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. 179, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1582 Finance on H.C.R. No. 182

The purpose of this concurrent resolution is to request the Departments of Labor and Industrial Relations and Health to conduct a study relating to the occupational and health risks of County garbage collection workers.

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. 182, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1583 Finance on H.R. No. 147

The purpose of this resolution is to request the Hawaii Community Development Authority to conduct an analysis of its current efforts to determine to what extent it is utilizing promising energy efficiency and renewable energy technologies in its development districts.

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. 147, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1584 Finance on H.C.R. No. 183

The purpose of this concurrent resolution is to request the Hawaii Community Development Authority to conduct an analysis of its current efforts to determine to what extent it is utilizing promising energy efficiency and renewable energy technologies in its development districts.

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. 183, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1585 Finance on H.R. No. 149

The purpose of this resolution is to urge the Department of Education to implement career pathways as a part of a school reform model to include the redesign of career and technical education that is reflective of economic development initiatives and priorities.

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. 149 and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1586 Finance on H.C.R. No. 185

The purpose of this concurrent resolution is to urge the Department of Education to implement career pathways as a part of a school reform model to include the redesign of career and technical education that is reflective of economic development initiatives and priorities.

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. 185 and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1587 Finance on H.R. No. 150

The purpose of this resolution is to request the Department of Education to enter into an agreement with Theodora Mallick for the construction of the Pahoehoe School Gymnasium.

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. 150, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1588 Finance on H.C.R. No. 186

The purpose of this concurrent resolution is to request the Department of Education to enter into an agreement with Theodora Mallick for the construction of the Pahoehoe School Gymnasium.

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. 186, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1589 Finance on H.R. No. 152

The purpose of this resolution is to request the Department of Transportation to study the feasibility of establishing flyer stops within the right-of-way of Oahu's H-2 Freeway and connecting to park-and-ride facilities.

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. 152 and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1590 Finance on H.C.R. No. 188

The purpose of this concurrent resolution is to request the Department of Transportation to study the feasibility of establishing flyer stops within the right-of-way of Oahu's H-2 Freeway and connecting to park-and-ride facilities.

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. 188 and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1591 Finance on H.C.R. No. 197

The purpose of this concurrent resolution is to request the Department of Land and Natural Resources, in conjunction with the City and County of Honolulu, to determine the feasibility of constructing a multi-use path along the Waianae coast from Maile Beach Park to Makaha Surfing Beach.

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. 197, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1592 Finance on H.C.R. No. 201

The purpose of this concurrent resolution is to request the Legislative Auditor to investigate the State and Counties' land use policies with regard to solid waste management 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 H.C.R. No. 201, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1593 Finance on H.R. No. 175

The purpose of this resolution is to urge the Board of Land and Natural Resources to authorize cancellation of certain leases and issuance of a new lease to the lessee of the public lands covered by the leases.

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. 175, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1594 Finance on H.C.R. No. 223

The purpose of this concurrent resolution is to urge the Board of Land and Natural Resources to authorize cancellation of certain leases and issuance of a new lease to the lessee of the public lands covered by the leases.

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. 223, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1595 Finance on H.C.R. No. 94

The purpose of this concurrent resolution is to request the Department of Human Resources Development to submit reports on exempt employees as required by Act 253, Session Laws of Hawaii 2000.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 94, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1596 Finance on H.C.R. No. 95

The purpose of this concurrent resolution is to request the Employees' Retirement System to study the feasibility of a deferred retirement option plan benefit for fire fighters and police officers.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 95 and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1597 Finance on H.C.R. No. 97

The purpose of this concurrent resolution is to request the Employees' Retirement System to conduct a study on the feasibility of a hybrid retirement plan.

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. 97, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1598 Finance on H.C.R. No. 109

The purpose of this concurrent resolution is to request the Employees' Retirement System to review its investment practices, determine whether any investments are being made with companies based in countries that support terrorism, and rethink its investment policies regarding these companies.

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. 109 and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1599 Finance on H.R. No. 102

The purpose of this resolution is to request the Department of Education to enter into a real estate transaction agreement for a new elementary school in Kahului, Maui.

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. 102 and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1600 Finance on H.C.R. No. 117

The purpose of this concurrent resolution is to request the Department of Education to enter into a real estate transaction agreement for a new elementary school in Kahului, Maui.

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. 117 and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Bukoski, Meyer, Moses, Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1601 Finance on H.R. No. 103

The purpose of this resolution is to request that the State of Hawaii pursue a wireless E911 interim working group.

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. 103 and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1602 Finance on H.C.R. No. 120

The purpose of this concurrent resolution is to request that the State of Hawaii pursue a wireless E911 interim working group.

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. 120 and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1603 Finance on H.R. No. 111

The purpose of this resolution is to request an audit of the Hawaii State Judiciary, Division of Driver Education.

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. 111 and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1604 Finance on H.C.R. No. 134

The purpose of this concurrent resolution is to request an audit of the Hawaii State Judiciary, Division of Driver Education.

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. 134 and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1605 Finance on H.R. No. 112

The purpose of this resolution is to request the Department of Business, Economic Development and Tourism to establish a task force to develop an emergency action plan to assist and empower the Waianae community and other communities around the state to foster greater self-sufficiency.

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. 112 and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1606 Finance on H.C.R. No. 135

The purpose of this concurrent resolution is to request the Department of Business, Economic Development and Tourism to establish a task force to develop an emergency action plan to assist and empower the Waianae community and other communities around the state to foster greater self-sufficiency.

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. 135 and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1607 Finance on H.R. No. 113

The purpose of this resolution is to request the Department of Business, Economic Development and Tourism, the Department of Human Services Financial Assistance Advising Committee, and the Department of Labor and Industrial Relations to evaluate the Hawaii State Commission on the Status of Women's Family Economic Self Sufficiency Standards study and recommend appropriate public policies for the State to use in basing its cash assistance programs for needy individuals and families.

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. 113, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1608 Finance on H.C.R. No. 137

The purpose of this concurrent resolution is to request the Department of Business, Economic Development and Tourism, the Department of Human Services Financial Assistance Advising Committee, and the Department of Labor and Industrial Relations to evaluate the Hawaii State Commission on the Status of Women's Family Economic Self Sufficiency Standards study and recommend appropriate public policies for the State to use in basing its cash assistance programs for needy individuals and families.

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, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1609 Finance on H.R. No. 176

The purpose of this resolution is to request the President and the Congress of the United States to take specific actions to help the airlines serving the State of Hawaii in the event of a war.

The House Committee on War Preparedness and an individual 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.R. No. 176 and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1610 Finance on H.C.R. No. 225

The purpose of this concurrent resolution is to request the President and the Congress of the United States to take specific actions to help the airlines serving the State of Hawaii in the event of a war.

The House Committee on War Preparedness and an individual 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. 225 and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1611 Finance on H.R. No. 177

The purpose of this resolution is to request the Hawaii Tourism Authority in conjunction with the City and County of Honolulu and the appropriate military offices to expand its Brunch on the Beach and sunset on the Beach programs to actively welcome and include the participation of military families.

The House Committee on War Preparedness, the Chamber of Commerce and an individual 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.R. No. 177 and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1612 Finance on H.C.R. No. 226

The purpose of this concurrent resolution is to request the Hawaii Tourism Authority in conjunction with the City and County of Honolulu and the appropriate military offices to expand its Brunch on the Beach and sunset on the Beach programs to actively welcome and include the participation of military families.

The House Committee on War Preparedness, the Chamber of Commerce and an individual 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. 226 and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1613 Finance on H.R. No. 178

The purpose of this resolution is to request the Hawaii Tourism Authority to develop and implement a program to provide military families stationed in Hawaii with an affordable opportunity to see the State.

Testimony in support of this measure was received by the House Select Committee on War Preparedness, the Hawaii Tourism Authority, and The Chamber of Commerce of Hawaii.

Your committee has amended this measure by requiring that copies of this resolution be sent to the Retail Merchants of Hawaii, A3H, the Car and Truck Renting and Leasing Association, the Hawaii Activities & Tours Association and the Hawaii Restaurant Association.

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, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 178, H.D. 1.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1614 Finance on H.C.R. No. 227

The purpose of this concurrent resolution is to request the Hawaii Tourism Authority to develop and implement a program to provide military families stationed in Hawaii with an affordable opportunity to see the State.

Testimony in support of this measure was received by the House Select Committee on War Preparedness, the Hawaii Tourism Authority, and The Chamber of Commerce of Hawaii.

Your Committee has amended this measure by requiring that copies of this concurrent resolution be sent to the Retail Merchants of Hawaii, A3H, the Car and Truck Renting and Leasing Association, the Hawaii Activities & Tours Association and the Hawaii Restaurant Association.

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, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 227, H.D. 1.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1615 Finance on H.R. No. 179

The purpose of this resolution is to request the Department of Education to implement programs to demonstrate to the children of armed services members that the people of Hawaii value and appreciate the sacrifices of armed services members and their families.

Testimony in support of this measure was received from the House Select Committee on War Preparedness, the Department of Education, and The Chamber of Commerce of Hawaii.

Your Committee has amended this measure by deleting the provision requesting the Department of Education to impart to students the possible motivations of war protestors.

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. 179, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 179, H.D. 1.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1616 Finance on H.C.R. No. 228

The purpose of this concurrent resolution is to request the Department of Education to implement programs to demonstrate to the children of armed services members that the people of Hawaii value and appreciate the sacrifices of armed services members and their families.

Testimony in support of this measure was received from the House Select Committee on War Preparedness, the Department of Education, and The Chamber of Commerce of Hawaii.

Your Committee has amended this measure by deleting the provision requesting the Department of Education to impart to students the possible motivations of war protestors.

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. 228, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 228, H.D. 1.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1617 Finance on H.R. No. 180

The purpose of this resolution is to urge the Hawaii Tourism Authority, in conjunction with the airline and hotel industry, to implement a program which gives reduced prices for airfare and hotel accommodations to visiting relatives and families of military personnel to show our aloha for their sacrifice.

Testimony in support of this measure was received by the House Select Committee on War Preparedness, the Hawaii Tourism Authority, the Hawaii Hotel Association, and the Chamber of Commerce of Hawaii.

Your committee has amended this measure by requiring that copies of this concurrent resolution be sent to the Retail Merchants of Hawaii, A3H, the Car and Truck Renting and Leasing Association, the Hawaii Activities & Tours Association and the Hawaii Restaurant Association.

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, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 180, H.D. 1.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1618 Finance on H.C.R. No. 229

The purpose of this concurrent resolution is to urge the Hawaii Tourism Authority, in conjunction with the airline and hotel industry, to implement a program which gives reduced prices for airfare and hotel accommodations to visiting relatives and families of military personnel to show our aloha for their sacrifice.

Testimony in support of this measure was received by the House Select Committee on War Preparedness, the Hawaii Tourism Authority, the Hawaii Hotel Association, and the Chamber of Commerce of Hawaii.

Your committee has amended this measure by requiring that copies of this concurrent resolution be sent to the Retail Merchants of Hawaii, A3H, the Car and Truck Renting and Leasing Association, the Hawaii Activities & Tours Association and the Hawaii Restaurant Association.

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. 229, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 229, H.D. 1.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1619 Finance on H.R. No. 181

The purpose of this resolution is to urge the federal government to consider the limited resources of Hawaii contractors in its procurement procedures for goods, services, and construction projects in Hawaii.

The House Committee on War Preparedness, East Maui Councilmember, HGEA-AFSCME, and the Chamber of Commerce 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.R. No. 181 and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1620 Finance on H.C.R. No. 230

The purpose of this concurrent resolution is to urge the federal government to consider the limited resources of Hawaii contractors in its procurement procedures for goods, services, and construction projects in Hawaii.

The House Committee on War Preparedness, East Maui Councilmember, HGEA-AFSCME, and the Chamber of Commerce 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. 230 and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.

SCRep. 1621 Finance on H.R. No. 118

The purpose of this resolution is to urge the Board of Education and the Superintendent of Education to consider declining any further participation in the "No Child Left Behind Act of 2001" and to return all federal funds conditioned on the implementation of the Act by the State of Hawaii, unless Congress fully funds the Act.

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. 118, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.
(Representative Jernigan voted no.)

SCRep. 1622 Finance on H.C.R. No. 147

The purpose of this concurrent resolution is to urge the Board of Education and the Superintendent of Education to consider declining any further participation in the "No Child Left Behind Act of 2001" and to return all federal funds conditioned on the implementation of the Act by the State of Hawaii, unless Congress fully funds the Act.

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. 147, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine, Karamatsu, Waters, Meyer and Moses.
(Representative Jernigan voted no.)

SCRep. 1623 Consumer Protection and Commerce on H.R. No. 89

The purpose of this resolution is to request the Department of Human Services, Department of Health, and Board of Pharmacy to conduct a joint feasibility study on the return of unused pharmaceuticals from institutional facilities for possible subsequent dispensing to indigent patients.

The Department of Health and Hawaii Long Term Care Association testified in support of this measure. The Department of Human Services submitted testimony in support of the intent of this measure. The Board of Pharmacy commented.

Your Committee believes that it is possible to safely redistribute prescription drugs when adequate safeguards are in place. Developing a joint implementation plan, along with necessary administrative rule revisions, would eliminate waste and allow insurance companies, in particular Medicaid, to save costs.

Your Committee finds that the term "indigent" may create an inaccurate, negative impression about the quality of redistributed drugs and those who receive those drugs. Further, the term may limit this measure to indigent patients and add the burden of establishing a means test before a pharmacy may reissue the drugs. Accordingly your Committee has removed the term from the resolution.

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. 89, 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. 89, H.D. 2.

Signed by all members of the Committee except Representatives Herkes, Chang, Ito, Kanoho, M. Oshiro, Souki and Stonebraker.

SCRep. 1624 Consumer Protection and Commerce on H.C.R. No. 99

The purpose of this concurrent resolution is to request the Department of Human Services, Department of Health, and Board of Pharmacy to conduct a joint feasibility study on the return of unused pharmaceuticals from institutional facilities for possible subsequent dispensing to indigent patients.

The Department of Health and Hawaii Long Term Care Association testified in support of this measure. The Department of Human Services submitted testimony in support of the intent of this measure. The Board of Pharmacy commented.

Your Committee believes that it is possible to safely redistribute prescription drugs when adequate safeguards are in place. Developing a joint implementation plan, along with necessary administrative rule revisions, would eliminate waste and allow insurance companies, in particular Medicaid, to save costs.

Your Committee finds that the term "indigent" may create an inaccurate, negative impression about the quality of redistributed drugs and those who receive those drugs. Further, the term may limit this measure to indigent patients and add the burden of establishing a means test before a pharmacy may reissue the drugs. Accordingly your Committee has removed the term from the concurrent resolution.

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. 99, 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. 99, H.D. 2.

Signed by all members of the Committee except Representatives Herkes, Chang, Ito, Kanoho, M. Oshiro, Souki and Stonebraker.

SCRep. 1625 Energy and Environmental Protection on H.C.R. No. 125

The purpose of this concurrent resolution is to request the Department of Business, Economic Development, and Tourism to review the feasibility of:

- (1) Hawaii's becoming a member of the Chicago Climate Exchange (CCX); and
- (2) Requiring the Public Utilities Commission (PUC) to establish a renewable energy credits trading program in Hawaii.

The Sierra Club, Hawaii Chapter, Hawaii Renewable Energy Alliance, and Life of the Land supported this measure. The Department of Business, Economic Development, and Tourism (DBEDT), PUC, Hawaiian Electric Company, Inc., Hawaii Electric Light Company, Inc., and Maui Electric Company, Ltd., submitted comments.

Your Committee finds that with worldwide environmental and economic pressures being caused by global climate change, governments and businesses are recognizing the need to work proactively to reduce carbon emissions. A mechanism to quantify, value, and trade units of carbon emissions is a crucial component for such activity. Carbon trading will assist Hawaii in its compliance with renewable portfolio standards and place the State in a position to participate in national and international carbon trading programs as they evolve.

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

- (1) Changing the title to read: "REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO PREPARE A PRIMER AND POLICY ANALYSIS ON CARBON EMISSION REDUCTION STRATEGIES ESPECIALLY TO ENHANCE HAWAII'S RENEWABLE-ENERGY, EXPORT-MARKET POTENTIAL;
- (2) Requesting the Legislative Reference Bureau (LRB) instead of DBEDT, to:
 - (A) Prepare a primer and policy analysis on carbon emission reduction strategies to enhance Hawaii's renewable-energy, export-market potential including an analysis of carbon taxes and carbon trading; and
 - (B) Review the feasibility of requiring PUC to establish a renewable energy credits trading program in Hawaii to ensure compliance with the State's renewable portfolio standards and to open new energy market opportunities; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Energy and Environmental Protection that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 125, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 125, H.D. 1.

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

SCRep. 1626 Tourism and Culture on S.C.R. No. 38

The purpose of this concurrent resolution is to diversify Hawaii's economy and support alternative tourism niches by requesting the Hawaii Tourism Authority (HTA) to advertise, promote, and market the local film industry, particularly films made locally by local actors, producers, and writers, and including films depicting Hawaii's cultural, racial, and ethnic diversity and harmony.

The Department of Business, Economic Development, and Tourism and HTA supported the intent of this measure.

As affirmed by the record of votes of the members of your Committee on Tourism and Culture that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 38 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Herkes, B. Oshiro, Schatz, Tamayo, Wakai and Leong.

SCRep. 1627 Tourism and Culture on S.C.R. No. 42

The purpose of this concurrent resolution is to promote alternatives to traditional tourism venues by requesting the Hawaii Tourism Authority (HTA) to work with representatives of the cultural television and film industry to design and implement a pilot program to:

- (1) Evaluate the effectiveness of the promotional and marketing assets that cultural television and films provide in publicizing Hawaii;
- (2) Measure the benefits and costs of any expenditure for cultural television and film production; and
- (3) Consider the pilot program as part of "product development."

The Department of Business, Economic Development, and Tourism and HTA supported the intent of this bill.

As affirmed by the record of votes of the members of your Committee on Tourism and Culture that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 42, S.D. 1, and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Herkes, B. Oshiro, Schatz, Tamayo, Wakai and Leong.

SCRep. 1628 Health on S.C.R. No. 132

The purpose of this concurrent resolution is to show legislative support and encouragement for public educational efforts on the dangers of crystal methamphetamine.

Your Committee received no testimony on the matter.

Your Committee has amended this measure by deleting its contents entirely and by redirecting the resolution instead to the Auditor to conduct a study on proposed mandatory health insurance coverage.

Changing the title to read, "REQUESTING A STUDY OF PROPOSED MANDATORY HEALTH INSURANCE COVERAGE FOR CERTAIN PROVIDERS OF DIABETES EDUCATION."

Moreover, the resolution now requests the Auditor to assess both the social and financial effects of the proposed mandated coverage under S.B. No. 683, S.D. 2, H.D. 1, which amends chapters 431:10A, 432:1, and 432D, Hawaii Revised Statutes, by requiring that the diabetes coverage for education be provided by a certified diabetes educator, a program recognized by the American Diabetes Association, or a health care professional who has completed an accredited comprehensive diabetes education review course. Furthermore, the bill specifies that the diabetes education shall be provided by only a certified diabetes educator or a program recognized by the American Diabetes Association when deemed medically necessary by a health care provider.

Your Committee finds that S.B. No. 683, S.D. 2, H.D. 1, may add to the social and financial impacts already stemming from the current statutory mandates relating to health insurance coverage for diabetes education. Furthermore, statutes relating to the Auditor require that before any legislative measure that mandates health insurance coverage for certain providers of health care services may be considered, the Legislature must pass concurrent resolutions requesting the Auditor to assess both the social and financial effects of the proposed mandated coverage.

Your Committee finds that this concurrent resolution is the appropriate vehicle by which to request the Auditor to conduct its 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. 132, 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. 132, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representatives Takai, Takumi, Ching and Stonebraker.

SCRep. 1629 Consumer Protection and Commerce on S.C.R. No. 106

The purpose of this concurrent resolution is to request the Department of Commerce and Consumer Affairs (DCCA) to recognize on-line courses from accredited institutions as satisfying the State's real estate appraiser certification and licensure requirements.

Two concerned individuals provided testimony in support of this measure. DCCA offered comments.

Your Committee finds that under DCCA rules, certain educational courses must be taken to qualify for real estate appraiser certification and licensure. DCCA testified that these courses must meet criteria established by the Appraiser Qualifications Board (AQB) and the Hawaii Administrative Rules (HAR). DCCA currently recognizes on-line or distance continuing education courses that are approved by AQB and meet HAR requirements, and is presently reviewing its rules and considering the acceptance of other on-line courses for real estate appraisers in light of AQB and HAR criteria.

Your Committee further finds that the Appraisal Institute and Lincoln Graduate Center are the two institutions that offer the most classes for certification and licensure of appraisers. The Appraisal Institute does not offer any courses locally, and the Lincoln Graduate Center only offers classes once a year in Hawaii. Costs of traveling or relocating to attend these classes prevent many Hawaii residents from seeking real estate appraiser certification and licensure.

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. 106 and recommends its adoption.

Signed by all members of the Committee except Representatives Herkes, Chang, Ito, Kanoho, M. Oshiro, Souki and Stonebraker.

SCRep. 1630 Health on S.C.R. No. 116

The purpose of this concurrent resolution is to request the Insurance Commissioner to conduct an actuarial study of a health insurance scheme that requires treatment for alcohol dependency and drug dependency at rates and on terms and conditions comparable to those applicable to treatment for medical and surgical conditions currently required to be covered by health insurers.

The Department of Commerce and Consumer Affairs Insurance Division provided comments at hearing.

Your Committee has amended this concurrent resolution by replacing its contents, and among other things:

- (1) Changing the title to read: "REQUESTING A STUDY OF MANDATORY HEALTH INSURANCE COVERAGE FOR MENTAL HEALTH AND ALCOHOL AND DRUG ABUSE TREATMENT";
- (2) Referencing S.B. No. 1321, H.D. 1, Regular Session of 2003, that proposes to amend the definition of "serious mental illness" and mandate insurance coverage;
- (3) Referencing that parity in coverage for the treatment of alcohol dependency and drug dependency should be considered; and
- (4) Requesting the Auditor to assess the social and financial effects of the mandatory insurance coverage proposed in S.B. No. 1321, H.D. 1, and for alcohol and drug dependency.

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. 116, 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. 116, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representatives Takai, Takumi, Ching and Stonebraker.

SCRep. 1631 Human Services and Housing on S.C.R. No. 31

The purpose of this concurrent resolution is to request the Housing and Community Development Corporation of Hawaii (HCDCH) to:

- (1) Investigate the allegations of financial inequities between working-poor families and families receiving public assistance in federal low-income housing; and
- (2) Quantify the inequities, if any, between the two groups.

HCDCH supported the intent of this measure.

As affirmed by the record of votes of the members of your Committee on Human Services and Housing that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 31 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Takumi, Ching and Stonebraker.

SCRep. 1632 Human Services and Housing on S.C.R. No. 154

The purpose of this concurrent resolution is to request the Department of Human Services (DHS) to prepare a report of findings, cost implications, and recommendations for appropriate public policies for the State to use in determining public assistance allowance formulas for financial assistance programs for needy individuals and families.

The Hawaii State Commission on the Status of Women and National Association of Social Workers testified in support of this measure. DHS submitted comments.

As affirmed by the record of votes of the members of your Committee on Human Services and Housing that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 154, S.D. 1, and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Takumi, Ching and Stonebraker.

SCRep. 1633 Human Services and Housing/Health on S.C.R. No. 115

The purpose of this concurrent resolution is to request the Office of the Governor to coordinate efforts to ensure the availability of a statewide network of multi-purpose senior centers. Specifically, this measure requests the Office of the Governor to:

- (1) Pursue alternate sources of funding to augment public funds for the establishment and continued operation of multi-purpose senior centers; and
- (2) Work with county agencies and private, nonprofit organizations that operate multi-purpose senior centers, to find ways to enhance or expand their services.

Catholic Charities Hawaii - Elderly Services testified in support of this measure. The Executive Office on Aging submitted comments.

Multi-purpose senior centers typically offer a myriad of community-based programs and services for elderly individuals, including health, educational, nutritional, recreational, and social programs, and often act as a clearinghouse of available community programs and services for the aged. Your Committees find that multi-purpose senior centers play a vital role in alleviating the pressures to institutionalize ambulatory elders who may need only companionship and basic assistance during the day.

As affirmed by the records of votes of the members of your Committees on Human Services and Housing and Health that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 115, S.D. 1, and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Takai, Takumi, Ching and Stonebraker.

SCRep. 1634 Consumer Protection and Commerce on S.C.R. No. 62

The purpose of this concurrent resolution is to request a sunrise review of the regulation of condominium association managers.

Testimony in support of this concurrent resolution was received from the Real Estate Commission and an interested individual.

Your Committee finds that the Real Estate Commission does not regulate condominium association managers. No educational qualifications are required despite the impact that these managers have on thousands of condominium owners and renters.

S.B. No. 1454, introduced during the 2003 Regular Session, proposes the certification of condominium association managers by the Real Estate Commission. However, the Hawaii Regulatory Licensing Act declares the legislative policy of regulating professions and vocations only when reasonably necessary to protect the health, safety, or welfare of consumers. For this reason, this concurrent resolution requests that the Auditor analyze the probable effects of the proposed regulation of condominium association managers, assess whether regulation is consistent with the Act's policies, and assess alternate forms of regulation.

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

Signed by all members of the Committee except Representatives Herkes, Chang, Ito, Kanoho, M. Oshiro, Souki and Stonebraker.

SCRep. 1635 Health/Human Services and Housing on S.C.R. No. 13

The purpose of this concurrent resolution is to request the Governor to establish a statewide interagency task force to develop an implementation plan for the coordination and expansion of services provided to young children and their families.

The Department of Human Services, Parents and Children Together, and Blueprint for Change testified in support of this measure. The Department of Health supported the intent of this measure. The Judiciary submitted comments.

Your Committees find that family problems have become more complex and severe. The Healthy Start program has been essential in providing services to at-risk families.

As affirmed by the records of votes of the members of your Committees on Health and Human Services and Housing that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 13, S.D. 1, and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Takai, Takumi, Ching and Stonebraker.

SCRep. 1636 Human Services and Housing on S.C.R. No. 96

The purpose of this concurrent resolution is to support and encourage the operation of the Hawaii HomeOwnership Center.

The Housing and Community Development Corporation of Hawaii, Department of Community Services of the City and County of Honolulu, Bank of Hawaii Corporation, and a member of the Hawaii HomeOwnership Center Board of Directors testified in support of this measure.

The high cost of housing in Hawaii has resulted in many individuals' giving up hope of ever owning a home. Your Committee finds that homeowners are a valuable asset to any community, because homeowners tend to lend greater support to a community in which they have a vested interest. The Hawaii HomeOwnership Center would provide hope to individuals who wish to own their own homes by providing the support and information needed by potential homebuyers with varying incomes and credit histories.

As affirmed by the record of votes of the members of your Committee on Human Services and Housing that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 96 and recommends its adoption.

Signed by all members of the Committee except Representatives Takumi, Ching and Stonebraker.

SCRep. 1637 Human Services and Housing on S.C.R. No. 93

The purpose of this concurrent resolution is to request:

- (1) That an ad hoc public-private partnership committee (ad hoc committee) be formed to explore alternative options for maintaining the high quality services that have been provided by the Casey Family programs in Hawaii; and

- (2) That the Friends of Foster kids, the Department of Health, Department of Human Services (DHS), and the Family Court to join with the Casey Family programs and other concerned agencies and organizations to discuss the possible options for continued services to foster children.

DHS and Blueprint for Change supported this measure.

As affirmed by the record of votes of the members of your Committee on Human Services and Housing that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 93, S.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Takumi, Ching and Stonebraker.

SCRep. 1638 Human Services and Housing/Education on S.C.R. No. 193

The purpose of this concurrent resolution is to urge the U.S. Congress to:

- (1) Recognize the meritorious aspects and the successes of the Head Start program;
- (2) Maintain funding for Head Start at the highest possible level;
- (3) Reject any proposal to move Head Start from the U.S. Department of Health and Human Services to the U.S. Department of Education; and
- (4) Reject any attempt to limit the scope of the Head Start program.

A concerned individual submitted testimony in support of this measure.

As affirmed by the records of votes of the members of your Committees on Human Services and Housing and Education that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 193 and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Arakaki, Schatz, Tamayo, Blundell, Ching, Finnegan and Ontai.
(Representative Stonebraker voted no.)

SCRep. 1639 Water, Land Use, and Hawaiian Affairs on S.C.R. No. 155

The purpose of the measure is to urge the Governor to direct the Department of Hawaiian Home Lands to file a motion in court for the appointment of an impartial special master to fairly and expeditiously complete the assessment and settlement of native Hawaiian individual trust claims.

Your Committee finds that in 1991, the legislature established the Hawaiian Home Lands Trust Individual Claims Review Panel (Claims Review Panel) to review claims and make recommendations to the legislature for compensation to redress wrongs for breaches of trust. Because the claims review Panel had not furnished addressing all claims, the legislature extended the Panel's sunset date several times until Governor Cayetano vetoed the Claims Review Panel's extension bill in 1999.

During the Panel's existence, 2721 claims were received of which settlement was reached on 469 claims while rejecting 874 claims. There remains 1376 claims unreviewed. The remaining claimants' only option was to file a lawsuit to preserve their claims for compensation.

The Attorney General's Office, Department of Hawaiian Home Lands, and Law firm of Davis, Levin, Livingston & Grande provided testimony in support of this measure.

As affirmed by the record of votes of the members of your Committee on Water, Land Use, and Hawaiian Affairs that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 155, S.D. 1, and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Evans, Waters and Bukoski.

SCRep. 1640 Water, Land Use, and Hawaiian Affairs on S.C.R. No. 54

The purpose of this measure is to request the Department of Hawaiian Home Lands to form a coalition to discuss the pending needs of the Hawaiian Community regarding documentation needed to support Hawaiian identity to qualify for federal recognition, and to determine how the State can assist and participate.

Your Committee finds that there are bills pending in the United States Congress that propose federal recognition for Hawaiians, and encourage self-determination and self-government. Passage of these bills will provide access to vital statistics records held by the Department of Health crucial to verifying enrollment qualification.

Testimony in support of this measure was received from the Department of Health, and the Department of Hawaiian Home Lands. The Office of Hawaiian Affairs provided written testimony, also in support of this measure.

As affirmed by the record of votes of the members of your Committee on Water, Land Use, and Hawaiian Affairs that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 54, and recommends that it be referred to the Committee on Health.

Signed by all members of the Committee except Representatives Evans, Waters and Bukoski.

SCRep. 1641 Tourism and Culture/Higher Education on S.C.R. No. 63

The purpose of this concurrent resolution is to improve facilities at Aloha Stadium by requesting the Department of Accounting and General Services (DAGS), in consultation with the University of Hawaii (UH), to:

- (1) Study renovation and reconstruction options for Aloha Stadium;

- (2) Evaluate the actions taken by other states, cities, and universities to renovate and reconstruct their aging stadiums for applicability to the State's needs; and
- (3) Formulate a master plan for Aloha Stadium to account for future uses and markets.

The Stadium Authority supported this measure. DAGS supported the intent of this measure.

As affirmed by the records of votes of the members of your Committees on Tourism and Culture and Higher Education that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 63, S.D. 1, and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Herkes, B. Oshiro, Wakai, Arakaki, Morita, Kahikina, Takumi, Blundell and Ching.

SCRep. 1642 Finance on S.C.R. No. 12

The purpose of this concurrent resolution is to request the establishment of a task force on graduated parenting.

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. 12, and recommends its adoption.

Signed by all members of the Committee except Representatives Kaho'ohalahala, Mindo, Bukoski, Jernigan, Meyer and Moses.

SCRep. 1643 Finance on S.C.R. No. 150

The purpose of this concurrent resolution is to request the establishment of a task force on Asia-Pacific education to ensure that Hawaii's students meet high performance standards in education about Asia and the Pacific and understand the impact of the State's relationship with the region.

Testimony in support of this measure was received from faculty of the University of Hawaii, the Department of Education, the East-West Center, the Task Force for Asia-Pacific Education, the Association for Supervision and Curriculum Development, several high school educators, and the Representative of the Fourth Representative District.

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. 150, and recommends its adoption.

Signed by all members of the Committee except Representatives Kaho'ohalahala, Mindo, Bukoski, Jernigan, Meyer and Moses.

SCRep. 1644 Finance on S.C.R. No. 181

The purpose of this concurrent resolution is to request the Department of Education to enter into an agreement with Theodora Mallick for the construction of the Pahoia school gymnasium.

Testimony in support of this measure was received from the Department of Education.

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. 181, and recommends its adoption.

Signed by all members of the Committee except Representatives Kaho'ohalahala, Mindo, Bukoski, Jernigan, Meyer and Moses.

SCRep. 1645 Finance on S.C.R. No. 16

The purpose of this concurrent resolution is to request the Department of Health to develop public health strategies to address the hepatitis C problem.

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. 16, S.D. 1, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Kaho'ohalahala, Mindo, Bukoski, Jernigan, Meyer and Moses.

SCRep. 1646 Finance on S.C.R. No. 116

The purpose of this concurrent resolution is to request a study of mandatory health insurance coverage for mental health and alcohol and drug abuse treatment.

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. 116, S.D. 1, H.D. 1 and recommends that its adoption.

Signed by all members of the Committee except Representatives Kaho'ohalahala, Mindo, Bukoski, Jernigan, Meyer and Moses.

SCRep. 1647 Finance on S.C.R. No. 132

The purpose of this concurrent resolution is to request a study of proposed mandatory health insurance coverage for certain providers of diabetes education.

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. 132, S.D. 1, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Kaho'ohalahala, Mindo, Bukoski, Jernigan, Meyer and Moses.

SCRep. 1648 Public Safety and Military Affairs on S.C.R. No. 5

The purpose of this concurrent resolution is to support the Military Affairs Council of the Chamber of Commerce of Hawaii in its effort to improve the quality of life for military personnel stationed in the islands including but not limited to:

- (1) Enabling service members to ship two, rather than one, privately-owned vehicles at government expense;
- (2) Constructing garages for military family housing to accommodate two vehicles;
- (3) Replacing boats used to transport visitors to the Arizona Memorial;
- (4) Accommodating broader access to Ford Island; and
- (5) Constructing an aviation museum on Ford Island.

The Chamber of Commerce of Hawaii supported this measure.

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 S.C.R. No. 5 and recommends its adoption.

Signed by all members of the Committee except Representatives Nakasone, Blundell and Pendleton.

SCRep. 1649 Public Safety and Military Affairs on S.C.R. No. 44

The purpose of this concurrent resolution is to urge the President of the United States to issue an executive order granting federal veterans benefits and services to Filipino-American World War II veterans, their spouses, and children.

Your Committee finds that Filipino-Americans played a vital role in protecting our country during World War II. However, these Filipino-Americans were not granted the same benefits as other veterans.

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 S.C.R. No. 44 and recommends its adoption.

Signed by all members of the Committee except Representatives Nakasone, Blundell and Pendleton.

SCRep. 1650 Public Safety and Military Affairs on S.C.R. No. 105

The purpose of this concurrent resolution is to strongly urge the United States Army, Air Force, and Navy, to include in the selection criteria for a privatization program contractor or partner, a preference for proposals that can present the most credible plans for involving Hawaii-based financial, architectural, engineering, construction, property management, general services, and material supplier companies to perform the work.

The Department of Business, Economic Development, and Tourism, Associated Builders and Contractors, Inc.-Hawaii Chapter, and Bank of Hawaii Corporation testified in support of this measure. The Chamber of Commerce of Hawaii supported the intent of this measure.

Your Committee finds that the Army, Navy, and Air Force are each planning a long-term privatization program to improve the quality of military housing on Oahu, amounting to approximately \$1,000,000,000 for each branch of service. The establishment of this program would have a beneficial impact on both the quality of military housing and the economy of the State of Hawaii.

Your Committee would like to note that although this concurrent resolution names the program as the Residential Communities Initiative, an individual associated with the United States Army informed your Committee that this title is only used for the Army's program. The Department of Defense uses the general term of the Military Housing Privatization Initiative Program when speaking about all branches of service.

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 S.C.R. No. 105, S.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Nakasone, Blundell and Pendleton.

SCRep. 1651 Public Safety and Military Affairs on S.C.R. No. 176

The purpose of this concurrent resolution is to urge the United States Congress to discontinue closures of United States military bases in the State of Hawaii.

The Chamber of Commerce of Hawaii testified in support of this measure. A concerned citizen opposed this measure.

Your Committee finds that not only do military personnel in Hawaii provide the State with military security but they also contribute greatly to the communities in which they live and to the local economy by supporting local businesses. By its location in the center of the Pacific Ocean, Hawaii also continues to play a strategic role in the military's ability to carry out its continuing missions around the world, especially in the Far East.

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 S.C.R. No. 176, S.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Nakasone, Blundell and Pendleton.

SCRep. 1652 Economic Development and Business Concerns on S.C.R. No. 6

The purpose of this measure is to request the University of Hawaii at Manoa Department of Urban and Regional Planning to conduct a study on the effects of big box retailers on local small and medium retail businesses.

Your Committee received testimony in favor of this measure from the Hawaii Food Industry Association, Citizens Against Reckless Development (oral testimony only), and one individual. Testimony in opposition to this measure was received from Wal-Mart. Your Committee also received comments on this measure from the Department of Business, Economic Development, and Tourism and the Legislative Reference Bureau.

Your Committee finds that, in the past few years, a number of "big box" retailers – those which typically sell in volume at discounted prices from warehouse-type operations – have established themselves in Hawaii, particularly on Oahu. Your Committee further finds that the activities of these retailers may have an adverse impact on small and medium sized locally owned businesses and that there is a need to obtain reliable data regarding the full economic impact on the State from big box retailers.

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

- (1) Requesting the Legislative Reference Bureau, rather than the University of Hawaii at Manoa Department of Urban and Regional Planning, to conduct the study and giving the Bureau more of a coordinating role in collecting information from other state agencies to include in the study;
- (2) Requesting the Bureau to study not only the effects of big box retailers on local small and medium retail businesses, but also the positive impacts of those retailers on the local community, including benefits to consumers and economic revitalization;
- (3) Requesting the Department of Labor and Industrial Relations, the Department of Taxation, and the Department of Business, Economic Development, and Tourism to provide relevant information and data to the Bureau by August 31, 2003, and expanding the scope of the data and information that they are requested to obtain;
- (4) Requesting the Department of Labor and Industrial Relations to determine the number of employees employed by each of the various big box retailers in each location;
- (5) Requesting the Department of Taxation to determine the aggregate amounts of excise, income withholding, and property tax revenues generated by big box retailers in Hawaii;
- (6) Requesting the Department of Business, Economic Development, and Tourism, the Department of Taxation, and the Department of Labor and Industrial Relations to determine the aggregate number and types of small and medium locally owned retail businesses that are in competition with the big box retailers in any type of merchandise, and the estimated number of employees of these businesses, and amounts of excise, income withholding, and property tax revenues generated by these retail businesses;
- (7) Requesting the Department of Business, Economic Development, and Tourism to:
 - (A) Determine the number, types, and locations of big box retailers in Hawaii;
 - (B) Determine the estimated number and types of small and medium locally owned retail businesses that have closed due to adverse competition from big box retailers;
 - (C) Determine whether, and if so the extent to which, big box retailers are able to negotiate preferential shipping rates compared to their smaller competitors for goods shipped to Hawaii;
 - (D) Determine the comparative economic impact of big box retailers on Hawaii's economy by obtaining requisite data from big box retailers in Hawaii; developing such economic models as may be necessary; and analyzing and organizing the results produced from applying the economic models to the data obtained;
 - (E) Obtain and develop data concerning any positive impacts of big box retailers on the local community, including benefits to consumers and economic revitalization;
- (8) Requesting the Senate Standing Committee on Economic Development and the House of Representatives Standing Committee on Economic Development and Business Concerns to hold public hearings, beginning in June 2003, to obtain additional information to assist the completion of this study and to monitor the progress of the designated agencies in obtaining and developing relevant information and data to be provided to the Legislative Reference Bureau; and
- (9) Requesting the Legislative Reference Bureau to report its findings and recommendations to the Legislature not later than twenty days prior to the convening of the Regular Session of 2004.

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. 6, S.D. 1, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 6, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representatives Abinsay, Chang, Tamayo and Ontai.
(Representative Jernigan voted no.)

SCRep. 1653 Economic Development and Business Concerns on H.R. No. 70

The purpose of this resolution is to promote Hawaii's coffee industry by requesting the President of the United States and the First Lady to show their aloha by serving 100 percent Hawaii-grown coffee on a regular basis to their guests.

The Department of Agriculture (DOA), Department of Business, Economic Development, and Tourism (DBEDT), Kauai Coffee Company, Dragons Lair Farm, Heavenly Hawaiian Farm, The Other Farm, Kona Coffee Council, Kona Farmers Alliance, Kona Mist Coffee, Pomaika'i Farm, Rowesview Coffee Farm, and two concerned citizens supported this measure.

Your Committee notes that this measure should be made available to the Governor, Director of DBEDT, and the Director of DOA.

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. 70, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Karamatsu and B. Oshiro.

SCRep. 1654 Education on H.R. No. 80

The purpose of this resolution to urge the Bureau of Citizenship and Immigrations Service of the Department of Homeland Security to recognize Hawaii's Catholic schools as licensed schools in the State of Hawaii.

Your Committee has amended the resolution by removing its contents and replacing it with language requesting the Superintendent of Education and Board of Education to submit a plan to implement the Weighted-Student Formula to the Legislature twenty days prior to the Regular Session of 2004.

Your Committee received testimony in support of the proposed amendments to the resolution from the Department of Education, Hawaii State Teachers Association and Hawaii Government Employees Association.

Your Committee finds that the Weighted-Student Formula is a promising student-centered approach to school financing that will improve educational service delivery by facilitating greater control and innovation at the school level.

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. 80, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 80, H.D. 1.

Signed by all members of the Committee except Representatives Arakaki, Morita, Schatz, Takai and Ontai.

SCRep. 1655 Education on S.C.R. No. 45

The purpose of this measure is to recognize and endorse as state policy the Hawaii State Preschool Content Standards developed by the Good Beginnings Interdepartmental Council's School Readiness Task Force.

Testimony in support of the intent of this measure was submitted by the State of Hawaii Department of Human Services.

Your Committee finds that children need to be better prepared before they enter kindergarten, and that Preschool Content Standards that represent both educational and community values are the proper vehicle to utilize.

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. 45, S.D. 1, and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Arakaki, Hale, Kahikina, Schatz, Tamayo and Ontai.

SCRep. 1656 Health on S.B. No. 1163

The purpose of this bill is to require ambulance service providers licensed by the State to establish and maintain an alcohol and substance abuse policy that meets or exceeds the safety and health standards established by the federal Department of Transportation for holders of commercial driver's licenses.

The Department of Health, Honolulu Emergency Services Department, Honolulu Paramedic Association, and several concerned individuals testified in support of this bill.

Your Committee finds that personnel in safety-sensitive positions in three of the four public safety agencies in the City and County of Honolulu (C&C)--police, fire, and water safety--have provisions in their contracts with the C&C for drug and alcohol testing. However, there is no such provision for Honolulu Emergency Services personnel. Moreover, all ambulance service providers on the islands of Maui, Kauai, Molokai, Lanai, and Hawaii have alcohol and substance abuse programs in place.

In addition, your Committee finds that implementing a drug and alcohol policy will benefit the health and safety of Hawaii's residents and visitors, while the fiscal impact on the State will be minimal compared to the benefits of such a policy.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1163 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 Takai, Takumi, Ching and Stonebraker.

SCRep. 1657 Water, Land Use, and Hawaiian Affairs on S.C.R. No. 55

The purpose of this concurrent resolution is to request the Office of Hawaiian Affairs (OHA) to establish a temporary, eleven-member Bioprospecting Advisory Commission (Commission) to develop a comprehensive plan for the preservation and use of the biological diversity and biological resources of the trust lands.

The Waikiki Hawaiian Civic Club, 'Ilioulaokalani Coalition, Oahu Council of the Hawaiian Civic Clubs, a member of the Maui County Council, and four concerned individuals testified in support of this concurrent resolution. OHA supported this measure with an amendment. The Department of Business, Economic Development, and Tourism supported the intent of this measure. The University of Hawaii (UH) opposed this concurrent resolution. The Department of the Attorney General and an individual submitted comments.

The testimony of UH takes umbrage to the following clause in this concurrent resolution:

"WHEREAS, indigenous peoples are internationally recognized through such conventions as the United Nations Conference on Environment and Development's Agenda 21 (adopted June 14, 1992) and the United Nations Draft Declaration on the Rights of Indigenous Peoples as owners of the first rights to natural resources in their territory;"

Your Committee notes the objection of UH with regard to this particular interpretation of the first rights of indigenous people. However, the objection to this clause should not impede and detract from the substance and importance of the resolve clauses and the gathering of minds and information to make an informed policy decision. In further discussions with UH before your Committee, it was clarified that all parties recognize the importance of the establishment of the Commission.

As affirmed by the record of votes of the members of your Committee on Water, Land Use, and Hawaiian Affairs that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 55, S.D. 1, and recommends that it be referred to the Committee on Economic Development and Business Concerns.

Signed by all members of the Committee except Representatives Evans, Waters and Bukoski.

SCRep. 1658 Transportation on S.C.R. No. 27

The purpose of this concurrent resolution is to ease the difficulties experienced by inter-island travelers and commuters in scheduling airline flights. Specifically, this measure requests Hawaii's Congressional delegation to ask the United States Department of Justice to:

- (1) Look into whether Hawaiian Airlines (Hawaiian) and Aloha Airlines (Aloha) can discuss flight scheduling to better accommodate travelers, especially during the morning and evening commute hours;
- (2) Look into whether these discussions can take place in a way not antithetical to antitrust laws; and
- (3) Report the findings to Hawaii's Congressional delegation and the Governor of the State of Hawaii.

A representative of Hawaiian testified in support of the intent of this measure.

Hawaii's airways act as the State's highways in the sky, allowing citizens and tourists alike to travel between the islands. Hawaiian and Aloha are two air carriers that provide this necessary inter-island air service. Without these transportation services, commuting or traveling between islands would be almost impossible, since no ferry system exists between islands.

Your Committee finds that recent global events, including the terrorist attacks of September 11, 2001, and the war with Iraq have weakened the State's economy and devastated Hawaii's air travel industry. In an attempt to alleviate some of the impacts these events have had on the airline industry, the United States Secretary of Transportation was authorized by the President of the United States to grant antitrust immunity to agreements between air carriers providing air transportation within a single state.

Although an Inter-Island Cooperation Agreement (Cooperation Agreement) exists between Hawaiian and Aloha which has been granted immunity from anti-trust laws, this Cooperation Agreement has not been effective in allowing Hawaiian and Aloha to be profitable in their respective inter-island operations and may result in further flight restrictions. Your Committee notes that, currently, specifically discussing flight schedules between Aloha and Hawaiian is not granted immunity from anti-trust laws and that this measure attempts to address this problem to allow Hawaiian and Aloha to remain solvent, while still maintaining air transportation services for the residents of this State.

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. 27, S.D. 1, and recommends that it be referred to the Committee on Consumer Protection and Commerce.

Signed by all members of the Committee except Representative M. Oshiro.

SCRep. 1659 Transportation on S.C.R. No. 40

The purpose of this concurrent resolution is to request the Department of Transportation (DOT) to conduct a study regarding the feasibility of establishing a photo red light enforcement pilot project in counties with a population of 500,000 persons or more.

DOT testified in support of this measure.

Traffic offenses in Hawaii occur at an alarmingly high rate, particularly the offense of running red lights. These actions by inattentive or irresponsible motorists endanger the lives of both pedestrians and other motorists. Your Committee finds that the use of pole-mounted cameras in red light photo enforcement programs in other jurisdictions across the country have proven to be effective in deterring red light runners and have significantly reduced its occurrence, increasing the safety of intersections. This measure would begin the process of increasing safety at intersections by studying the feasibility of a similar program in Hawaii.

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. 40, S.D. 1, and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representative M. Oshiro.

SCRep. 1660 Consumer Protection and Commerce on S.C.R. No. 95

The purpose of this concurrent resolution is to request the Auditor to determine whether state regulation of professions and vocations is necessary to further the policies justifying such regulation as set forth in section 26H-2, Hawaii Revised Statutes, by:

- (1) Comparing the licensing requirements of the Department of Commerce and Consumer Affairs (DCCA) and its boards and commission with those of other states, including education, testing, experience, and other regulatory prerequisites for entry into a regulated profession;
- (2) Determining national licensing norms, and identifying those of Hawaii's regulatory requirements that are more stringent than needed to protect the health, safety, and welfare of consumers; and
- (3) Reporting findings, recommendations, and proposed legislation to the Legislature concerning:
 - (a) Licensing programs implemented by the 25 boards and commissions administratively attached to DCCA, no later than 20 days before the convening of the Regular Session of 2004; and

- (b) Licensing regulations under the 21 licensing programs implemented by DCCA, no later than 20 days before the convening of the Regular Session of 2005.

Testimony in support of this measure was submitted by DCCA and the Hawaii Association of Realtors.

Your Committee finds that some of DCCA's professional and vocational licensing programs have been criticized as being unnecessary, counterproductive, or protective of regulated business interests over those of the consuming public. Your Committee further finds that a comparison of Hawaii's licensing regulations with those of other states would be productive for DCCA as well as for the Legislature in determining whether changes in licensing regulations are merited.

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

Signed by all members of the Committee except Representatives Chang, Ito, Kanoho, B. Oshiro, M. Oshiro, Souki and Thielen.

SCRep. 1661 Health on S.C.R. No. 143

The purpose of this concurrent resolution is to urge the Governor, Land Use Commission, and Mayor and Council of the City and County of Honolulu to do everything in their power to expedite implementation of the Pacific Health Center Master Plan.

The City and County of Honolulu, Wahiawa Hospital Association, Wahiawa-Central Oahu Health Center, Pacific SportsCare, Albert C. Kobayashi, Inc., Pacific Health Community, Inc., and several individuals testified in support of this measure.

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. 143, S.D. 1, and recommends that it be referred to the Committee on Water, Land Use, and Hawaiian Affairs.

Signed by all members of the Committee except Representatives Shimabukuro, Takumi and Stonebraker.

SCRep. 1662 Economic Development and Business Concerns on S.C.R. No. 76

The purpose of this concurrent resolution is to assist small businesses by requesting the Small Business Regulatory Review Board to formulate a "Small Business Bill of Rights" as an official declaration of the expectations of small businesses when dealing with the state government.

The Department of Business, Economic Development, and Tourism and the National Federation of Independent Business supported this measure. The Chamber of Commerce of Hawaii offered comments.

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. 76, S.D. 1, and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Abinsay, Chang, Tamayo, Ontai.

SCRep. 1663 Economic Development and Business Concerns on S.C.R. No. 98

The purpose of this concurrent resolution is to promote economic diversification in Hawaii by requesting the Department of Business, Economic Development, and Tourism (DBEDT) to convene an Economic Summit to develop and recommend a strategic plan for achieving greater economic stability and sustainability while:

- (1) Increasing job creation in high-demand industries;
- (2) Expanding Hawaii's emerging industry clusters;
- (3) Encouraging community-based enterprises that meet community needs; and
- (4) Maximizing and managing Hawaii's strategic assets.

DBEDT, National Association of Social Workers, Hawaii Chapter, and The Alliance for Health and Human Services supported 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. 98, S.D. 1, and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Abinsay, Chang, Tamayo and Ontai.

SCRep. 1664 Economic Development and Business Concerns on S.C.R. No. 196

The purpose of this concurrent resolution is to provide a comprehensive overview of Hawaii's film industry by requesting the Department of Business, Economic Development, and Tourism (DBEDT) and its Film Offices to update their 2000 report titled "A Road Map: The Film Industry's Potential And How To Get There."

DBEDT supported 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. 196, S.D. 1, and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Abinsay, Chang, Tamayo and Ontai.

SCRep. 1665 Human Services and Housing on S.C.R. No. 17

The purpose of this concurrent resolution is to request that a task force be convened to examine current situations, practices, and laws relating to public guardians, for the purpose of re-evaluating the appropriate placement of the Office of the Public Guardian.

The State Council on Developmental Disabilities, Judiciary, and AARP Hawaii testified in support of this measure.

As affirmed by the record of votes of the members of your Committee on Human Services and Housing that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 17 and recommends that it be referred to the Committee on Judiciary.

Signed by all members of the Committee except Representatives Shimabukuro, Nishimoto, Takai, Takumi and Stonebraker.

SCRep. 1666 Human Services and Housing on S.C.R. No. 75

The purpose of this concurrent resolution is to request the Housing and Community Development Corporation of Hawaii (HCDCH) to submit a report on the State's action plan to address the problem of chronic homelessness in Hawaii as developed by the Hawaii State Homeless Policy Academy.

The League of Women Voters of Hawaii and Kalihi-Palama Health Center testified in support of this measure. HCDCH supported the intent of this measure.

As affirmed by the record of votes of the members of your Committee on Human Services and Housing that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 75, S.D. 1, and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Shimabukuro, Takumi and Stonebraker.

SCRep. 1667 Human Services and Housing/Health on S.C.R. No. 56

The purpose of this concurrent resolution is to request:

- (1) The Bush Administration and the United States Congress to:
 - (a) Appropriate adequate financial impact assistance for health, education, and other social services for Hawaii's Freely Associated States citizens;
 - (b) Insert language in all federal welfare, food, and housing legislation stating that Micronesians are eligible for federal food stamps, welfare, public housing, and other federal benefits as "qualified nonimmigrants" residing in the United States; and
 - (c) Restore Freely Associated States citizens' eligibility for federal public benefits, such as Medicaid, Medicare, and food stamps;

and
- (2) Hawaii's Congressional Delegation to:
 - (a) Introduce legislation to further review the migration issue and for increased aid for the educational and social impact of the Compact of Free Association, and any newly renegotiated Compact, on Hawaii; and
 - (b) Assure financial reimbursements, through the establishment of a trust, escrow, or set-aside account, to Hawaii for educational, medical, and social services and to Hawaii's private medical providers who have provided services to Freely Associated States citizens.

The University of Hawaii, Healthcare Association of Hawaii, and Hawaii Government Employees Association testified in support of this measure. The Department of Human Services supported the intent of this measure.

Your Committees find that the estimated costs referred to in this measure are very low estimates, and much larger amounts would probably be required to cover the actual costs the State spends on citizens of the Freely Associated States.

As affirmed by the records of votes of the members of your Committees on Human Services and Housing and Health that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 56, S.D. 2, and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Shimabukuro, Takumi and Stonebraker.

SCRep. 1668 Judiciary on S.C.R. No. 23

The purpose of this measure is to express the Legislature's strong support for the Hawaii State Commission on the Status of Women (Commission) by urging the Governor to allocate adequate funding to the Commission to enable it to carry out its mission and duties as mandated by law.

Testimony in support of this concurrent resolution was received from the: Hawaii State Commission on the Status of Women, Honolulu County Committee on the Status of Women, Hawaii Civil Rights Commission, Hawaii State Teacher's Association, University of Hawaii Women's Center, Domestic Violence Clearinghouse and Legal Hotline, National Association of Social Workers, Planned Parenthood of Hawaii, Sex Abuse Treatment Center, Business and Professional Women of Hawaii, Community Alliance on Prisons, T J Mahoney and Associates, American Friends Service Committee, Central Oahu Soroptimists, Women's Coalition, First Unitarian Church, Coalition for Affordable Long Term Care, Keiki Injury Prevention Coalition, and concerned individuals.

Your Committee finds that the purpose of the Commission is to ensure equality of women and girls in the State by acting as a catalyst for change through advocacy, education, collaboration, and program development. The Commission's work is largely based upon effective public-private partnerships and networking among a variety of diverse boards, coalitions, professional, and community groups and organizations. Some of the Commission's priority issues include: pay equity; gender equity in sports, education, and in the workplace; long term care insurance and services; equity of services for women in prison; welfare reform; strengthening laws relating to violence against women and children; reproductive freedom; health care services and insurance; and moving women towards self-sufficiency.

Your Committee notes that the Commission is the only statewide government and community resource dedicated to addressing the broad scope of issues impacting women and girls in Hawaii.

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. 23, S.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Chang, Kanoho, Souki, Marumoto, Pendleton and Thielen.

SCRep. 1669 Judiciary on S.C.R. No. 86

The purpose of this measure is to convene a task force chaired by the Dean of the University of Hawaii, William S. Richardson School of Law, to study and determine whether Hawaii should enact a three strikes law.

Your Committee finds that twenty-six other states, including California, and the federal government have enacted three strikes or enhanced sentencing laws. California reports that the three strikes law has been an effective tool in helping to lower the crime rate by career offenders. This California law was upheld by the United States Supreme Court in *Ewing v. California* as not cruel and unusual punishment.

However, your Committee believes that caution dictates that it is in the State's best interest to "think things through" before enacting a law that may greatly impact Hawaii's criminal justice system and correctional facilities.

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. 86, S.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Chang, Kanoho, Souki, Marumoto, Pendleton and Thielen.

SCRep. 1670 Judiciary on S.C.R. No. 18

The purpose of this measure is to reaffirm the State's commitment to civil liberties and the Bill of Rights by urging Hawaii's congressional delegation to work to repeal any sections of the USA PATRIOT Act or recent executive orders that limit or violate fundamental rights and liberties protected by the United States and the Hawaii state constitutions.

Testimony in support of this measure was received from the Hawaii State Teachers Association, American Civil Liberties Union of Hawaii, Life of the Land, the Hawaiian Political Action Council of Hawaii, Americans for Democratic Action/Hawaii, and concerned individuals.

USA PATRIOT is the acronym for the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism act. This federal Act was signed into law on October 26, 2001, and authorizes United States law enforcement agencies to conduct surveillance on Americans that includes wiretaps without probable cause, subpoenaing an individual's bookstore and library records, and monitoring an individual's internet activities.

Your Committee believes that the safety of our nation is not dependent on the erosion of our human rights and civil liberties. The United States and Hawaii can be both safe and free.

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. 18, and recommends its adoption.

Signed by all members of the Committee except Representatives Chang, Kanoho, Souki, Marumoto, Pendleton and Thielen.
(Representative Finnegan voted no.)

SCRep. 1671 Legislative Management on S.C.R. No. 130

The purpose of this Concurrent Resolution is to establish an awards program to recognize businesses with "parent-friendly" policies.

"Parent-friendly" refers to employment policies that recognize and assist employees who are parents of small children. Parent-friendly policies include:

- (1) Providing employee-parents with information and referral services to appropriate community resources and agencies;
- (2) Sponsoring parenting/childcare seminars for employees on work time;
- (3) Offering flex-time, job-sharing, and part-time employment options;
- (4) Allowing employees to use sick leave to care for a sick child at home;
- (5) Providing paid time-off for parents to attend to matters involving the education or health of their children;
- (6) Providing financial assistance through dependent care spending assistance plans, flexible benefit plans, child care vouchers, or a child care vendor plan;
- (7) Creating and supporting childcare, sick-childcare, night/weekend childcare, or holiday/school break/respite care services; and

- (8) Offering breastfeeding support policies in the workplace.

The awards program under this Concurrent Resolution would be developed, coordinated, and implemented by the President of the Senate and Speaker of the House of Representatives and their designees.

Your Committee finds that the awards program will encourage parent-friendly policies and benefit both employee-parents and employers, by improving job retention and recruitment, increasing employee morale, productivity, motivation, and commitment, and providing cost savings in human resource recruitment and job training.

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. 130, S.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representative Saiki.

SCRep. 1672 Legislative Management on S.C.R. No. 89

The purpose of this measure is to request a study by the Legislative Reference Bureau of real property leasehold rents and other major problems facing commercial and other lessees. The measure also requests the Legislative Reference Bureau to submit a report of its findings and recommendations, including proposed legislation, to the Legislature no later than twenty days before the convening of the Regular Session of 2004.

Your Committee finds that during the period from 1985 to 1990, intense Japanese investment in Hawaii real estate sent land values skyrocketing. This appreciation in land values had the direct effect of increasing lease rentals to levels that have imposed hardships on lessees engaged in a wide range of commercial activities.

Your Committee further finds that this burden of high lease rentals has, in some cases, resulted in business failures and is having a major negative impact on the State's economy.

Testimony in support of this concurrent resolution was submitted by the Gretzinger Corporation; Martin & MacArthur; Bacon Universal Co., Inc.; Hawaii Council of Associations of Apartment Owners; Leasehold Co-op Committee of the Hale Coalition; Hawaii Public Interest Advocate; York and Company, Inc., and four individuals. The Hawaii Bankers Association supports the amendments to this concurrent resolution.

The Legislative Reference Bureau took no position on this concurrent resolution, but submitted comments. The Government Liaison Office of the Kamehameha Schools also submitted comments on this concurrent resolution.

As affirmed by the record of votes of the members of your Committee on Legislative Management that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 89, S.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representative Saiki.

SCRep. 1673 Judiciary on S.B. No. 617

The purpose of this bill is to require the Judicial Council to convene a task force to review Hawaii's criminal charging procedures and recommend legislative amendments.

The Office of the Public Defender and American Civil Liberties Union testified in support of this measure. The Office of the Attorney General, City and County of Honolulu Prosecuting Attorney, and Honolulu Police Department testified against this measure. The Judiciary provided comments.

Your Committee finds that this task force would enable the Legislature to examine what would be the "best practices" for the State of Hawaii. It would also be instrumental in the implementation of the information charging process, which was approved by the voters in the 2002 general election.

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. 617 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, Ito, Kanoho, M. Oshiro, Pendleton and Thielen.

SCRep. 1674 Judiciary on S.B. No. 1275

The purpose of this bill is to:

- (1) Create a class C offense for first-degree assault on law enforcement officers;
- (2) Create a misdemeanor offense for second-degree assault on law enforcement officers; and
- (3) Expand the scope to cover other law enforcement officers in addition to police officers.

The State Attorney General, Department of Public Safety, City and County of Honolulu Police Department, City and County of Honolulu Prosecuting Attorney, County of Maui Prosecuting Attorney, County of Hawaii Police Department, Maui County Councilman Robert Carroll, County of Kauai Police Department, County of Maui Police Department, and State of Hawaii Organization of Police Officers testified in support of the bill. The Office of the Public Defender opposed the measure.

Your Committee finds that this measure expands the protected class from "police officer" to "law enforcement officer." Despite objections that this protected class is overbroad, there is a continuing and persistent demand to include any public servant that may in some way be involved in enforcement of criminal laws, no matter how incidental.

Your Committee further finds that this measure increases the present penalty for assault against a police officer to five years imprisonment or five years of probation with a mandatory thirty days imprisonment. The justification for this is that police officers are vulnerable public servants needing special protection from the hazards of their profession.

This perception persists despite the fact that "police officers are trained and employed to bear the burden of hazardous situations, and it is not infrequent that private citizens have arguments with them." (HRS §711-1101, Commentary) Further, this perception lingers even though the Legislature has expressed in the past:

"Your Committee will not seek to explain in this report its rationale for the creation of special categories of assaults against correctional workers and teachers. Your Committee notes its generally steadfast aversion to creating special classes of persons receiving greater protection under the laws than others. Police officers, more than most citizens, are trained and equipped to handle violent situations, and because assaults against police officers typically occur in the heat of the moment with little regard for the consequences, there remains room to doubt whether this measure will have the deterrent effect intended. Yet, changing times require changing views, and in this instance it appears that police officers, and society in general, may benefit from a measure imposing minimum penalties for assaulting police officers, which penalties may offer some additional measure of protection in what is admittedly a hazardous profession. (House Journal 1990, SCRep.1203-90 on SB 1146)"

Accordingly, your Committee agrees that this measure embodies a shift in policy consideration and that the time may be ripe for considering this measure.

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. 1275 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 and Pendleton.

SCRep. 1675 Finance on S.B. No. 3

The purpose of this bill is to authorize the issuance of up to \$20,000,000 in special purpose revenue bonds for North Hawaii Community Hospital, Inc. (NHCH).

NHCH, two members of the Hawaii County Council, and a concerned citizen 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. 3, S.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee except Representative Nishimoto.

SCRep. 1676 Energy and Environmental Protection/Consumer Protection and Commerce/Judiciary on S.C.R. No. 33

The purpose of this concurrent resolution is to urge the State to pursue litigation against ChevronTexaco for its participation in a tax fraud scheme that allowed it to evade millions of dollars in state and federal taxes for more than 20 years, and that at the same time involved the sale of overpriced Indonesian oil to Hawaii's consumers.

Several concerned individuals testified in support of this concurrent resolution. The Attorney General (AG) commented on the measure.

Your Committees find that there is compelling evidence based on the report of this matter by professors Jeffrey Gramlich and James Wheeler, and the related 1994 settlement between Chevron and the IRS, to support the AG's ongoing investigation. If the allegations are true, the citizens of Hawaii may have been defrauded of hundreds of millions of dollars. Given this, your Committees believe the State has a duty to press forward toward possible litigation of this matter.

Your Committees further find that the State has been fortunate in arriving at its retainer agreement with Winston and Strawn, a prominent and highly-regarded Chicago-based law firm that specializes in litigation of the type involved in this case. The firm is currently engaged in the difficult and time-consuming process of reviewing documents provided by ChevronTexaco to determine whether there is a solid basis for legal action. For this purpose, the State's short-term agreement with the firm has been extended for the fourth time, to May 19, 2003.

Under the retainer agreement, the firm carries all costs of its investigation and any further litigation, unless the State for some reason terminates the agreement. As an incentive for the firm to thoroughly investigate and aggressively litigate any case filed, the firm's fee will be 20 percent of the first \$100,000,000 awarded, 13 percent of additional amounts up to \$200,000,000, and 5 percent of amounts above that.

As affirmed by the records of votes of the members of your Committees on Energy and Environmental Protection and Consumer Protection and Commerce and Judiciary that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 33, S.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Chang, Souki, Pendleton and Thielen.

SCRep. 1677 Finance on S.C.R. No. 13

The purpose of this concurrent resolution is to request the establishment of a statewide interagency task force to develop a plan for coordination and expansion of services provided through Health Start to young children and their families.

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. 13, S.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Kaho`ohalahala, Magaoay, Nakasone, Nishimoto, Waters and Bukoski.

SCRep. 1678 Finance on S.C.R. No. 45

The purpose of this concurrent resolution is to endorse the Good Beginnings Interdepartmental Council's School Readiness Task Force's Hawaii State preschool content standards.

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. 45, S.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Kaho`ohalahala, Magaoay, Nakasone, Nishimoto, Waters and Bukoski.

SCRep. 1679 Finance on S.C.R. No. 49

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to conduct a study concerning the establishment of an Office of International Affairs in State government.

Testimony in favor of this resolution was received by an individual.

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. 49, S.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Kaho`ohalahala, Magaoay, Nakasone, Nishimoto, Waters and Bukoski.

SCRep. 1680 Finance on S.C.R. No. 54

The purpose of this concurrent resolution is to create a working group of representatives from Hawaiian organizations, the Department of Hawaiian Home Lands, and the Department of Health to form a coalition to provide better access to State vital statistics records.

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. 54, and recommends its adoption.

Signed by all members of the Committee except Representatives Kaho`ohalahala, Magaoay, Nakasone, Nishimoto, Waters and Bukoski.

SCRep. 1681 Finance on S.C.R. No. 76

The purpose of this concurrent resolution is to request the Hawaii Small Business Regulatory Review Board to develop and formulate a small business bill of rights for consideration during the 2004 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 S.C.R. No. 76, S.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Kaho`ohalahala, Magaoay, Nakasone, Nishimoto, Waters and Bukoski.

SCRep. 1682 Finance on S.C.R. No. 98

The purpose of this concurrent resolution is to request the Department of Business, Economic Development, and Tourism to convene an Economic Summit in October 2003 to develop and recommend a strategic plan for achieving greater economic sustainability and stability, while increasing job creation in high-demand industries, expanding Hawaii's emerging industry clusters, encouraging community-based enterprises that meet community needs, and maximizing and managing Hawaii's strategic assets for sustaining, stabilizing, and growing the State's economy.

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. 98, S.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Kaho`ohalahala, Magaoay, Nakasone, Nishimoto, Waters and Bukoski.

SCRep. 1683 Finance on S.C.R. No. 155

The purpose of this concurrent resolution is to urge alternative dispute resolution to complete the assessment and settlement of Native Hawaiian individual trust claims.

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. 155, S.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Kaho`ohalahala, Magaoay, Nakasone, Nishimoto, Waters and Bukoski.

SCRep. 1684 Finance on S.C.R. No. 196

The purpose of this concurrent resolution is to request the Department of Business, Economic Development, and Tourism to update its report on Hawaii's film industry.

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. 196, S.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Kaho`ohalahala, Magaoay, Nakasone, Nishimoto, Waters and Bukoski.

SCRep. 1685 Energy and Environmental Protection/Water, Land Use, and Hawaiian Affairs on S.C.R. No. 153

The purpose of this concurrent resolution is to comprehensively address the State's solid waste stream by requesting the Auditor to assess and investigate the state and counties' land use policies with regard to waste management programs.

The Mestizo Association submitted testimony in support of this measure.

While landfills are a critical component in the management of the solid waste stream, your Committees recognize that alternatives to landfills are an essential part of any investigation of landfills and, accordingly, urge the Auditor to include alternatives to landfills as a part of its investigation.

As affirmed by the records of votes of the members of your Committees on Energy and Environmental Protection and Water, Land Use, and Hawaiian Affairs that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 153, S.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Evans, Waters and Bukoski.

SCRep. 1686 Public Safety and Military Affairs/International Affairs on H.R. No. 133

The purpose of this resolution is to request Hawaii's Congressional delegation to support and vote for all efforts to build and deploy a national missile defense system as rapidly as possible.

Prior to the hearing on this measure, a proposed H.D. 1 was circulated for review. A concerned citizen testified in support of the proposed H.D. 1.

The armed forces of the United States have shown tremendous courage, skill, and valor in the face of danger around the world and have led this country to swift military victory with a relatively low casualty rate in the war with Iraq. Your Committees find that peace and freedom come with a price, and that those who gave their lives so that our country can enjoy the freedoms we have will never be forgotten.

Accordingly, your Committees have amended this measure by deleting its contents and replacing it with language of the proposed H.D.1 entitled: "OFFERING HEARTFELT THANKS AND CONGRATULATIONS TO THE ARMED FORCES OF THE UNITED STATES." As amended, the resolution:

- (1) Thanks and congratulates the officers and enlisted men and women of the armed forces of the United States for their brilliant and overwhelming victory in ousting the brutal dictatorship of Saddam Hussein and freeing the people of Iraq from three decades of terror, brutality, and oppression;
- (2) Acknowledges the sacrifices endured by our armed forces in the many deployments to far-off countries as part of the United States' efforts to protect them from terrorists and other threats to their democracies; and
- (3) Expresses the House of Representatives' deepest sympathy and sincerest condolences to those who lost loved ones during the war and especially to the family and friends of Hawaii's own hero, Sergeant Eugene Williams of Waipahu.

As affirmed by the records of votes of the members of your Committees on Public Safety and Military Affairs and International Affairs that are attached to this report, your Committees concur with the intent and purpose of H.R. No. 133, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 133, H.D. 1.

Signed by all members of the Committee except Representatives Takumi, Ching, Finnegan and Stonebraker.