

SCRep. 826 Ocean and Marine Resources on S.B. No. 1441

The purpose of this bill is to delete the requirement that federal or other matching funds must be forthcoming from the provision appropriating state funds for certain commercial fishery development projects provided under Act 300, Session Laws of Hawaii 1980.

Testimony before your Committee by the Department of Land and Natural Resources reveals that it appears that federal funds for certain commercial fishery development projects will be obtained after the lapsing date of the appropriation. Section 9B, Act 300, Session Laws of Hawaii 1980, provided that the State appropriation for certain projects was contingent on obtaining federal or other matching funds.

The proposed amendments to Section 9B, Act 300, Session Laws of Hawaii 1980, would permit the board of land and natural resources to initiate the implementation of certain commercial fishery development projects without first receiving federal funds.

Your Committee on Ocean and Marine Resources is in accord with the intent and purpose of S.B. 1441, S.D. 1, and recommends that it pass Second Reading and be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Sakamoto.

SCRep. 827 Judiciary on S.B. No. 1053

The purpose of this bill is to amend five different sections of the existing elections laws, to clarify and update the elections statutes.

Section 1 (a) would make it clear that the employer is required to grant time off to permit two consecutive hours for an employee to vote.

Section 1 (b) provides for the repeal of the existing requirement that specimen ballots be posted in each voting booth and at conspicuous places outside, and to amend the section dealing with spoiled ballots to permit the chief election officer to promulgate the procedures to maintain the secrecy of spoiled ballots.

Section 2 proposes several changes to the law relating to presidential elections, the major change being to include the nomination of electors from groups other than the democratic and republican parties.

Section 3 attempts to clarify the law as it relates to filling of vacancies on the Board of Education.

Your Committee heard testimony from the Office of the Lieutenant Governor, and the Association of Clerks and Elections Officers, recommending passage of the proposed change.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1053, S.D. 1, and recommends that it pass Second Reading and be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 828 Consumer Protection and Commerce and Transportation on S.B. No. 262

The purpose of this bill is to provide the counties the authority to establish penalties for late renewal of motor vehicle registration and to provide a lien provision for taxes owed to the counties.

Your Committees received testimony for the City and County of Honolulu that the present ten percent late penalty is not sufficient to encourage timely renewals, which results in more than 50,000 late renewals annually. This in turn leads to operational problems for the counties including increased backlogs, work scheduling difficulties and delays in receipt of revenues and will further complicate conversion to the staggered registration system.

This bill would enable the counties to set the penalty at a level which would curb the problem of late renewal. While in agreement with the intent of the bill to reduce the incidence of late renewals, your Committees have amended the bill to delete the

imposition of a tax lien. Your Committees believe that establishment of a lien paramount to the rights of all parties may lead to potential inequities to bona fide purchasers of vehicles.

Your Committees have also made technical corrections to the bill.

Your Committees on Consumer Protection and Commerce and Transportation are in accord with the intent and purpose of S.B. No. 262, S.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 262, S.D. 1, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committees except Representatives Dods, Andrews, de Heer, Nakasato and Tungpalan.

SCRep. 829 Consumer Protection and Commerce on S.B. No. 532

The purpose of this bill is to amend present laws relating to the operations of trust companies.

This bill amends Chapter 406, Hawaii Revised Statutes, by requiring that a newly organized trust company have at least \$1,000,000 in paid capital stock as a prerequisite to doing business, an increase of the present \$200,000 capital stock requirement.

This bill also requires applicants seeking to do business as a trust company to provide the Department of Regulatory Agencies with certain information and a \$1,000 investigation fee. This bill also permits the director to hold a hearing on the application, requires that an applicant prove that its operations as a trust company will promote public convenience, and requires reasonable assurance that an applicant's operations will be solvent.

While in agreement with the general intent of the bill to update the statutes relating to trust companies, your Committee has amended the bill by deleting the requirement that trust companies prove that its establishment will be a public convenience. Your Committee feels that such requirement will be redundant. Your Committee has also amended the bill by authorizing the Department to promulgate rules and regulations pursuant to the Hawaii Administrative Procedures Act in order to implement the provisions of Chapter 406, Hawaii Revised Statutes.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 532, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No 532, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Liu.

SCRep. 830 Consumer Protection and Commerce on S.B. No. 572

The purpose of this bill is to establish staggered dates for the collection of state vehicle registration fees and weight taxes.

Your Committee heard testimony from the Department of Transportation that most of the counties have adopted staggered dates for the collection of their various fees on vehicles, and that such procedure improves service to the public by reducing the long waiting times that occur with a single anniversary date.

Your Committee finds that conforming state procedures for the collection of registration fees to the county collection procedure will simplify collection on the state level. Testimony from the Department of Transportation indicates that failure on the State's part to comply with county fee collection procedures will substantially increase costs of the state program.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 572, S.D. 1, and recommends that it pass Second Reading and be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Liu.

SCRep. 831 Consumer Protection and Commerce on S.B. No. 1713

The purpose of this bill is to bring state regulations concerning health care insurance for the elderly into compliance with Public Law 96-625, enacted by Congress on June 8, 1980.

This law requires states to adopt before July 1, 1982, a regulatory system for Medicare supplements in conformance with federal requirements. Failure to adopt such a system will subject the State to federal regulation. This bill authorizes the state insurance commissioner to adopt a variety of rules regulating terms and types of coverage, eliminating misleading provisions, and providing for full disclosure in the sale and marketing of health care coverage to senior citizens.

Your Committee finds that this bill will protect the State's elderly consumers of medical insurance and ensure that the State retain regulation in this area.

Your Committee has made a technical clarifying amendment to the bill to confirm that notwithstanding the application of this bill to nonprofit medical indemnity or hospital service associations, such associations remain exempt from the provisions of Sections 431-463 to 431-498, Hawaii Revised Statutes.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1713, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1713, S.D. 1, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Liu.

SCRep. 832 Consumer Protection and Commerce on S.B. No. 1505

The purpose of this bill is to reduce the financial burdens imposed by statute on small organizations which solicit funds from the public while at the same time protect the public from unethical solicitation of funds for other than charitable purposes.

Under present law, charitable organizations are required to file a statement with the Department of Regulatory Agencies including a copy of a financial statement audited by a public accountant. Your Committee finds that this requirement has proven to be a financial burden on smaller organizations which find that the cost of an audited statement is nearly prohibitive.

This bill would address this problem by requiring that audited statements are required for only those organizations that receive contributions in excess of \$10,000 during the year. Organizations that receive contributions in excess of \$4,000 but less than \$10,000 during the year need only file an unaudited statement. Organizations receiving less than \$4,000 need not file any financial statement. Additionally, a provision authorizing the Department to audit any statement when it deems necessary has been included.

Your Committee feels that this bill will resolve the financial problems now felt by smaller charitable organizations.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1505, S.D. 1 and recommends that it pass Second Reading and be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 833 Housing on S.B. No. 1111

The purpose of this bill is to make a technical correction to section 46-15.1, Hawaii Revised Statutes, for the purpose of maintaining consistency within the statute.

The statute, which grants the counties certain powers respecting low-income housing, was amended by Act 190, Session Laws of Hawaii 1980, so as to apply to both low- and moderate-income housing. Subsections (a) and (b) of section 46-15.1, Hawaii Revised Statutes, were amended accordingly, but subsection (c) was not. This bill amends subsection (c) to correct the apparent oversight.

Your Committee on Housing is in accord with the intent and purpose of S.B. No. 1111, S.D. 1, and recommends that it pass Second Reading and be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 834 Housing on S.B. No. 815

The purpose of this bill is to increase the income tax credit provided to low-income renters from \$20 to \$50 per qualified exemption.

Presently, any taxpayer having an adjusted gross income of less than \$20,000 and paying more than \$1,000 rent during a taxable year is permitted an income tax credit of \$20 per qualified exemption. An increased tax credit would be welcomed by low-income renters, as it would help offset the proportionately higher tax burden on renters as compared to homeowners. Renters receive no home exemption under the property tax and also have the four per cent general excise tax levied on their rent payments.

Your Committee received much favorable testimony on this bill from the Consumers' Housing Task Force, the Honolulu Community Action Program, Inc. and the Tax Foundation of Hawaii.

Your Committee on Housing is in accord with the intent and purpose of S.B. No. 815, S.D. 2, and recommends that it pass Second Reading and be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 835 Housing on S.B. No. 1912

The purpose of this bill is to provide deductions on gross income for contributions to a trust account established for saving toward a down payment on the first principal residence of a taxpayer.

The individual housing account (IHA) established by this bill would operate much like an individual retirement account. A maximum of \$5,000 a year could be contributed to an account and such contribution and interest generated would be deductible from the taxpayer's gross income. The total contributed to an IHA within a ten-year period could not exceed \$25,000. An account holder must use the accumulated money for the purchase of a home or penalties and liabilities are imposed.

Your Committee received much favorable testimony from the Hawaii Bankers Association, the Building Industry Association of Hawaii, the Land Use, Research Foundation, the Consumers' Housing Task Force and many others. Those testifying attested to the difficulties many potential homebuyers have in saving enough money for a down payment on a home. This bill would provide an excellent means of assisting these households as well as provide a source of funds which may be used to make mortgage loans in our capital-short State.

Your Committee recommends the following changes to S.B. No. 1912, S.D. 2:

1. Provide a definition of "first principal residence" in section 2 of this bill which provides that the taxpayer shall not have owned any residential property prior to establishing an IHA. In addition, the first principal residence should be the taxpayer's residence for at least three years after purchase.
2. Establish a penalty if the residence purchased with the distribution from an IHA is sold within three years after purchase. Your Committee does not intend that a person use the tax shelter of an IHA and then be able to make a large capital gain upon quick resale of the residence.
3. Other technical amendments for clarity.

Your Committee believes the bill clearly provides that the contributor to an IHA is the same person who will receive the distribution from the account and purchase a first principal residence. It is not your Committee's intent that parents, for example, be able to set up an IHA for the benefit of any children. Moreover, it is not intended that a person be able to shelter income in an IHA if the person already owns a home or purchases a home within the ten-year period. Your Committee recommends that rules and regulations be established to prevent this kind of abuse.

Your Committee on Housing is in accord with the intent and purpose of S.B. No. 1912, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form

attached hereto as S.B. No. 1912, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 836 Judiciary on S.B. No. 568

The purpose of this bill is to clarify the present law on implied consent as it relates to blood or breath tests to determine alcoholic content of an operator of a motor vehicle. The bill provides that only those arrested for driving under the influence of intoxicating liquor may refuse to take a blood or breath test.

The present implied consent law has been interpreted to apply to all types of arrests involving motor vehicles since there is no specific provision in the implied consent statute which specifically states that the provision of implied consent applies only to motorists arrested for driving under the influence of alcohol. Consequently, all persons, regardless of the nature of the offense, are accorded the right to either take or refuse a blood or breath test. Oftentimes, this encourages an arrestee to refuse to submit to a blood or breath test to deliberately withhold evidence of drunkenness which may be essential to conviction of a more serious offense such as negligent homicide. In such circumstances, the motorist is prepared to take the risk of receiving the penalty of only a six month's license suspension by refusing to submit to a blood or breath test (under the implied consent provision) and hope to escape a charge of a more serious crime.

Your Committee has amended the bill to eliminate the penalty provisions for refusal to submit to testing when a person is arrested for charges other than driving under the influence of intoxicating liquors.

Your Committee has further amended this bill by adding a new section to specifically state that the implied consent law shall apply only to the offense of driving while under the influence of intoxicating liquor, and not to persons charged with negligent homicide.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 568, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 568, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 837 Water, Land Use, Development and Hawaiian Affairs and Judiciary
on S.B. No. 2102 (Majority)

The purpose of this bill is to permit the office of Hawaiian Affairs to hire independent legal counsel in certain instances.

Your Committees believe that the office of Hawaiian Affairs is unique in its structure and services performed and could benefit from the services of independent legal counsel.

Your Committees on water, Land Use Development, and Hawaiian Affairs and Judiciary concur with the intent and purpose of S.B. No. 2102, S.D. 2, and recommend that it pass Second Reading and be referred to the Committee on Finance.

Signed by all members of the Committees.
(Representative Monahan did not concur.)

SCRep. 838 Youth and Elderly Affairs and Public Assistance and Human Services
on S.B. No. 1769

The purpose of this bill is to clarify the language on the confidentiality of child abuse reports.

Under the Federal Child Abuse and Neglect Prevention and Treatment Act, states are required to have, in statute, language mandating the confidentiality of child abuse and neglect reports and records. The state is authorized under this Act to stipulate those who may have authorized access to these reports and records.

S.B. 1769, S.D. 1, would also conform the language of the existing statutes relating

to confidentiality, in chapter 350 of the Hawaii Revised Statutes, to meet current federal standards.

Your Committees are in agreement with the legislation proposed by the Senate and offer no changes to this bill.

Your Committees on Youth and Elderly Affairs and Public Assistance and Human Services are in accord with the intent and purpose of S.B. No. 1769, S.D. 1, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1769, S.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committees except Representative Aki.

SCRep. 839 Water, Land Use, Development and Hawaiian Affairs and Ocean and Marine Resources on S.B. No. 508

The purpose of this bill is to amend Chapters 183, 187, 188, 189, 191 and 199 of Title 12, Hawaii Revised Statutes, to: (1) transfer the management of terrestrial animals from the division of fish and game to the forestry division, which is to be redesignated as the division of forestry and wildlife; (2) redesignate the fish and game division as the division of aquatic resources; and (3) make administrative changes which clarify and expand other provisions of Title 12, consistent with the policies and practices of the department of land and natural resources and the proposed reorganization therein.

Testimony from the department of land and natural resources in support of this bill revealed that the bill would amend Chapter 187, relating to the aquatic resources program, by extending the term of the county advisory committees from two years to four years, by adding educational use to scientific collecting permits, by providing for revocation of the permits, and by updating and changing language for clarity.

The proposed changes to Chapter 188 would provide for a uniform sliding scale of penalties, protect aquatic resources from the use of indiscriminately destructive agents such as poisons, explosives, etc., allow the taking of fresh water prawns with spears, allow speargun use by unsupervised persons under 14 years old, authorize permits for taking marine life in state waters of the Northwestern Hawaiian Islands, include the word "oopu" to cover grown fishes of hinana species, allow the taking of marquesan sardine, change the license fee for fresh water gamefish fishing to conform to present fees being charged, include samoan crab within a list of protected crustaceans with eggs, assess graduated punishments for first, second, and third or subsequent violations, and establish a new, consolidated section on penalties.

Substantive changes to Chapter 189, relating to commercial fishing, include a provision to maintain confidentiality of monthly catch report information in order to encourage accurate catch data reporting by licensees, and elevation of the maximum penalty from \$200 to \$500 and reducing the maximum imprisonment penalty to conform with the Hawaii Penal Code.

The bill would amend Chapter 191 relating to wildlife activities to include various terminology of game birds, wild birds and their control as nuisances or pests, to eliminate archaic terminology such as game reserves and shooting grounds, and to provide for graduated punishment in a new consolidated section on penalties.

Finally, proposed changes to Chapter 199 would clarify the enforcement responsibilities for historic sites and reaffirm the enforcement of firearms laws of the state.

Your Committees have amended section 3 of the bill by deleting the fencing provision of Section 183-1, Hawaii Revised Statutes. A housekeeping measure, your Committees felt that this provision was outdated and unnecessary. Your Committees have also amended section 78 and section 112 of the bill to reflect the following purposes: (1) that the fine and imprisonment portions of these comprehensive penalty provisions complement and reflect the Hawaii Penal Code; and (2) that emphasis on punishment be placed upon repeat offenders through a system of mandatory fines. Your Committees felt that the exploitation and depletion of our natural fisheries and wildlife resources warranted firmer and stronger statutory regulation in the area of punishment.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and Ocean and Marine Resources are in accord with the intent and purpose of S.B. No. 508, S.D. 1 as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 508, S.D. 1, H.D. 1 and be referred to the Committee on Finance.

Signed by all members of the Committees except Representatives
Kawakami, Morioka and Okamura.

SCRep. 840 Education on S.B. No. 1662

The purpose of this bill as referred by your Committee is to require the Department of Education to release any public school student from school attendance for the purpose of observing religious holy days that fall on regularly scheduled school days, when such release is requested in writing by a parent, guardian, or other person having custody or control of such pupil.

Presently, section 298-15, Hawaii Revised Statutes, requires the Department of Education to release from school attendance, not to exceed sixty minutes each week during the school year, any pupil in any public school for the purpose of receiving religious instruction from the religious organization of the pupil's choice. Your Committee finds that the proposed bill is in accord with this statute. Further, your Committee feels this bill is necessary to ensure that children of all religions are not discriminated against in observing their holy days.

Your Committee finds, however, that the full impact of allowing children to be released from school needs to be further clarified. Also, your Committee feels that although the Legislature may pass enabling legislation for this purpose, the ultimate responsibility for authorizing school releases for the observance of religious holy days should rest with the Board of Education. Accordingly, your Committee has amended this bill to assign the discretion of authorizing the release of any public school student from school attendance for the purpose of observing religious holy days to the Board of Education.

Your Committee on Education is in accord with the intent and purpose of S.B. No. 1662, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1662, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives
de Heer, Sakamoto and Segawa.

SCRep. 841 Education on S.B. No. 1699

The purpose of this bill is to provide that all incidents of violence or threats of violence directed against students or employees of the Department of Education shall be reported by the Department of Education's personnel or designee to the appropriate law enforcement authorities for required action or disposition.

Your Committee finds that prompt and consistent reporting of all incidents of violence is absolutely essential to reducing crime in our schools. Your Committee also received testimony that regular reporting provides the basis for consistent discipline, deterrence, and the proper allocation of school security resources by the Department and the community. Regular reporting of incidents of violence or threats of violence is essential in order that existing statutory provisions relating to law enforcement can be reevaluated and revised when necessary.

Your Committee has amended this bill by adding a new section C to indemnify and hold harmless from personal liability any employee who complies with the reporting requirements of this bill.

Your Committee on Education is in accord with the intent and purpose of S.B. No. 1699, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1699, S.D. 1, H.D. 1, and be referred to the Committee on Judiciary.

Signed by all members of the Committee except Representatives
de Heer, Sakamoto and Segawa.

SCRep. 842 Public Employment and Government Operations on S.B. No. 991

The purpose of this bill is to amend Chapter 92, Hawaii Revised Statutes, relating to public agency meetings and records.

The bill (S.D. 1) proposes the following major amendments:

(1) To hold executive or closed meetings, a two-thirds vote of all the members to which a board is entitled will be required rather than a two-thirds vote of the board members present.

(2) In an executive meeting, a board is prohibited from making a decision or deliberating toward a decision.

(3) For any executive meeting when anticipated in advance, a board must give written (advance) public notice, and the purpose of such executive meeting must be stated.

(4) The Attorney General and the Prosecuting Attorney are required to investigate complaints from State residents (alleging violations of Part I (Meetings) of Chapter 92, HRS).

(5) Any person may file suit in the appropriate circuit court "for the purpose of requiring compliance with or preventing violations of this Act", and the court may order payment of reasonable attorney fees and court costs to the "successful plaintiff."

(6) "No public official shall require a person seeking to examine public records to state a reason to see such records."

(7) In brief, all legislative committee reports, prepared for and circulated by a committee chairperson for signatures or approval or disapproval by committee members, whether adopted or not, or even if "the particular bill is not recommended for passage or reported out of committee", must be made a public record, and "any person may bring an action in the appropriate state court to enforce this" provision.

Your Committee agrees with the testimony of the Attorney General that the phrase "successful plaintiff" in proposed amendment (5) above (see p. 4, lines 19-20 of the S.D. 1) may encourage frivolous suits against public agencies and, accordingly, has amended the phrase to read "the successful or prevailing party". The word "party" could apply to either the plaintiff or defendant. (See also p. 6, lines 1-3 of the S.D. 1.)

With respect to that part of proposed amendment (5), relating to suits to require compliance with or prevent violations of "this Act," your Committee, for purposes of clarity, has replaced the references to "this Act" with appropriate references to violations of or provisions of "this part" (meaning Part I (Meetings) of Chapter 92, HRS).

Your Committee has also amended the bill by deleting proposed amendment (6). Your Committee believes that this amendment is unnecessary because if a record is a "public record", no person may be denied inspection of such records for failure "to state a reason to see such records."

With respect to proposed amendment (7), relating to legislative committee reports, your Committee has amended the proposed amendment in the following respects:

(a) On p. 6, line 9, your Committee has deleted the phrase "prepared for and" from the sentence which reads "All committee reports prepared for and circulated by the chairperson of any committee of the legislature for signatures" The deletion has been made to help make it clear that the public-record requirement does not apply to any preliminary drafts of committee reports which may have been prepared for the chairperson but which were not actually circulated for signatures.

(b) The sentence relating to the giving of oral approvals or disapprovals on a committee report (p. 6, lines 13-16) has been deleted on the reasoning that the current practice is to indicate approvals or disapprovals in writing by signature, with a disapproval indicated by signature accompanied by the words "I do not concur" or words of similar import.

Your Committee has also amended the effective date section (Section 9) for purposes of clarity.

Your Committee on Public Employment and Government Operations is in accord with the intent and purpose of S.B. No. 991, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 991, S.D. 1, H.D. 1, and be referred to the Committee on Judiciary.

Signed by all members of the Committee except Representative de Heer.

SCRep. 843 Public Employment and Government Operations on S.B. No. 1287

The purpose of this bill is to propose a number of amendments to Part II, Chapter 88 of the Hawaii Revised Statutes relating to the Employees' Retirement System. The amendments are the result of a directive from the System's Board of Trustees to review the statutes governing the System, and are intended to clarify the existing law as well as to fill certain gaps. While most of the amendments are merely housecleaning items and reflect current administrative practices, there are also a number of substantive changes which are as follows:

Section 1, subsection (1) amends Section 88-21, HRS, by more clearly defining the term "elective officer" and specifically excluding from such definition persons elected to the Constitutional Convention, members of the Board of Education, and the trustees of the Office of Hawaiian Affairs. Such individuals will be excluded from membership because (1) as elective officers they do not have the option of membership and (2) under rules and regulations adopted by the System, employees of three months or less are excluded.

Section 2, subsection (2) redefines police officers and firefighters as "general employees" for the purpose of making them eligible for election to the Board of Trustees. Pursuant to HRS 88-102, members of the System are presently classified into four groups: general employees of the State; general employees of the counties; teachers; and police officers and firefighters. Under HRS 88-24, members of the System may elect three board members, two of whom must be "general employees" and one of whom must be a "teacher". The amendment therefore removes the current statutory prohibition barring police officers and firefighters from running for election.

Subsection (3) repeals HRS 88-32 relating to the independent medical review board. A recent Hawaii State Supreme Court decision held that appeals of adverse decisions to the board did not provide the member with the type of hearing required by the Administrative Procedures Act. Procedural rules were subsequently adopted by the Trustees to implement that ruling, thereby making the board an obsolete body.

Subsection (8) amends HRS 88-55 dealing with civilian employees of the Hawaii National Guard who had elected membership in the federal retirement system on January 1, 1969 and had later quit such employment to return to State or county employment. Excluded from membership service is the period these persons were under the federal system. It should be noted that many of these individuals were already members of the State Retirement System when they elected to join the federal retirement system.

Subsection (10) creates a new section under Chapter 88 relating to the membership of employees holding more than one position, appointment or office by limiting such individuals' membership to only one. However, where a person has two part-time positions of the same class, membership may be for both, provided that the two do not exceed 100 percent of full-time equivalence.

Subsection (11) amends HRS 88-58 by clarifying the provision dealing with per diem workers. In the early 1950's the retirement law was amended to provide membership to per diem county road workers who were at that time excluded because of the part-time nature of their work. Unfortunately, the law did not make clear that only county road workers were to be covered, so presently anyone who has been paid on a per diem basis may claim prior service. The amendment corrects this situation by restricting such prior service credit to only those per diem employees who had been county road maintenance workers after December 27, 1927.

Subsection (12) amends HRS 88-59 by allowing only those with five or more years of service to purchase their previous service through a lump sum payment. This change will prohibit anyone who has left service after ten years, withdrawn his contributions and subsequently returned to work, from purchasing all of his previous service and retiring after working only a few months. It should be noted that under current law, a member who does this will receive, under Option Five, a substantial monthly pension for life. This proposed amendment will apply only to future new members of the System.

Subsection (13) is a substantive change to HRS 88-62, relating to a former member's return to service. The section currently provides that when a former member returns to work after four years, all of his contributions to the System must be returned if he has not already withdrawn them. It further states that credit for previous service may be regained if he so desires by purchasing it in accordance with HRS 88-59; and that the service requirement must be fulfilled in order for him to qualify for any benefit. The aforesaid policy discriminates against those who have left with five or more years

of service, did not withdraw their contributions and are therefore already vested. The amendment would change the law to cover only those with less than five years of service and provides that to be eligible for a retirement benefit after returning to work, the employee must meet the minimum service requirement without including any previous service that may have been purchased in accordance with HRS 88-59.

Subsection (14) amends HRS 88-74 relating to the State's "25 years and out" retirement policy. As presently worded, the section may be misinterpreted to mean that a member with 25 years of any type of service is eligible for retirement without being penalized so long as he serves his last five years as a police officer, firefighter, corrections officer or sewer worker. The amendment seeks to clarify the situation by stating that any police officer, firefighter, corrections officer or sewer worker cannot retire with full benefits unless he has served 25 years in such a capacity, of which the last five must also be in such capacity.

Subsection (15) amends HRS 88-96 and 88-97. Hawaii Revised Statutes 88-96 presently provides that the contribution of any separated member shall be returned upon request. It further states that no interest shall accrue to his account after four years, and that if he has five or more years of service he may attain "vested status" by filling out the proper forms within four years. "Vested status" makes him eligible for a service retirement at age 55 with benefits based on the formula existing at the time of his separation from service.

Hawaii Revised Statutes 88-97 deals with a separated individual who has attained such status and later returns to active service. The section states that (1) he shall become a member again; (2) he must fulfill the membership requirements in order to be eligible for a service retirement; and (3) his retirement benefit shall consist of his vested benefit plus whatever other benefit had accrued as a result of his new period of membership.

Such a situation creates an inequity when the member finally retires, particularly if his initial vested benefit had been based on a formula which produced an amount less than the current one in use. In the case of an individual who initially withdraws all of his contributions and later returns to service, pursuant to HRS 88-59 he can purchase all of his previous service and retire with all of it computed under the current formula. Moreover, the present law does not prohibit a vested person from attaining a refund of his contribution before he returns to service. For these reasons, members with five or more years of service often do not choose to attain vested status because it could actually be more disadvantageous to them.

The amendment to HRS 88-96 therefore provides that anyone with five or more years of service who had left his contributions in the System shall be deemed to have been vested without the necessity of filling out any forms for such purpose.

Also, an amendment to section 88-96(b) will give a member with five or more years of service four-calendar years, following termination, to withdraw his contribution. If not, then the member shall be deemed to have established vested benefits, and the contribution shall not be withdrawn there-after. The present bill does not specify any time as to how long a member has to decide whether to withdraw or vest his contribution. Your Committee believes that this may cause unnecessary problems between the members and the Board. Your Committee has also made technical amendments to the bill.

In addition, HRS 88-97 has been amended to provide that if a vested member returns to active service, his benefit shall be computed in accordance with the present statutes if he has less than five years of service after his return. However, if he has five or more years of service after his return, then all of his service shall be computed under the existing formula if the benefits so provided are greater than if computed in accordance with the present statutes.

Your Committee on Public Employment and Government Operations is in accord with the intent and purpose of S.B. No. 1287, S.D. 1, and recommends that it pass Second Reading and be referred to the Committee on Finance.

Signed by all members of the Committee except Representative de Heer.

SCRep. 844 Public Employment and Government Operations on S.B. No. 1486

The purpose of this bill is to allow negotiations on contributions for hospital, medical, and surgical benefits under the Hawaii public employees health fund. Also, under section 87-4 dental and group life insurance benefits will be negotiable.

Presently, contributions to the public employees health fund and benefits are not negotiable items under the collective bargaining law. Benefits are set by the trustees of the health fund and negotiated with the various carriers. The legislature sets the level of the employer contribution and the employee must pay the difference.

Your Committee finds that the authority to negotiate on health plan coverage will give both management and labor the flexibility to balance wage increases against a larger contribution to the health plan.

Your Committee on Public Employment and Government Operations is in accord with the intent and purpose of S.B. No. 1486, S.D. 1 and recommends that it pass Second Reading and be referred to the Committee on Finance.

Signed by all members of the Committee except Representative de Heer.

SCRep. 845 Public Employment and Government Operations on S.B. No. 330

The purpose of this bill is to provide for the replacement, at county expense, of reserve police officers' uniforms which have become unserviceable through normal wear and tear while worn by the officers in the performance of their duty.

Your Committee is in agreement that police reserves are an integral part of the county police departments. They augment regular police officers in assigned divisions and provide services during emergencies. This bill would extend nominal benefits to these unpaid volunteers.

Your Committee on Public Employment and Government Operations is in accord with the intent and purpose of S.B. No. 330, S.D. 1 and recommends that it pass Second Reading and be referred to the Committee on Finance.

Signed by all members of the Committee except Representative de Heer.

SCRep. 846 Public Employment and Government Operations on S.B. No. 831

The purpose of this bill is to authorize the chief executives and the chief justice to establish a salary structure for non-managerial white-collar employees excluded from collective bargaining coverage.

Prior to 1980, compensation for all excluded white-collar employees was tied to bargaining unit contracts. Act 254, SLH 1980 partially eliminated this linkage by authorizing the chief executives and chief justice to establish a separate salary structure for excluded managerial white-collar positions. However, excluded non-managerial white-collar employees are still covered by the same salary structure and schedule as their counterparts in the bargaining units. This bill will remove their salary structure and schedule from the direct subordination of bargaining unit contracts.

Your Committee finds that the excluded non-managerial white-collar employees to be included with the excluded managerial white-collar employees too broad of a group. The excluded non-managerial group is a mixture of part-time, full-time, temporary, permanent, and intermittent employees. Part-time and temporary employees are excluded because of the number of hours worked (less than twenty per week), and the duration of employment (three months or less). Permanent full-time employees are excluded because they function in a managerial or confidential capacity, or fall within one of the exclusionary categories under section 89-6(c), HRS.

The excluded non-managerial employees to be included with the excluded managerial group should be the ones who function in a confidential capacity and directly support managerial functions and responsibilities. Employees who are excluded because they are part-time, temporary, and intermittent should continue to be linked to their counterparts in the bargaining units. They would be included if it were not for the small amount of hours or short-term of employment.

Your Committee has amended this bill accordingly.

1. SECTION 2 - Keeps certain white-collar positions in section 77-13,
2. SECTION 3, Title - Uses general language, "white-collar positions", rather than managerial and non-managerial where distinction is not significant,

3. SECTION 3, (a) - Provides the authority to determine the non-managerial white-collar positions to be included in the compensation plan,
4. SECTION 3, (b) - Provides the authority to develop the pay structure and schedule for the non-managerial white-collar positions, and
5. SECTION 3, (c) - Clarifies that reference is to those white-collar employees under HRS Chapter 77, who are designated for inclusion in the compensation plan.

Your Committee is in agreement that there exists a unique relationship of confidentiality and strong interdependence between the excluded managerial positions, and their support staff of certain excluded non-managerial positions. Accordingly, it is essential and consistent to establish a separate compensation structure and schedule, free from any link and subordination between bargaining unit contracts, for these certain non-managerial white-collar positions.

Your Committee on Public Employment and Government Operations is in accord with the intent and purpose of S.B. No. 831, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 831, S.D. 1, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee except Representative de Heer.

SCRep. 847 Public Employment and Government Operations on S.B. No. 1476

The purpose of this bill is to enable the director of personnel services of the State and county civil service commissions to adopt appropriate rules on compensation concerning promotions, temporary assignments, and demotions and to accommodate the effects of recently negotiated model conversion plans authorized by Act 253, Session Laws of Hawaii, 1980.

Your Committee finds that sections 77-10 and 77-14, Hawaii Revised Statutes, were developed to cover situations arising under current salary structures and is no longer applicable with the model conversion plans. Greater flexibility is needed for the adoption of appropriate rules on compensation adjustments with proper consideration being given to merit principles and requirements under model conversion plans.

Your Committee on Public Employment and Government Operations is in accord with the intent and purpose of S.B. No. 1476 and recommends that it pass Second Reading and be referred to the Committee on Finance.

Signed by all members of the Committee except Representative de Heer.

SCRep. 848 Public Employment and Government Operations on S.B. No. 146

The purpose of this bill is to provide rule adoption procedures for agencies.

The proposed procedures are:

1. Rules required by forthcoming legislative acts must be adopted within one year and within six months for those rules required by statutes presently in effect,
2. Requiring the agencies to report to the legislative auditor if they fail to meet the rule adoption time limit, and the legislative auditor to report to the legislature on such agencies, and
3. Provides declaratory judgment procedures against such agencies.

Your Committee is in agreement that agency compliance with legislative mandates should be on a more timely basis.

Your Committee on Public Employment and Government Operations is in accord with the intent and purpose of S.B. No. 146 and recommends that it pass Second Reading and be referred to the Committee on Judiciary.

Signed by all members of the Committee except Representative de Heer.

SCRep. 849 Public Employment and Government Operations on S.B. No. 1069

The purpose of this bill, as received by your Committee, is to make it mandatory for the Governor to remove those members of boards or commissions, who have been absent from fifty per cent or more of the meetings in any one calendar year, after due notice and public hearing has been provided and a finding of fact as to the member's absence has been made.

Your Committee finds that the absenteeism by certain board and commission members has proven to be a chronic problem that hinders the effective functioning of boards and commissions.

Although your Committee agrees that board or commission members with a fifty per cent or higher absentee rate should be removed, your Committee also believes (1) that any board or commission member who is absent from any three consecutive meetings without valid reason, as determined by the Governor after due notice and public hearing, should also be removed; and (2) that if a board or commission member is removed by the Governor for absenteeism, the Governor should be required, subject to Article V, Section 6 of the State Constitution, to fill the vacancy within ninety days of the removal--so that the full and effective functioning of a board or commission will not be impaired for undue lengths of time.

Accordingly, your Committee has amended the bill by inserting appropriate language to the second full paragraph on page two of the bill to remedy the two above-enumerated concerns or situations.

Your Committee has also amended the bill by:

- (1) Clarifying that with respect to board or commission members with a fifty per cent or higher absentee rate, the finding of fact required is that the member was in fact absent for fifty per cent or more of the meetings (within any one calendar year);
- (2) Underscoring the first paragraph on page three of the S.D. 1 to correct the inadvertent omission of the underscoring; and
- (3) Making non-substantive style changes.

Your Committee on Public Employment and Government Operations is in accord with the intent and purpose of S.B. No. 1069, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1069, S.D. 1, H.D. 1, and be referred to the Committee on Judiciary.

Signed by all members of the Committee except Representative de Heer.

SCRep. 850 Public Employment and Government Operations on S.B. No. 1161

The purpose of this bill is to transfer the Hawaii advisory commission on drug abuse and controlled substances from the office of the governor to the department of health.

Your Committee finds that the 1975 Legislature, pursuant to Act 190, consolidated all of the powers and duties for the administration of substance abuse programs within the department of health. Act 190 specifically recognized the Hawaii advisory commission on drug abuse and controlled substances and a substance abuse agency as the only two agencies in the State at that time which were responsible for the development of substance abuse programs. That Act, however, did not amend section 329-2, Hawaii Revised Statutes, to transfer the administrative functions for the commission to the department of health. In practice, the office of the governor does not administer the commission's programs; such function lies with the department of health. To carry out the intent of Act 190 and the actual practice in the State, therefore, this bill would amend section 329-2, Hawaii Revised Statutes, to place the commission within the department of health for administrative purposes.

Your Committee on Public Employment and Government Operations is in accord with the intent and purpose of S.B. No. 1161, S.D. 1 and recommends that it pass Second Reading and be referred to the Committee on Finance.

Signed by all members of the Committee except Representative de Heer.

SCRep. 851 Public Employment and Government Operations on S.B. No. 1286

The purpose of this bill is to allow the Board of Trustees of the State of Hawaii's retirement system to enter into an agreement with large stock or bond brokerage firms or similar financial institutions for the purpose of lending its securities.

To protect the system from any loss, the following loan conditions are proposed for the Board and borrowers:

1. The borrower shall deliver collateral in the form of cash, letters of credit, bonds, interest-bearing notes, and obligations of the U.S. Government in an amount not less than 102 percent, and

2. The market value of the loaned securities shall be monitored daily, and the borrower shall immediately deposit additional collateral should the amount fall under 102 percent.

In addition, the term of the loan shall not exceed one year, and the Board may use or invest the collateral and retain any income and profits earned on the collateral for the benefit of the system.

Your Committee on Public Employment and Government Operations is in accord with the intent and purpose of S.B. No. 1286, S.D. 1 and recommends that it pass Second Reading and be referred to the Committee on Finance.

Signed by all members of the Committee except Representative de Heer.

SCRep. 852 Public Employment and Government Operations on S.B. No. 1114

The purpose of this bill is to conform the holidays accorded to firefighters to those granted to other state employees.

Your Committee finds that Section 80-4, Hawaii Revised Statutes, provides, in part, that fire-fighting members of the fire departments shall receive twice their regular compensation for working on state holidays. In listing the state holidays, Veterans' Day is designated as the fourth Monday in October. Act 220 of the 1976 Legislature changed Veterans' Day to November 11. L 1980, Act 11, provided that special election days are not considered state holidays. Other changes have been made to the named holidays in section 8-1, Hawaii Revised Statutes. This bill proposes to amend section 80-4, Hawaii Revised Statutes, to conform to the listing of official state holidays.

Your Committee on Public Employment and Government Operations is in accord with the intent and purpose of S.B. No. 1114, S.D. 1 and recommends that it pass Second Reading and be referred to the Committee on Finance.

Signed by all members of the Committee except Representative de Heer.

SCRep. 853 Public Employment and Government Operations on S.B. No. 1112

The purpose of this bill is to make technical corrections to the civil service law.

Your Committee finds that Act 177 of the 1973 Legislature amended section 76-44, Hawaii Revised Statutes, to include prohibitions against suspension, demotion, or dismissal on grounds of sex, age, color, or ancestry. This Act, however, failed to amend section 76-47, Hawaii Revised Statutes, to conform to the change. As a result, there is no provision for reinstatement without loss of pay for employees dismissed on the grounds of sex, age, color, or ancestry. This bill would amend section 76-47, Hawaii Revised Statutes, to be consistent with section 76-44, Hawaii Revised Statutes.

Your Committee further finds that Act 97, section 21, of the 1965 Legislature transferred the district courts from county jurisdiction to state jurisdiction under the authority of the judiciary department. However, section 76-77, Hawaii Revised Statutes, refers to positions of district judges, jurors, jury commissioners, and witnesses as being under county jurisdiction but exempt from county civil service. Because the counties no longer have such jurisdiction, this bill would delete the reference.

Your Committee on Public Employment and Government Operations is in accord with the intent and purpose of S.B. No. 1112, S.D. 2 and recommends that it pass Second

Reading and be referred to the Committee on Judiciary.

Signed by all members of the Committee except Representative de Heer.

SCRep. 854 Public Employment and Government Operations on S.B. No. 454

The purpose of this bill is to provide fund authorizations and appropriations for collective bargaining cost items, including the cost of salary adjustments, negotiated between the State of Hawaii and Bargaining Unit 2 for Fiscal year 1981-83.

Your Committee on Public Employment and Government Operations is in accord with the intent and purpose of S.B. No. 454 and recommends that it pass Second Reading and be referred to the Committee on Finance.

Signed by all members of the Committee except Representative de Heer.

SCRep. 855 Public Employment and Government Operations on S.B. No. 455

The purpose of this bill is to provide fund authorizations and appropriations for collective bargaining cost items, including the cost of salary adjustments, negotiated between the State of Hawaii and Bargaining Unit 3 for Fiscal year 1981-83.

Your Committee on Public Employment and Government Operations is in accord with the intent and purpose of S.B. No. 455 and recommends that it pass Second Reading and be referred to the Committee on Finance.

Signed by all members of the Committee except Representative de Heer.

SCRep. 856 Public Employment and Government Operations on S.B. No. 456

The purpose of this bill is to provide fund authorizations and appropriations for collective bargaining cost items, including the cost of salary adjustments, negotiated between the State of Hawaii and Bargaining Unit 4 for Fiscal year 1981-83.

Your Committee on Public Employment and Government Operations is in accord with the intent and purpose of S.B. No. 456 and recommends that it pass Second Reading and be referred to the Committee on Finance.

Signed by all members of the Committee except Representative de Heer.

SCRep. 857 Public Employment and Government Operations on S.B. No. 457

The purpose of this bill is to provide fund authorizations and appropriations for collective bargaining cost items, including the cost of salary adjustments, negotiated between the State of Hawaii and Bargaining Unit 5 for Fiscal year 1981-83.

Your Committee on Public Employment and Government Operations is in accord with the intent and purpose of S.B. No. 457 and recommends that it pass Second Reading and be referred to the Committee on Finance.

Signed by all members of the Committee except Representative de Heer.

SCRep. 858 Public Employment and Government Operations on S.B. No. 458

The purpose of this bill is to provide fund authorizations and appropriations for collective bargaining cost items, including the cost of salary adjustments, negotiated between the State of Hawaii and Bargaining Unit 6 for Fiscal year 1981-83.

Your Committee on Public Employment and Government Operations is in accord with the intent and purpose of S.B. No. 458 and recommends that it pass Second Reading and be referred to the Committee on Finance.

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

SCRep. 859 Public Employment and Government Operations on S.B. No. 459

The purpose of this bill is to provide fund authorizations and appropriations for collective bargaining cost items, including the cost of salary adjustments, negotiated between the State of Hawaii and Bargaining Unit 7 for Fiscal year 1981-83.

Your Committee on Public Employment and Government Operations is in accord with the intent and purpose of S.B. No. 459 and recommends that it pass Second Reading and be referred to the Committee on Finance.

Signed by all members of the Committee except Representative de Heer.

SCRep. 860 Public Employment and Government Operations on S.B. No. 460

The purpose of this bill is to provide fund authorizations and appropriations for collective bargaining cost items, including the cost of salary adjustments, negotiated between the State of Hawaii and Bargaining Unit 8 for Fiscal year 1981-83.

Your Committee on Public Employment and Government Operations is in accord with the intent and purpose of S.B. No. 460 and recommends that it pass Second Reading and be referred to the Committee on Finance.

Signed by all members of the Committee except Representative de Heer.

SCRep. 861 Public Employment and Government Operations on S.B. No. 461

The purpose of this bill is to provide fund authorizations and appropriations for collective bargaining cost items, including the cost of salary adjustments, negotiated between the State of Hawaii and Bargaining Unit 9 for Fiscal year 1981-83.

Your Committee on Public Employment and Government Operations is in accord with the intent and purpose of S.B. No. 461 and recommends that it pass Second Reading and be referred to the Committee on Finance.

Signed by all members of the Committee except Representative de Heer.

SCRep. 862 Public Employment and Government Operations on S.B. No. 462

The purpose of this bill is to provide fund authorizations and appropriations for collective bargaining cost items, including the cost of salary adjustments, negotiated between the State of Hawaii and Bargaining Unit 10 for Fiscal year 1981-83.

Your Committee on Public Employment and Government Operations is in accord with the intent and purpose of S.B. No. 462 and recommends that it pass Second Reading and be referred to the Committee on Finance.

Signed by all members of the Committee except Representative de Heer.

SCRep. 863 Public Employment and Government Operations on S.B. No. 463

The purpose of this bill is to provide fund authorizations and appropriations for collective bargaining cost items, including the cost of salary adjustments, negotiated between the State of Hawaii and Bargaining Unit 11 for Fiscal year 1981-83.

Your Committee on Public Employment and Government Operations is in accord with the intent and purpose of S.B. No. 463 and recommends that it pass Second Reading and be referred to the Committee on Finance.

Signed by all members of the Committee except Representative de Heer.

SCRep. 864 Public Employment and Government Operations on S.B. No. 464

The purpose of this bill is to provide fund authorizations and appropriations for collective bargaining cost items, including the cost of salary adjustments, negotiated between the State of Hawaii and Bargaining Unit 12 for Fiscal year 1981-83.

Your Committee on Public Employment and Government Operations is in accord with the intent and purpose of S.B. No. 464 and recommends that it pass Second Reading and be referred to the Committee on Finance.

Signed by all members of the Committee except Representative de Heer.

SCRep. 865 Higher Education and Public Employment and Government Operations
on S.B. No. 1942 (Majority)

The purpose of this bill is to remove the statutory ceilings on the salaries of the president and other executive and managerial administrators of the University of Hawaii, and to allow the board of regents to prescribe these salaries.

In addition to the above stated purpose, this bill transfers the statutory provisions governing the salaries of the president of the university (now Section 26-52, Hawaii Revised Statutes) and university officers and employees (now Section 89C-2, Hawaii Revised Statutes) to Section 304-4, Hawaii Revised Statutes, which is the section of the law dealing specifically with the powers of the board of regents. It also substitutes the term "academic and nonacademic officers" for the term "officers and employees".

Your Committees are not persuaded that this is the appropriate time to remove statutory ceilings on the salaries of the president and other executive and managerial administrators of the University of Hawaii. In passing, it should be noted that the board of regents presently has statutory power to set the salary of the president and other executive and managerial administrators within prescribed ceilings.

Your Committees have amended this bill to delete the language removing ceilings on the salaries of the president and other executive and managerial administrators.

Your Committees have amended the language on pages 1 and 2 of this bill to make it clear that existing ceilings on university salaries set by the board of regents shall be maintained, except that the ceiling on the president's salary has been raised from \$45,000 to \$51,000.

Concerning the second purpose of this bill, your Committees find that it is in keeping with Article X, section 6, of the Constitution of Hawaii. Act 86, Session Laws of Hawaii 1979, was an initial step toward implementation of that constitutional provision by clarifying the powers of the board of regents.

The transfer of existing statutory powers of the board of regents from Chapters 26 and 89, Hawaii Revised Statutes, to Section 304-4, Hawaii Revised Statutes, would help clarify, as did Act 86, SLH 1979, the powers of the board of regents and your Committees have amended the bill to accomplish this transfer.

Your Committees believe that the distinction between academic and nonacademic officers is important because (1) the education, experience and qualifications for employment are substantially different for the two classes, and (2) personnel in each category are drawn from two distinct and separate labor pools--academic officers from an international labor pool characterized by competencies in both an academic discipline and administrative talents and abilities--nonacademic officers primarily from a local labor pool characterized by high levels of skill and ability in bureaucratic and organizational operations and management.

Your Committees on Higher Education and Public Employment and Government Operations are in accord with the intent and purpose of S.B. No. 1942, S.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1942, S.D. 1, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committees except Representatives de Heer, Nakasato, Sakamoto, Segawa, Anderson and Medeiros.
(Representative Isbell did not concur.)

SCRep. 866 Judiciary on S.B. No. 1472

The purpose of this bill is to provide for payment of \$100 per claim to be paid to each member of the medical claim conciliation panel for each claim processed payable when the decision of the panel is submitted. This fee would be in addition to other travel and living expenses that might be incurred.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1472, S.D. 1, and recommends that it pass Second Reading and be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Medeiros.

SCRep. 867 Judiciary on S.B. No. 972

The purpose of this bill is to amend certain sections of the chapter on criminal injuries compensation.

This bill expands the eligibility coverage by providing that the criminal injuries compensation commission may order the payment of compensation to the dependents of a private citizen who dies while preventing the commission of a crime, in apprehending a criminal or materially assisting a peace officer in such prevention or apprehension. The types of allowable compensation have been expanded to include compensation for pecuniary loss suffered by dependents of a deceased private citizen. Also, some allowable terms and forms of periodic payments of compensation are enumerated. The maximum allowable amount of compensation has been increased from \$10,000 to \$30,000.

Your Committee has amended the bill to delete all references to periodic payments since the commission already has the power to make such payments.

Your Committee has also amended the bill to increase the maximum amount of compensation from \$10,000 payable under the present statute to \$20,000.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 972, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.D. No. 972, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Medeiros.

SCRep. 868 Agriculture; Water, Land Use, Development and Hawaiian Affairs;
and Ocean and Marine Resources on S.B. No. 356

The overall purpose of this bill is to promote the expansion of agricultural production in Hawaii.

The bill (S.D. 3) proposes the following major amendments to the Hawaii Revised Statutes:

(1) Adds a provision to Section 26-16 which adds the chairman of the Governor's Agriculture Coordinating Committee (GACC) as an ex-officio nonvoting member of the Board of Agriculture (BOA).

(2) Adds provisions which require the Department of Agriculture (DOA) to (a) administer a program of agricultural planning and development, (b) perform additional duties and responsibilities relating to records of agricultural lands and potential agricultural lands, and (c) encourage the development of lands in agricultural use and promote the preservation of such lands.

(3) Adds provisions which establish legislative findings relating to agricultural land policies.

(4) Amends Chapter 171, by (a) adding demonstration farms for research and development of high technology procedures to the definition of agricultural parks, (b) requiring BOA and GACC to assist the Board of Land and Natural Resources (BLNR) in the development of agricultural parks, (c) requiring tenants of agricultural parks to, among other things, cooperate with public agencies in the collection of agricultural research data, and (d) adding provisions to allow state agencies to include covenants in any lease of lands in an agricultural park and to provide for penalties for violations of state agency programs relating to agricultural parks.

(5) Adds three new sections to Chapter 174 which address agricultural water needs.

(6) Changes the provisions of Chapter 155, relating to the farm loan program,

including raising the loan limits for specified farm loan programs and including aquacultural loans within the farm loan program.

(7) Repeals Chapter 219, relating to the aquaculture loan program, and transfers the functions, records, and equipment of the aquacultural loan program to the agricultural loan program.

(8) Adds a new section to Chapter 421 which requires the Chairman of GACC to coordinate the development of a program by DOA for the establishment of a statewide agricultural cooperative association.

(9) Transfers the functions, duties, records, and equipment of DPED, relating to agricultural product promotion and marketing, agricultural development, and state agricultural fairs, to GACC.

(10) Adds a provision to Chapter 304 which requires that extension services for research activities relating to agriculture be adequately coordinated.

Your Committee upon further consideration has made the following major amendments to S.B. No. 356, S.D. 3:

(1) Added a provision which provides that an additional purpose of the bill is to implement Article XI, Section 3 of the Hawaii State Constitution, relating to agricultural lands.

(2) Added a provision which replaces all references, contained in section 205-4.5, Hawaii Revised Statutes, to the Land Study Bureau soil classification system with references to the Agricultural Lands of Importance to the State of Hawaii (ALISH) system.

(3) Added a provision to section 205-6, Hawaii Revised Statutes, to prohibit the issuance of special permits for hotels, airports, golf courses, commercial amusement parks, deep draft harbors, and residential subdivisions which are proposed to be located on lands within agricultural and rural districts.

(4) Added a provision under section 205-6, Hawaii Revised Statutes, to require the county planning commission and Land Use Commission to use a list of six criteria when determining whether to issue a special permit.

(5) Added provisions under Chapter 205, Hawaii Revised Statutes, which establish land use policies for agricultural districts to guide the Land Use Commission in its decision-making.

(6) Amended section 155-3, Hawaii Revised Statutes, to provide that loans made under the agricultural loans law shall be authorized only if such loans cannot be made by the Farmers Home Administration.

(7) Added provisions under Chapter 155, Hawaii Revised Statutes, to (a) allow DOA to set interest rates on direct loans up to a maximum of eight percent a year or one percent over the cost to the State to borrow money, whichever is greater, and (b) increase the maximum amount of loans for certain classes of farm loans.

(8) Added provisions to provide the benefits and tenure of civil service coverage to certain employees in the Milk Control Division and the Planning and Development Office of the Department of Agriculture.

(9) Deleted the following proposed amendments to the Hawaii Revised Statutes described or summarized in the previous listing of proposed amendments numbered (1), (2), (3), (4), (5), (7), (9), and (10).

Your Committees on Agriculture; Water, Land Use, Development and Hawaiian Affairs; and Ocean and Marine Resources are in accord with the intent and purpose of S.B. No. 356, S.D. 3, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 356, S.D. 3, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committees except Representatives Sakamoto and Monahan.

SCRep. 869 Water, Land Use, Development and Hawaiian Affairs on S.B. No. 426

The purpose of this bill is to make an appropriation to ensure the continuing operation and effectiveness of the Office of Hawaiian Affairs (hereinafter referred to as "OHA").

The bill as received provides for an appropriation of \$442,272. However, your Committee has received testimony that the sum of \$410,466 will be sufficient for the purpose of OHA.

Your Committee has therefore amended this bill to provide for an appropriation of \$410,466 to OHA, which shall include the funding of up to 32 positions and a protocol fund of \$5,000.

Your Committee on Water, Land Use Development and Hawaiian Affairs is in accord with the intent and purpose of S.B. No. 426, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 426, S.D. 1, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 870 Health on S.B. No. 422

The purpose of this bill is to establish a temporary cancer commission to assist Hawaii's cancer victims to obtain interferon treatment.

Cancer is the second leading cause of death in the United States and presently accounts for approximately one thousand deaths each year in Hawaii.

Though interferon is still in the experimental and research stage, it has shown great promise as an anti-cancer agent for the treatment of multiple myeloma, melanoma, breast cancer and lymphoma. However, because of the complex manner in which interferon is presently produced, it is a very expensive drug which is beyond the financial means of most cancer patients.

Although your Committee recognizes that interferon is still in the experimental and research stage, it nevertheless believes that it is in the public interest to provide funds for the acquisition and dispensing of interferon for the treatment of cancer. This experimental drug when available will be furnished by companies manufacturing it under strict regulation and medical protocol which would allow Hawaii's cases to be joined with others on the mainland. Therefore, your Committee has appropriated \$1,000,000 for fiscal year 1981-1982 for the acquisition and dispensing of interferon. The funds so appropriated are to be administered by the Hawaii Cancer Commission.

Your Committee has amended this bill by deleting all references to the creation of the Hawaii Cancer Commission as it already is recognized under Section 321-43 of the Hawaii Revised Statutes. Your Committee has also amended this bill to require the Hawaii Cancer Commission to report to the legislature the progress of this project prior to the opening day of the 1982 Session.

Your Committee on Health is in accord with the intent and purpose of S.B. No. 422, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 422, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 871 Health on S.B. No. 43 (Majority)

The purpose of this bill is to recognize an adult person's right to refuse the use of artificial means to prolong his or her life when suffering from a terminal condition.

This bill creates a new chapter in the Hawaii Revised Statutes relating to living wills. The new Chapter establishes procedures for adults to make written directives to their physicians to withhold the use of life-sustaining measures in the event of terminal condition.

Your Committee finds that adults have the right to control decisions relating to their medical care, including decisions to refuse the use of artificial means to sustain their

lives when suffering from a terminal condition.

Your Committee has amended this bill by:

- (1) Removing all provisions which provide that the directive shall be effective for only five years;
- (2) Adding a new provision to the directive whereby a witness certifies that the declarant is of sound mind, that the witness is not related to the declarant nor is the attending physician or an employee of the physician or health care facility in which the declarant is a patient, does not have a claim against the declarant or the declarant's estate and will not benefit by the declarant's death;
- (3) Removing the provision which provides that the failure of a physician to effectuate the directive of a qualified patient shall constitute unprofessional conduct if the physician refuses to take the necessary steps to effect the transfer of the qualified patient to another physician who will effectuate the directive of the qualified patient;
- (4) Amending the definition of "life-sustaining procedure" to include chemicals as a means of sustaining, restoring or supplementing a vital function which postpones the moment of death;
- (5) Providing that a person acting on behalf of the declarant may revoke a directive of the declarant by a written or oral revocation communicated to the attending physician; and
- (6) Adding a new section which provides that the new chapter shall not be construed to infringe, interfere or restrict the medical judgment of the attending physician to continue or withdraw the life-sustaining procedures for those patients who have not executed a directive.

Your Committee on Health is in accord with the intent and purpose of S.B. No. 43, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 43, S.D. 1, H.D. 1, and be referred to the Committee on Judiciary.

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

SCRep. 872 Health on S.B. No. 354 (Majority)

The purpose of this bill is to remove the present prohibition against the sale of prophylactics, or condoms, in vending machines by repealing sections 321-112 to 321-114, Hawaii Revised Statutes, and to permit that such sale be allowed, except on the premises of any school in the State, and provided that the vendor obtains a permit from the Department of Health.

Testimony presented to your Committee indicates that prophylactics are highly effective in preventing venereal disease and unwanted pregnancies. Although condoms are openly available for purchase at pharmacies throughout the State, the limited hours of business of such establishments, the lack of privacy in purchasing prophylactics, and embarrassment in dealing directly with a clerk or pharmacist are major deterrents to more beneficial and widespread use, especially by young adults.

Testimony also indicates that in the thirty-two states which currently permit prophylactics sales in vending machines, there is evidence that such sales have significantly assisted in decreasing the incidence of venereal disease, teenage pregnancies, illegitimate births, and abortions.

Your Committee on Health is in accord with the intent and purpose of S.B. No. 354, S.D. 1, and recommends that it pass Second Reading and be referred to the Committee on Finance.

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

SCRep. 873 Transportation on S.B. No. 332

The purpose of this bill is to repeal the present statutory requirement that a container be purchased for the certificate of registration when a new vehicle is first registered.

Your Committee heard testimony from the department of finance, City and County of Honolulu, that under the present law registration certificates need only be kept within the vehicle (or a convenient receptacle in the case of motorcycles). The mandatory purchase of a container, a carryover from earlier times when it was required that the certificate be carried in plain sight, is an outdated operational procedure, as well as an unnecessary expenditure of the public's money.

Your Committee on Transportation is in accord with the intent and purpose of S.B. No. 332, S.D. 1 and recommends that it pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

Signed by all members of the Committee except Representatives Dods,
Albano, de Heer, Kiyabu, Anderson, Marumoto and Medeiros.

SCRep. 874 Transportation on S.B. No. 331

The purpose of this bill is to grant the counties authority to set the fee charged for the transfer and reissuance of motor vehicle certificates of ownership and registration and to delete all statutory reference to the present fixed fee.

Your Committee heard testimony from the department of finance, City and County of Honolulu, that nearly 165,000 certificates of this nature were issued during the 1979-1980 fiscal year and that the cost of this process far exceeds the return from the present \$1.00 fee, a figure that was set by the 1955 Legislature. Against this background, the department testified that this bill offers the appropriate solution in that it grants the counties authority to set the fee and thereby obviates the necessity of state legislative action whenever a rise in costs requires an increase in the fee.

Your Committee on Transportation is in accord with the intent and purpose of S.B. No. 331, S.D. 1, and recommends that it pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

Signed by all members of the Committee except Representatives Dods,
Albano, de Heer, Kiyabu, Anderson, Marumoto and Medeiros.

SCRep. 875 Transportation on S.B. No. 578

The purpose of this bill is to increase the annual grant from the airport revenue fund to the Hawaii Wing, Civil Air Patrol, from \$100,000 to \$120,000. The bill also would expand the uses to which these moneys may be put by allowing their use to carry on operations and to defray expenses of the Hawaii Wing. Finally, the bill would increase the salary range for the wing commander's assistants from the SR-21 to the SR-24 range.

Your Committee amended the bill by reducing the appropriation for the Hawaii Wing to \$100,000 and by deleting the change in the SR rating of the commander's assistant.

Your Committee on Transportation is in accord with the intent and purpose of S.B. No. 578, S.D. 2, as amended herein, and recommends that it pass Second Reading and be referred to the Committee on Finance in the form attached hereto as S.B. No. 578, S.D. 2, H.D. 1.

Signed by all members of the Committee except Representatives Dods,
Albano, de Heer, Kiyabu, Anderson, Marumoto and Medeiros.

SCRep. 876 Judiciary on S.B. No. 1507

The purpose of this bill is to provide for the appointment of private attorneys to represent indigent criminal defendants when the public defender is unable due to a conflict of interest or when the interests of justice require such. The bill also establishes maximum fees payable to, and provides for the payment of necessary expenses incurred by, the appointed attorney. All fees and expenses are paid by the courts.

Your Committee received testimony in support of this bill from the Judiciary and information on the appointment of private attorneys from Renee M. L. Yuen, a former deputy public defender.

Your Committee has amended the bill to delete any reference allowing for payments to attorneys who provide services in federal courts. Your Committee does not believe that the State should pay for such services.

Your Committee has further amended the bill to provide additional compensation to attorneys for extended or complex representation.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1507, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1507, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 877 Consumer Protection and Commerce on S.B. No. 587

The purpose of this bill is to extend the repeal date of the Board of Hearing Aid Dealers and Fitters from December 31, 1981 to December 31, 1984.

Under Chapter 26H, Hawaii Revised Statutes, the various boards and commissions regulated by state law under the Department of Regulatory Agencies are scheduled for periodic review by the legislature to determine whether or not the regulatory program should be continued. Pursuant to this "sunset" law, the statutes governing the Board of Hearing Aid Dealers and Fitters are due to be repealed on December 31, 1981. This bill would extend the board until December 31, 1984.

Your Committee has heard testimony from the Board of Hearing Aid Dealers and Fitters as well as interested private citizens, and has reviewed Sunset Evaluation Report No. 81-3 prepared by the Legislative Auditor. While mindful of the recommendations of the Auditor to deregulate this area, your Committee agrees with the intent of the bill and with the oral testimony presented to protect the public's health and welfare, whenever possible, from potential dangers caused by unqualified and unethical hearing aid dealers and fitters.

Your Committee further understands that the three-year extension authorized by this bill is also for the purpose of granting the Board ample time to cure the defects in its administration of Chapter 451A, Hawaii Revised Statutes, as pointed out by the Auditor.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 587, S.D. 1, and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 878 Consumer Protection and Commerce on S.B. No. 659

The purpose of this bill is to repeal Section 445-142, Hawaii Revised Statutes, which provides for the licensing of vendors of medicines by peddling or itinerant sales.

Under present law, itinerant vendors are required to obtain a license from the Department of Health prior to selling medicine to the public. The original purpose of this section was to keep an account of persons who were engaged in this vocation.

Your Committee finds that the public today depends almost entirely on physicians, pharmacies and over-the-counter drug stores for medical remedies. The Department of Health has not issued a single permit in the past 16 years under this Section. Your Committee feels that federal laws and regulations under the United States Food and Drug Administration, as well as state laws, provide adequate protection for the consumer in its regulatory function and therefore sees no compelling reason to retain this section.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 659 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 879 Consumer Protection and Commerce on S.B. No. 599

The purpose of this bill is to streamline the administration of Chapter 459, Hawaii Revised Statutes, relating to the regulation of optometrists.

This bill amends Section 459-8, Hawaii Revised Statutes, regarding the examination prerequisite for licensure by requiring that the written examination administered by the board of examiners be at least equivalent in difficulty to the current examination prescribed by the National Board of Examiners in Optometry.

Testimony received by the Hawaii Optometric Association indicates that the examination currently given by the board of examiners is on a level comparable to the national exam. Your Committee is therefore in agreement with the intent of the bill.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 599, S.D. 1, and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 880 Consumer Protection and Commerce on S.B. No. 591

The purpose of this bill is to extend the repeal date of the Board of Examiners in Optometry from December 31, 1981 to December 31, 1987.

Under Chapter 26H, Hawaii Revised Statutes, the various boards and commissions regulated by state law under the Department of Regulatory Agencies are scheduled for periodic review by the legislature to determine whether or not the regulatory program should be continued. Pursuant to this "sunset" law, the statutes governing the Board of Examiners in Optometry are due to be repealed on December 31, 1981. This bill would extend the board until December 31, 1987.

Your Committee heard testimony from the Hawaii Optometric Association and has reviewed Sunset Evaluation Report No. 81-7, prepared by the Legislative Auditor. Your Committee is in agreement with both the testimony and the findings of the Auditor that the nature of optometry and eye and vision care is such that the potential for great harm to an individual exists unless sufficient supervision and control over practices is provided by regulation. Your Committee is therefore in agreement with the intent of the bill to extend the repeal date of Chapter 459, Hawaii Revised Statutes, until December 31, 1987.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 591, and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 881 Consumer Protection and Commerce on S.B. No. 1359

The purpose of this bill is to allow insurers to issue variable life insurance policies.

Under present law, there is no provision authorizing the issuance of this kind of life insurance.

Your Committee feels that variable life insurance, which is designed to guarantee the policyholder a certain minimum amount of life insurance while at the same time allowing the cash value and death benefit to vary according to the investment of the carrier, may provide an aid and benefit to consumers by permitting them another option in their insurance needs. Your Committee is in agreement with the bill insofar as it provides this service. Your Committee has made technical corrections to the bill.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1359, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1359, S.D. 1, H.D. 1 and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 882 Consumer Protection and Commerce on S.B. No. 600

The purpose of this bill is to simplify the regulation of practicing psychologists by amending the definition of the practice of psychology and adding to the reasons for denial, revocation or suspension of certification as a practicing psychologist.

Your Committee heard testimony from the Board of Certification of Practicing Psychologists and others that the statutory definition of practicing psychology contained in Section 465-1, Hawaii Revised Statutes, is too general to provide a practical definition. This bill provides for a more precise definition.

This bill also amends the grounds for denial, revocation or suspension of certification as set forth in Section 465-13, Hawaii Revised Statutes, by including professional misconduct, or gross carelessness, or manifest incapacity.

Your Committee agrees with the testimony presented that the amendments presented by this bill will aid in the administration of Chapter 465, Hawaii Revised Statutes.

Your Committee made a technical correction to the bill.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 600, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 600, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 883 Consumer Protection and Commerce on S.B. No. 523

The purpose of this bill is to clarify present statutory provisions relating to unfair claim settlement practices by insurers.

Present law simply states that it is an unfair claim settlement practice if an insurer fails to acknowledge pertinent communications relating to claims arising under its policies. Insurers have interpreted this section to mean communications from their own policyholders only.

Your Committee has heard testimony from the Department of Regulatory Agencies that numerous complaints have been received from the general public indicating that insurers have not been responding to communications unless such communication is received from a policyholder. This bill would clarify the present law to require insurers to respond to all communications, whether or not from a policyholder, where one of its policyholders is involved in the accident or claim. Your Committee feels that this bill will provide for better claim adjustment and settlement service to the public.

Your Committee has amended the bill for purposes of clarity.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 523, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 523, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 884 Consumer Protection and Commerce on S.B. No. 1628

The purpose of this bill is permit specialty no-fault insurers to offer only motorcycle no-fault insurance.

Presently, no-fault insurers are required to offer policies for all classes of motor vehicles. It is therefore not permissible for an insurer to offer only automobile or motorcycle policies.

Motorcyclists now pay premiums much higher than the average premiums of automobile operators. The intent of this bill is to allow specialty companies, which offer only motorcycle policies, to do business in Hawaii, and thereby increase the availability of these policies at more favorable rates.

Your Committee is in agreement with the intent of this bill insofar as it will eliminate the possibility that motorcycle no-fault premiums are being artificially inflated by the requirement that no-fault insurers carry both automobile and motorcycle policies. Your Committee has heard testimony to the effect that allowing specialty no-fault insurers to sell only motorcycle no-fault policies will cause a reduction in rates for this kind of insurance. Your Committee emphasizes that this bill is not intended to affect current law which requires insurers who sell automobile no-fault policies to sell motorcycle insurance when requested, but instead merely allows insurers who deal in only motorcycle insurance to sell policies in the State.

Your Committee has amended the bill to delete the portion of the bill limiting the selling of such policies to the period up to December 31, 1984. Any concerns that the effect of the bill will not result in lower premiums should be resolved in the open marketplace which will mandate whether specialty insurers can compete. Your Committee has also made technical and style amendments.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1628, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1628, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 885 Consumer Protection and Commerce on S.B. No. 530

The purpose of this bill is to establish an electrologist as a specialized classification, separate and distinct from that of a cosmetician.

Presently, an electrologist must obtain a license as a cosmetician before applying for the additional specialized training in electrolysis.

Your Committee received testimony from the Board of Cosmetology that the present requirement is unreasonably stringent and bears no correlation to the ability, competence, or performance of an electrologist. Your Committee is in agreement with the bill insofar as this discrepancy is resolved.

Your Committee has made technical corrections to the bill.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 530, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 530, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 886 Housing on H.R. No. 346

The purpose of this resolution is to request the Council on Housing and Construction Industry to review the guidelines for the development program of affordable housing set forth in this resolution.

For many years the construction industry has been advocating many of the principles for affordable housing stated in this resolution such as the appropriate zoning of sufficient land areas, incentive and support mechanisms, faster permit processing, and more flexible codes and regulations. Your Committee believes that the Council on Housing and Construction Industry, composed of members from government and the private sector, is best qualified to review these principles.

Your Committee received favorable testimony on this resolution from the Construction Industry Legislative Organization and the Land Use Research Foundation.

Your Committee has amended this resolution by inserting an additional "BE IT FURTHER RESOLVED" clause to request that the Council's review and recommendations be submitted twenty days prior to the convening of the 1982 legislative session.

Your Committee on Housing concurs with the intent and purpose of H.R. No. 346, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 346, H.D. 1.

Signed by all members of the Committee.

SCRep. 887 Finance on H.R. No. 289

The purpose of this resolution is to request the Board of Land and Natural Resources to conduct a study of the means by which plantation workers, independent sugar growers, and other persons formerly employed or associated with sugar and pineapple plantations leasing land from the State can purchase that land.

It has been suggested that these persons should be able to purchase their land directly from the Board without going to public auction or conducting a drawing. While the intent of allowing plantation employees to purchase the land upon which they live is a valid one, further study is necessary before specific legislation is enacted.

Your Committee has amended this bill to make technical nonsubstantive revisions.

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

Signed by all members of the Committee.

SCRep. 888 Finance on H.R. No. 349

The purpose of this resolution is to request the Hawaii Housing Authority, the State Land Use Commission and the Council on Housing and Construction Industry to conduct a study on the effect of regulatory development conditions on the price of housing.

The recent trend to shift the costs of providing public facilities to private developers results in home price increases which are ultimately borne by the housing consumer. Despite developers' claims that the imposition of development conditions increases housing prices enormously, the real costs associated with park dedication ordinances, inclusionary zoning ordinances and other development approval conditions are undetermined, thus the proposed study is necessary to allow decision makers to better weigh the costs and benefits of these development conditions.

Your Committee have amended this resolution to correct a spelling error in the first BE IT RESOLVED clause.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 349, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 349, H.D. 2.

Signed by all members of the Committee.

SCRep. 889 Finance on H.R. No. 317

The purpose of this resolution is to request legislation that would create a tax incentive for authors and artists to donate their creative works to libraries and museums and to urge the Congress of the United States to restore such tax incentive.

This resolution requests that the State Foundation on Culture and the Arts, with the cooperation of the State Department of Taxation, conduct a study to determine methods for providing a tax incentive by the State Legislature and the Congress of the United States for authors and artists to donate their creative works. The study is to include an examination of appraisal methods for fair market value. The foundation is further requested to report its findings and recommendations to the State Legislature prior to the convening of the Regular Session of 1982.

Your Committee has amended this resolution to make non-substantive changes and to delete the reference of transmittal to the President of the United States and members of Congress.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 317, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 317, H.D. 2.

Signed by all members of the Committee.

SCRep. 890 Finance on H.R. No. 144

The purpose of this resolution is to request the Real Estate Commission to report on the status of Act 189, Session Laws of Hawaii, 1980.

The 1980 Legislature passed Act 189 to provide prospective owner-occupants an opportunity to purchase new condominium units before prices are increased many times by speculative sales and resales. Your Committee finds that there is now desire for information on the implementation of Act 189 by the Real Estate Commission and any problems which may have arisen in the implementation process.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 144 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 891 Finance on H.R. No. 49

The purpose of this resolution is to request the Hawaii Housing Authority, the State Department of Taxation, and the housing and finance departments of each county to confer and develop tax incentives to encourage the rehabilitation and maintenance of existing private rental units.

In the city and county of Honolulu alone there are over 11,000 lower-income households residing in rental units that are suitable for rehabilitation.

The cessation of private development of rental units, the increasing frequency of condominium conversions and the demolition of old rental units all contribute to the rapidly dwindling supply of rental units. Since over half of Hawaii's residents live in rental units, efforts to preserve the existing supply assume even greater importance.

Your Committee has amended this resolution to request that the Hawaii Housing Authority coordinate the study and make a report to the Legislature.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 49, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 49, H.D. 2.

Signed by all members of the Committee.

SCRep. 892 Finance on H.R. No. 48

The purpose of this resolution is to request the Department of Health to monitor and evaluate the Pilot Day Hospital Project at Maluhia Hospital, which project is intended to demonstrate a cost-effective and more beneficial alternative to 24-hour, long-term institutionalization. This project will serve twelve persons who are able to live independently at home, but who require health services during the day.

The placement of individuals in a higher than necessary level of long-term care is a major factor in the escalation of health care costs. Your Committee agrees that a report on the findings of the Pilot Day Hospital Project at Maluhia Hospital would provide the Legislature with necessary, useful information regarding the need to develop similar programs and related health support services in the State which are alternatives to long-term institutional care.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 48 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 893 Energy, Ecology and Environmental Protection on H.R. No. 288

The purpose of this house resolution is to request the Department of Land and Natural Resources to evaluate the fuel potential of all planted forest stands and to identify, and where possible, remove any obstacles to the use of this potential fuel.

Your Committee finds that there is great interest in Hawaii regarding the potential

of biomass including forest timber resources as an alternative energy source. Located throughout the State are a number of sugar mills capable of utilizing bagasse and wood fuels to cogenerate electricity and process steam. Approximately thirty-five to forty per cent of the electric needs of the Big Island are presently met by surplus power from the sugar plantations.

Your Committee is in agreement, therefore, that our planted forest stands represent an energy source that can provide the State with a readily available and viable alternate resource to scarce imported fuels.

Testimony supporting H.R. No. 288 was provided by the Department of Land and Natural Resources; Environmental Center - University of Hawaii; Conservation Council for Hawaii; and the Sierra Club, Hawaii Chapter.

Your Committee has amended H.R. No. 288 by correcting paragraph three to read as follows:

"WHEREAS, the sugar industry can increase its potential for even greater surplus energy production by utilizing not only bagasse but a variety of available biomass fuels; and"

Paragraph three, as originally written, implied that the boiler needs for sugar mill operations cannot be met solely with bagasse. This is incorrect. Testimony indicated that the sugar industry, at least on the Big Island, has a surplus of bagasse for its boiler needs. Consequently, paragraph three has been amended to acknowledge that the sugar industry has the potential for even greater surplus energy production if, in addition to bagasse, other biomass fuels were utilized.

Your Committee has further amended H.R. No. 288 by changing paragraph five to read as follows:

"BE IT RESOLVED by the House of Representatives of the Eleventh Legislature of the State of Hawaii, Regular Session of 1981, that the Department of Land and Natural Resources is requested to evaluate the fuel potential of all planted exotic forest stands in forests other than native forest areas or planted forests grown specifically for watershed conservation, erosion control, or wildlife habitat; and"

Testimony indicated that our few remaining native forest areas should be exempted from possible use as biomass fuel. The protection of planted forests which have been grown specifically for watershed conservation, erosion control, or wildlife habitat was also strongly encouraged. Your Committee concurs with these recommendations.

Finally, H.R. No. 288 has been amended by requesting that the Department of Land and Natural Resources submit a report of its findings and recommendations to the Legislature at least twenty days prior to the convening of the 1982 Regular Session.

Your Committee on Energy, Ecology and Environmental Protection concurs with the intent and purpose of H.R. No. 288, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 288, H.D. 1.

Signed by all members of the Committee.

SCRep. 894 Corrections and Rehabilitation and Employment Opportunities and
Labor Relations on H.R. No. 337

The purpose of this resolution is to have the Department of Social Services and Housing review its current policies relating to and fixing the rates of compensation which are paid to inmates confined in State correctional facilities for work or work-related training. The study will also cover the adequacy of the current compensation or pay rates, the advisability and necessity of adjusting or increasing the current pay rates, and any statutory amendments which may be necessary to effectuate such increases, additional funding which may be required to implement any adjustments or increases any other relevant issues or problems which should be addressed in connection with the review.

Your Committees on Corrections and Rehabilitation and Employment Opportunities and Labor Relations concurs with the intent and purpose of H.R. No. 337 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committees except Representative Waihee.

SCRep. 895 Corrections and Rehabilitation on H.R. No. 374

The purpose of this resolution is to commend the Department of Social Services and Housing and Kulani Correctional Facility for their existing livestock program and future plans to reestablish a truck farm program and to use Kulani Correctional Facility as a guide for examining the feasibility of implementing similar livestock and agricultural programs throughout the statewide correctional system.

Your Committee on Corrections and Rehabilitation concurs with the intent and purpose of H.R. No. 374 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 896 Corrections and Rehabilitation on H.R. No. 357

The purpose of this resolution is to have a committee which will be appointed by the Speaker of the House of Representatives to study the following:

- (1) The feasibility of creating a Corrections Authority, similar to the Hawaii Housing Authority in principal structure within the government, level of recognition, and responsibility, to assume the duties and responsibilities presently being addressed by the corrections division of the Department of Social Services and Housing and other state penal and correctional agencies and programs.
- (2) A review of the practicality and efficacy of the integration of all aspects of the corrections system and penal process into the Corrections Authority.
- (3) Suggestions for feasible, contemporary and innovative approaches to corrections which might review the basic philosophy or overall plan for the Corrections Authority.
- (4) Suggested amendments to legislation needed to implement the recommendations made for the corrections system.

Your Committee on Corrections and Rehabilitation concurs with the intent and purpose of H.R. No. 357 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 897 Corrections and Rehabilitation on H.R. No. 132

The purpose of this resolution is to request the Office of the Legislative Auditor to study and reevaluate the Hawaii Correctional Master Plan. The study is to review the effectiveness in meeting problems, presenting solutions for current and future conditions, the availability of facilities both now and in the future, and funding which may reasonably be expected.

This resolution has been amended by including in the study an identification and determination of concepts in the Hawaii Correctional Master Plan which have not been or only partially implemented.

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

Signed by all members of the Committee.

SCRep. 898 Corrections and Rehabilitation on H.R. No. 281

The purpose of this resolution is to request the Department of Social Services and Housing and the Judiciary to conduct a feasibility study for the construction and administration of a juvenile detention and/or youth correctional facility on the island of Hawaii.

Your Committee on Corrections and Rehabilitation concurs with the intent and purpose of H.R. No. 281 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 899 Education on S.B. No. 273

The purpose of this bill is to provide statutory authorization for the release of a student's attendance records to authorized police officers upon request.

Your Committee is aware that a great deal of juvenile crime is committed during unauthorized absences from school. In an effort to assist the police in controlling at least a part of juvenile crime, your Committee believes that cooperation between our schools and the police should be fostered. Making attendance records available to police officers will facilitate their investigative process.

Personnel from the Department of Education noted that it is not clear as to whether such attendance records may be released to police officers without incurring legal reprimands. This bill will provide needed clarity so as to expedite the release of such records.

Your Committee on Education is in accord with the intent and purpose of S.B. No. 273, S.D. 1 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives de Heer, Sakamoto and Segawa.

SCRep. 900 Judiciary on S.B. No. 28

The purpose of this bill is to allow any registered voter to cast an absentee ballot in the manner provided in Chapter 11, Hawaii Revised Statutes, and in rules adopted by the chief election officer.

Your Committee heard testimony from the office of the Lieutenant Governor regarding a problem encountered by that office when an attempt was made in the United States District Court to change the date of the 1980 primary election because of its conflict with a religious holiday. Additional testimony from the Association of Clerks and Election Officers indicated that the bill will simplify recordkeeping and processing of applications for absentee ballots.

Your Committee was advised that present practice allows absentee voting for virtually any reason given. Accordingly, your Committee believes that the requirement of stating a reason in the application for an absentee ballot is unnecessary. By the passage of this bill, a registered voter will no longer be required to make a public declaration of religious belief, a requirement which may be in violation of constitutional safeguards.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 28 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 901 Water, Land Use, Development and Hawaiian Affairs and Housing on
S.B. No. 646

The purpose of this bill is to allow group living in areas zoned for residential use.

The intent of this bill is to permit certain types of facilities (such as elderly care homes) to be located in residential zoned areas provided that the facilities are appropriately licensed and houses no more than seven adults other than facility staff members.

Your Committees on Water, Land Use Development and Hawaiian Affairs and Housing are in accord with the intent and purpose of S.B. No. 646, S.D. 1, and recommend that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committees.

SCRep. 902 Health and Transportation on H.R. No. 134

The purpose of this resolution is to request the State Departments of Transportation and Health to consult with the Federal Aviation Administration to provide a means of controlling noise associated with the use of helipads in residential areas.

Presently, Ala Wai Heliport is the only heliport outside of existing airports operated by the State. In the past, complaints have been received by the Department of Transportation in regards to such noise. As a result, the Department of Transportation has adopted rules to restrict the size of helicopters using the Ala Wai heliport which prevents larger, noisier helicopters from using the Ala Wai Heliport.

Your Committee finds that the Departments of Transportation and Health have testified in support of H.R. No. 134, and would be willing to consult with the Federal Aviation Administration in seeking ways in which noise control regulations at helipads may be legally imposed.

Your Committee has amended this resolution to provide that the Department of Transportation be the lead agency in developing proposed noise control regulations.

Your Committees on Health and Transportation concur with the intent and purpose of H.R. No. 134, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 134, H.D. 1.

Signed by all members of the Committees.

SCRep. 903 Public Assistance and Human Services; Health; and Youth and Elderly
Affairs on H.R. No. 418

The purpose of this resolution is to request the Department of Social Services and Housing, in cooperation with the Department of Health, to submit a progress report on the planning and implementation of the Long-Term Care Channeling Demonstration Project.

The Department of Social Services and Housing (DSSH) was recently awarded a Long-Term Care Channeling Demonstration Project grant by the U.S. Department of Health and Human Services. The demonstration project is intended to monitor individuals needing long-term care and provide them with the appropriate level of care, in terms of social and medical needs, by coordinating the use of required services. The project also addresses the extent to which channeling is a more cost-effective alternative to the current system of long-term care delivery in the State, maximizes the efficient use of existing long-term care resources, identifies any barriers to providing appropriate levels and types of services to the frail elderly in the community, and identifies other alternatives which may postpone premature and inappropriate institutionalization.

In conjunction with the DSSH project, the Department of Health is reviewing the utilization and demand for existing long-term care facilities, federal and state statutes relating to long-term care regulations, and methods of reimbursement to identify any impediments to appropriate placement or development of appropriate facilities. Close cooperation between the two departments is essential to the successful planning, implementation, and evaluation of the Long-Term Care Channeling Demonstration Project. Legislative review of the planning process and any preliminary findings may provide vital information as to the statewide need for the development of a comprehensive system of long-term care services and for any statutory amendments to achieve such a comprehensive program for long-term care services.

Your Committees have amended page 2 of the resolution by requiring that the report of the implementation of the Long-Term Care Channeling Demonstration Project be submitted to the Legislature at least ten days prior to the convening of the Regular Session of 1982. This change would allow legislators ample time to review the report during the session and propose legislation as needed.

Your Committees on Public Assistance and Human Services, Health, and Youth and Elderly Affairs concur with the intent and purpose of H.R. No. 418, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 418, H.D. 1.

Signed by all members of the Committees.

SCRep. 904 Public Assistance and Human Services; Health; and Youth and Elderly Affairs on H.R. No. 414

The purpose of this resolution is to request the Department of Social Services and Housing and the Department of Health, in consultation with their respective boards, to make joint recommendations for coordinating and improving home care services in order to ensure that the full range of necessary health, social, and related services are made available to persons who are not seriously ill and who could reside in their own homes.

Your Committees find that many persons are inappropriately institutionalized in long-term care facilities. By providing home care services to such persons who are not seriously ill, their health and general well-being would be better served, more beds in nursing homes would be made available for other individuals in greater need of institutional care, and the cost of home care services would be less than institutional care.

Your Committees on Public Assistance and Human Services, Health, and Youth and Elderly Affairs concur with the intent and purpose of H.R. No. 414 and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committees.

SCRep. 905 Tourism on H.R. No. 362 (Majority)

The purpose of this resolution is to request the Office of Tourism to work with the Visitor Industry Education Council, the Hawaii Visitors Bureau, the Hawaii Hotel Association and the Department of Education toward the coordination and expansion of programs designed to educate residents on the role of tourism in Hawaii.

Your Committee finds it important for local residents to understand their contribution toward the visitors' experience in Hawaii and the visitors' contribution to the State.

Your Committee adopted the recommendation of the Department of Planning and Economic Development by amending the last paragraph on page 2, by deleting all mention of "the Manager of the Office of Tourism" and by inserting "the Director of the Department of Planning and Economic Development."

The purpose of this amendment is so that a copy of the resolution can be submitted to the Director of Planning and Economic Development rather than the Manager of the Office of Tourism, since this office is part of the department.

Other non-substantive amendments were also made.

Your Committee on Tourism concurs with the intent and purpose of H.R. No. 362, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 362, H.D. 1.

Signed by all members of the Committee.
(Representatives Takitani and Taniguchi did not concur.)

SCRep. 906 Transportation on H.R. No. 72

The purpose of this resolution is to request the Department of Transportation to study the consolidation of the airport revenue fund, harbor special fund, and the highway special fund. The study is also to include an examination and discussion of constitutional and philosophical considerations, and the effect on existing bond covenants and other contracts if the special funds are consolidated. The Department of Transportation shall submit a report on the study to the Legislature at least twenty days prior to the convening of the Regular Session of 1982.

All harbor and airport functions and major highways are within the State's jurisdiction and funded through user taxes or charges and are required to be self-sufficient each of the three major transportation functions is supported by its own special fund and while the airport revenue fund and harbor special fund are relatively healthy, the highway fund is plagued by definite problems including anticipated revenue shortfall over the coming years. One proposal to maintain the fiscal integrity of the highway fund is to combine three special funds into one and allow surplus revenues from user charges

of one function to be used for another transportation function.

The proposed consolidation should be carefully examined in detail to address any constitutional or philosophical obstacles to the commingling of user charges to fund functions from which they are not obtained. Existing bond covenants and contract terms may impede such a consolidation.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 72 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 907 Transportation on H.R. No. 63

The purpose of this resolution is to request the Department of Transportation to study the consolidation of the following land transportation functions at the state level:

- (1) Planning, construction, and maintenance of, and establishment of standards for, all public highways;
- (2) Establishment and operation of mass transit systems;
- (3) Establishment and operation of public off-street parking facilities; and
- (4) Establishment of traffic rules

Your Committee finds that the state and counties of the state currently have separate and distinct responsibilities for the performance of similar functions, although for different transportation facilities. Thus, the situation results in duplication of personnel, equipment, and resources which clearly does not promote maximum efficiency in State or County Transportation programs or the most effective use of public moneys in providing transportation services and facilities.

Your committee has amended the Resolution's title and the third "BE IT FURTHER RESOLVED" clause to identify the Legislative Reference Bureau (LRB) as the lead agency for the study, and to provide that the LRB shall consult with the State Department of Transportation and each county of the State in the performance of this study.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 63, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 63, H.D. 1.

Signed by all members of the Committee.

SCRep. 908 Transportation on H.R. No. 64

The purpose of this resolution is requested to the Department of Transportation to review the long-term financing, the health of the highway fund and to suggest remedies which will avoid having a deficit situation in the coming years. The Department of Transportation is also requested to submit a report of its findings and recommendations at least twenty days prior to the convening of the Regular Session of 1982.

The highway fund which is funded through a liquid fuel tax and vehicle weight tax, is responsible for the planning, construction, maintenance and operational requirement of state highways. Increased use of lighter, more fuel-efficient cars and project costs which are unpredictable due to inflation, projects that revenues from such sources will not be sufficient to maintain the highway fund. A review and close monitoring of the highway fund is necessary to avoid projected problems of the future.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 64 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 909 Transportation on H.R. No. 66

The purpose of this resolution is to request the House Committee on Transportation

to review the Honolulu International Airport Master Lease and report its findings and recommendations to the House of Representatives prior to the adjournment of the Regular Session of 1982.

The statewide airport system is required to be financially self-sufficient. Airport system revenues are derived from charges on airlines and concessions operating at the airport and from an aviation fuel tax. The Master Lease provides for the adjustment of airline use charges depending upon the difference between other revenues and airport system costs.

Your Committee finds that the Master Lease should be examined to determine if the airlines are contributing an equitable amount towards the cost of operating the airport system.

Your Committee has amended this resolution to also include an examination of Bond Covenants relating to the airport system.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 66 as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 66, H.D. 1.

Signed by all members of the Committee.

SCRep. 910 Transportation on H.R. No. 67

The purpose of this resolution is to request the House Committee on Transportation to review Exhibit I of the Honolulu International Airport Master Lease.

The statewide airport system is required to be financially self sufficient. Airport system revenues are derived from airport use charges, an aviation fuel tax and concession revenues. Under this system, concession fees and the fuel tax rates are fixed while airline use charges are flexible and dependent upon the difference between revenues and airport system costs.

Your Committee finds that in the past, this flexibility has been criticized as providing a subsidy to the airlines at the expense of the concessionaires.

Your Committee has amended this resolution to also include a review of the airport bond covenants for the airport system.

Your Committee has further amended this resolution's "FIRST BE IT FURTHER RESOLVED" clause to specify that the Committee report its findings and recommendations to the Legislature prior to the adjournment of the Regular Session of 1982, rather than the Regular Session of 1981.

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

Signed by all members of the Committee.

SCRep. 911 Transportation on H.R. No. 65

The purpose of this resolution is to request the House Committee on Transportation to review the conditions imposed by the federal government which the State must meet in order to construct the TH-3 interstate highway and determine if the project is still justified in view of the unknown added costs of meeting the federal conditions for construction.

Your Committee finds that construction of TH-3 has been federally approved but also must meet certain federal conditions. Your committee believes that a review of the federal conditions should be conducted to determine if the project is still justified in view of the project deficit situation of the highway special fund.

Testimony submitted by the Department of Transportation, The Sierra Club-Hawaii Chapter, Life of the Land and Hui Malama Aina O'Koolau all spoke in favor of this resolution.

Your Committee has amended this resolution in the first "BE IT FURTHER RESOLVED"

clause to specify that the Committee report its findings and recommendations to the Legislature prior to the convening of the Regular Session of 1982 rather than the adjournment of the Regular Session of 1981.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 65 as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 65, H.D. 1.

Signed by all members of the Committee.

SCRep. 912 Transportation on H.R. No. 200

The purpose of this resolution is to request the Department of Transportation to examine strategies for discouraging the use of private automobiles.

Testimony submitted by the Department of Transportation stated that past Department of Transportation reports have concentrated on controlling the usage of automobiles rather than attempting to impose absolute limits on the number of vehicles.

Your Committee finds that the use of private automobiles should be discouraged to minimize traffic problems, in consonance with the Department's finite ability to continue expansion of highways. Your committee also recognizes the necessity to conserve energy, which could be promoted by limiting the number of automobiles. Your committee believes that a single comprehensive study should be conducted to identify and examine the various strategies which, if implemented, could discourage the use of private automobiles.

Your committee has amended the Resolution's "BE IT RESOLVED" clause to provide that, in addition to the Department of Transportation, the City and County of Honolulu shall also examine strategies for discouraging the use of private automobiles.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 200 as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 200, H.D. 1.

Signed by all members of the Committee.

SCRep. 913 Tourism on H.R. No. 393

The purpose of this resolution is to request the appropriate legislative committees, as determined by the Speaker of the House of Representatives, to conduct an interim study on unifying and stabilizing public revenues for tourism.

The study would involve the feasibility of creating a tourism special fund or other system in the State treasury into which revenues shall be deposited for tourist-related activities.

Your Committee finds that tourism is a major source of jobs and income for Hawaii's people and expects, according to testimony from the Department of Planning and Economic Development, continuing reliance on the tourist industry. Yet, the tourist industry is experiencing a decline in visitors, and requires appropriations in the areas of promotional activities, capital improvements, and other tourist-related activities.

Your Committee finds that Hawaii's state and county governments receive more revenues from visitors than is spent on the visitor's behalf and that the revenues collected directly from a visitor is 2.04 to 3.49 times the expenditures directly incurred from the visitor and when all direct and indirect costs and revenues are factored into the equation, total revenue is 1.37 to 5.00 times total cost.

In 1978, tourism-generated revenues in Hawaii amounted to \$2,180,000,000 and advertising campaigns for tourism amounted to only \$709,000--a ratio of 0.032--in contrast to other competing tourist destination areas which have considerable appropriations for advertising campaigns alone, averaging a ratio of 0.278.

Your Committee on Tourism concurs with the intent and purpose of H.R. No. 393 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 914 Youth and Elderly Affairs and Health on S.B. No. 399

The purpose of this bill is to remove youth shelter facilities from the listing of subjects of health regulations by the Department of Health. This bill will amend Section 321-11, Hawaii Revised Statutes.

Your Committees find that a definition of youth shelter facility is needed for purposes of clarity. Your Committees have amended S.B. 399, S.D. 1 to define youth shelter facility. Also, Section 346-16, Hawaii Revised Statutes, has been amended to conform with the amendment to Section 321-11, Hawaii Revised Statutes.

Your Committees received testimony from the Department of Social Services and Housing recommending that S.B. 399, S.D. 1 be amended on page 3, line 8 to read "but excluding youth shelter facilities unless clinical treatment of mental or physical disease or handicap is a part of the routine program or constitutes the main purpose of the facility". Your Committees agree with this recommendation and have amended S.B. 399, S.D. 1 accordingly.

Your Committees on Youth and Elderly Affairs and Health are in accord with the intent and purpose of S.B. No. 399, S.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 399, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representative Toguchi.

SCRep. 915 Corrections and Rehabilitation and Judiciary on S.B. No. 979

The purpose of this bill is to amend Section 352-29 of the Hawaii Revised Statutes to provide for termination of the Director's jurisdiction to supervise persons committed to the Hawaii Youth Correctional Facility (HYCF) when a person who has been waived for subsequent criminal acts is sentenced by an adult criminal court. Currently, the director still maintains jurisdiction over a person committed to HYCF and waived to an adult court where he has been convicted and sentenced.

Testimony submitted by the Department of Social Services and Housing indicates that the proposed bill will help to eliminate this question of "double jurisdiction".

Your Committees on Corrections and Rehabilitation and Judiciary are in accord with the intent and purpose of S.B. No. 979, S.D. 1 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committees.

SCRep. 916 Finance on S.B. No. 656

The purpose of this bill is to clarify the provisions of HRS section 40-81 which require agencies to report to the state comptroller any funds deposited into depositories other than the state treasury by specifically extending such requirement to the Office of Hawaiian Affairs and the Hawaii Housing Authority.

Your Committee finds that the Office of Hawaiian Affairs is clearly an entity of State government and should be included in any statewide financial reporting requirements. Likewise, the funds of the Hawaii Housing Authority which are authorized to be held outside of the state treasury should also be included in financial reports covering state funds.

The Office of Hawaiian Affairs and the Hawaii Housing Authority have indicated they have no objection to this bill.

See also House Standing Committee Report No. 465, March 9, 1981, in which your Committee agreed with the companion house measure, H.B. No. 1122.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 656, S.D. 2, and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 917 Finance on S.B. No. 557

The purpose of this bill is to increase the amount of excise tax credit presently available to the taxpayers of this State.

Your Committee finds that the practice of tax credits was initiated by the 1965 legislature to offset the impact of the increased tax rates on low-income taxpayers by the omnibus tax bill enacted that year. The tax credit was limited to those in the income levels below \$6,300 and only 45 cents for those above.

In 1970, pressure was exerted to repeal the general excise tax on food and drugs to offer some measure of relief from the mounting cost of basic necessities. The 1970 legislature approved passage of an additional tax credit to further offset the general excise tax on drugs and medical expenses.

The 1974 legislature streamlined the tax credit system into a single excise tax credit and increased the range up to \$15,000 adjusted gross income.

Your Committee has again been besieged by not only the low- and fixed-income groups and the elderly, but by those in the middle-income levels to exempt food and drugs from the general excise tax.

Your Committee finds that these groups are threatened by rising inflation which poses a double threat because it increases the cost of basic goods as well as the amount of excise tax that must be paid on them.

Your Committee finds that any serious tampering with the existing tax system such as exempting food and drugs from the general excise tax will be most inappropriate since the Tax Review Commission may be offering recommendations to design a new tax structure in its report.

Your Committee therefore finds it is appropriate to provide financial relief to all taxpayers to the extent that the sum total of credits will approximate the State's revenues from the excise tax on food and drugs.

This bill also implements the provisions of Article VII, Section 6, of the State of Hawaii Constitution enacted by the 1978 Constitutional Convention, which states as follows:

"DISPOSITION OF EXCESS REVENUES

Section 6. Whenever the state general fund balance at the close of each two successive fiscal years exceeds five percent of general fund revenues for each of the two fiscal years, the legislature in the next regular session shall provide for a tax refund or tax credit to the taxpayers of the State, as provided by law."

Since the state general fund balance has met the threshold excess for the required fiscal years, your Committee agrees that the sum of \$100 in the form of a general tax credit to each qualified state taxpayer is appropriate.

This bill in the form referred to your Committee provides for a one time excise tax credit of \$50 multiplied by the number of qualified exemptions to which each resident taxpayer is entitled. In addition, the bill proposes to increase the existing excise tax credit schedule by a ten per cent upward adjustment.

Your Committee has amended this bill by increasing the amount of the general credit from \$50 to \$100, but limited to one year and by removing such one time provision from the tax credit law and making it a separate section of the bill since one time provisions should not be codified. Your Committee has also amended the provisions relating to the increase in the existing excise tax credit schedule to provide for increases of nearly four times the present rates and to add two new levels of claims based on the adjusted gross income. Your Committee has amended this bill in its entirety to reflect these changes.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 557, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 557, S.D. 1, H.D. 1, and that it be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 918 Finance on S.B. No. 2099

The purpose of this bill is to allow board members of the Office of Hawaiian Affairs to be reimbursed for travel expenses incurred while on official business.

Present law on the subject is confusing and unfair in that it limits reimbursement for per diem expenses only when attending board meetings on an island other than the island on which they reside. This appears to be unfair in that the conduct of official business is not confined to board meetings and board members should not be expected to personally pay for expenses incurred while on other kinds of official business.

This bill will allow board members of the Office of Hawaiian Affairs to receive: (1) compensation at the rate of \$50 per day for each day's actual attendance at meetings; (2) transportation fares between islands and abroad; and (3) personal expenses at the rates specified by Hawaii Revised Statutes Section 78-15, while attending board meetings or while on official business as authorized by the chairperson, when such board meetings or official business shall require a member to leave the island upon which the member resides.

Your Committee has amended this bill to correct an error in spelling.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2099, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. 2099, S.D. 2, H.D. 2.

Signed by all members of the Committee.

SCRep. 919 Finance on S.B. No. 258 (Majority)

The purpose of this bill is to amend current law regarding reimbursement of removal, relocation, replacement, or reconstruction expenses incurred by utilities due to state or county highway construction, reconstruction, or maintenance work.

This bill amends current law by adding that privately owned utilities are entitled to reimbursement from county funds, when necessary, as well as the present state funds, for one-half of the expenses above a threshold amount of \$10,000 instead of \$3,000. The bill further amends current law to provide that in the case of publicly owned utilities, where all these relocation expenses are reimbursed from state funds, depreciation will no longer be deducted from the total expenses to be reimbursed.

Your Committee has amended this bill by adding the words "or county" on page 1, line 12.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 258, 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. 258, S.D. 2, H.D. 2.

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

SCRep. 920 Finance on S.B. No. 426

The purpose of this bill is to make an appropriation to the Office of Hawaiian Affairs to pay its administrative expenses.

Your Committee approves the appropriation of \$410,466 to the Office of Hawaiian Affairs which includes \$5,000 for protocol purposes. The appropriation includes the funding of up to 32 staff positions.

This appropriation is approved by the Office of Hawaiian Affairs. Your Committee agrees with the administrator of the office that the office shall match the appropriation on a dollar-for-dollar basis. The office anticipates that \$410,666 will be derived from public land trust proceeds.

This bill has been revised by your Committee to make technical, non-substantive changes.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 426,

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. 426, S.D. 1, H.D. 2.

Signed by all members of the Committee.

SCRep. 921 Judiciary on S.B. No. 1145

The purpose of this bill is to correct omissions which were inadvertently made in amending the campaign spending laws in 1980.

Act 246, Session Laws of Hawaii, 1980, purported to amend the definitions to the laws on campaign spending (§11-191, Hawaii Revised Statutes) by adding the definition of "candidate's committee". The bill, however, was improperly drafted, resulting in the first sentence and the first three definitions in the section being omitted by oversight. This bill corrects the oversight and reinserts the omitted language and definitions. References to clauses and paragraphs have been amended for accuracy.

Your Committee on Judiciary has amended S.B. No. 1145, S.D. 1 to change the language proposed in §11-191(3)(A) referring to the "lieutenant governor's office", and replaced it with "chief election officer's office", the original language in the deleted section.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1145, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1145, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 922 Consumer Protection and Commerce on S.B. No. 598

The purpose of this bill is to review and improve the administration of statutes governing dispensing opticians.

This bill would streamline the application of Chapter 458, Hawaii Revised Statutes, by making general amendments to the chapter including a prohibition on the duplication of hard and soft contact lenses by an optician without a patient examination by an ophthalmologist or optometrist, and limiting licensing of opticians to individuals only. While in agreement with the intent of the bill to ease regulation problems, your Committee has made a clarifying amendment to Section 7 of the bill by eliminating an apparent redundancy.

Additionally, your Committee has amended the bill in conjunction with the public hearing on S.B. No. 590, Relating to the Board of Dispensing Opticians, by implementing the recommendation of the Legislative Auditor in Sunset Evaluation Report No. 81-2. A new Section 8 has therefore been added to the bill amending Section 459-2, Hawaii Revised Statutes, by specifically stating that dispensing opticians are authorized to fill optical prescriptions issued by a licensed physician or optometrist.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 598, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 598, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 923 Consumer Protection and Commerce on S.B. No. 1936

The purpose of this bill is to permit special liquor licensees to purchase liquor from any wholesale or retail dealer.

Under present law, Class 10 licensees are required to purchase its liquor from wholesale dealers only. This bill allows these licensees to purchase their liquor directly from a retail dealer.

Your Committee has amended the bill for purposes of clarification by providing specifically that Class 4 retail dealers may sell their products to Class 10 licensees notwithstanding the general requirement that purchases by Class 4 through 12 licensees be made through

wholesalers only.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1936, S.D.1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1936, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Liu.

SCRep. 924 Consumer Protection and Commerce on S.B. No. 73

The purpose of this bill is to increase the amount of compensation a professional solicitor may receive from a charitable organization and to require organizations to list the amount of such compensation in its registration statement.

Presently, a solicitor cannot receive as compensation more than ten percent of the total money, pledges, or other property raised. Your Committee received testimony from the Department of Regulatory Agencies that many medium and smaller organizations need professional assistance in fund-raising and that the ten percent ceiling effectively precludes these groups from contracting with professional solicitors.

Your Committee notes that the recent decision of the United States Supreme Court in Village of Schaumburg v. Citizens for a Better Environment, ____ U.S. ____, 63 L.Ed. 2d 73 (1980), held that fixed limitations on fund-raising may be violative of certain organization's First Amendment rights. Your Committee therefore agrees with the bill to permit compensation in excess of 20 percent under certain circumstances.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 73, S.D. 1, and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 925 Consumer Protection and Commerce on S.B. No. 816

The purpose of this bill is to impose the requirement of a one hundred percent approval of apartment owners for new designations of additional areas as common elements, or subject to common expense, and a requirement that apartment owners be notified in writing thirty days in advance of an increase in common expenses.

Under current law, designation of additional areas as common elements requires an amendment to the project's declaration which is permitted upon approval of seventy-five percent of the apartment owners. This bill would add a new section specifically providing that a unanimous decision of the apartment owners is required for the addition of common areas.

While in agreement with the intent of the bill to protect minority apartment owners from the imposition of unwarranted common expenses, your Committee feels that a one hundred percent requirement is too stringent and may have the effect of stifling needed or desirable additions to a horizontal property regime. Your Committee has therefore reduced the approval requirement from one hundred percent to eighty percent to coincide with the current eighty percent requirement under Chapter 814-A, Hawaii Revised Statutes, to remove a project from horizontal property regime designation.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 816, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 816, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 926 Consumer Protection and Commerce on S.B. No. 253

The purpose of this bill is to strengthen the regulation and professionalism of commercial employment agencies by amending the commercial employment agencies law, Chapter 373 of the Hawaii Revised Statutes, to require certification of employment agency owners.

Under this bill, authority in testing applicants for employment agency licenses would

be shifted from the Department of Regulatory Agencies to the National Association of Personnel Consultants. Additionally, this bill would give the National Association sufficient authority to require each applicant to pledge to the code of ethical standards provided by the Association prior to being accepted for testing.

Your Committee has amended the bill by deleting the shift in examination authority from the Department of Regulatory Agencies to the National Association. Your Committee feels that since jurisdiction over employment agencies by the Department of Regulatory Agencies was authorized less than a year ago by Act 302, 1980, the Department should be allowed to develop an examination procedure before any changes to its examining authority be made.

Your Committee has also amended the bill by adding a new Section 373-11.5, Hawaii Revised Statutes, relating to the ethical practices to be applied in conjunction with the prohibited practices of Section 373-11, Hawaii Revised Statutes.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 253, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 253, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Nakamura.

SCRep. 927 Finance on S.B. No. 1505

The purpose of this bill is to reduce the financial burdens imposed by statute on small organizations which solicit funds from the public while at the same time protect the public from unethical solicitation of funds for other than charitable purposes.

Under present law, charitable organizations are required to file a statement with the Department of Regulatory Agencies including a copy of a financial statement audited by a public accountant. This requirement has proven to be a financial burden on smaller organizations which find that the cost of an audited statement is nearly prohibitive.

This bill addresses this problem by requiring audited statements for only those organizations that receive contributions in excess of \$10,000 during the year. Organizations that receive contributions in excess of \$4,000 but less than \$10,000 during the year need only file an unaudited statement. Organizations receiving less than \$4,000 need not file any financial statement. Additionally, a provision authorizing the Department to audit any statement when it deems necessary has been included.

Your Committee agrees that this bill should resolve the financial problems now felt by smaller charitable organizations.

Your Committee has amended this bill to make technical, nonsubstantive amendments.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1505, S.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. 1.

Signed by all members of the Committee.

SCRep. 928 Finance on S.B. No. 1622

The purpose of this bill is to provide for changes in standards of eligibility and the amount of award from the higher education loan fund in order to make the standards comparable to those of the federal student loan fund.

Your Committee has amended this bill to retain the limitation of the program to full-time students.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1622, as amended herein, and recommends that it pass Third Reading, in the form attached hereto as S.B. No. 1622, H.D. 1.

Signed by all members of the Committee.

SCRep. 929 Housing and Water, Land Use, Development and Hawaiian Affairs
on S.B. No. 55 (Majority)

The purpose of this bill is to allow construction of two-family dwelling units or two separate units for single-family residential use on lots zoned for residential use.

Your Committees find that an immediate, and far less costly, increase in the supply of housing can be achieved by allowing construction of multiple dwellings. An additional benefit that will be realized by passage of this measure is that several generations of a family will be allowed to live together on one lot. The counties are allowed to condition the applicability of "ohana zoning" to specific residential areas upon satisfaction of plan review and reasonable health, safety and welfare requirements. Thus, ohana zoning would not be allowed in a particular neighborhood if the existing infrastructure of streets and sewer and water systems cannot support the increased density.

Your Committees recommend the following changes to S.B. No. 55, S.D. 1:

1. Page 6, line 4 and line 6 - Change "square footage of the two-family dwelling unit" to "ground level square footage of the two-family dwelling unit." Zoning ordinances which specify floor area ratios usually refer to ground floor area.

2. Page 6, line 9 - Change "ensure adequate facilities" to "ensure adequate off-street parking and public facilities." This change provides assurance that the increased densities allowed by this bill will not result in an excessive number of vehicles parked on perhaps already crowded public streets.

3. Other minor amendments for purposes of clarity and style.

Your Committees feel this measure, as amended, has the necessary safeguards to make "ohana zoning" an acceptable and practical partial solution to Hawaii's housing problems.

Your Committees on Housing and Water, Land Use, Development and Hawaiian Affairs are in accord with the intent and purpose of S.B. No. 55, S.D. 1, as amended herein, and recommend that it pass Second Reading and be placed on the calendar for Third Reading as S.B. No. 55, S.D. 1, H.D. 1.

Signed by all members of the Committees except Representative Sakamoto.
(Representative Monahan did not concur.)

SCRep. 930 Judiciary on S.B. No. 1136

The purpose of this bill is to correct out-of-date references contained in the provisions relating to indigent prisoners eligible for parole but who have outstanding fines and costs.

Section 353-68, Hawaii Revised Statutes, relating to the initiation and granting of parole to prisoners permits the paroling authority to parole a prisoner who has been sentenced to pay any fine or cost, without such payment, if the prisoner qualifies as a "poor convict" as defined in section 712-4, Hawaii Revised Statutes, and complies with the provisions of that section.

When the Hawaii Penal Code was revised in 1972, section 712-4, Hawaii Revised Statutes, was repealed. Although the Penal Code contains no provisions for "poor convicts", as such, section 706-645, Hawaii Revised Statutes, provides for revocation of all or part of a fine by the court upon a petition by the defendant who is not in contumacious default of the payment thereof. The Penal Code no longer makes any provision for the payment of costs by a criminal defendant.

Accordingly, your Committee feels it appropriate to amend section 353-68, Hawaii Revised Statutes, to refer to the correct statute and to delete references to costs.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1136, S.D. 1, and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 931 Water, Land Use, Development and Hawaiian Affairs on S.B. No. 1324

The purpose of this bill is to require the establishment of procedures for notifying applicants of the completeness of land use approval or development permit applications within thirty days after an application has been filed.

Due to the complexity of land use laws and regulations, reviewing agencies will often repeatedly ask for supplemental information. The applicant's efforts in locating the information, preparing it for submission to the agency, and the agency's review of the entire application can cause substantial delays in the final approval of a land development project. Delays caused by requests for supplemental information can result in substantial increases in the final cost of a project.

Testimony by the City and County of Honolulu and the Land Use Research Foundation both recommend approval of the bill. The former says "we think (the 30 day notice requirement) is reasonable and beneficial to both applicant and agencies." The latter says the idea "will ultimately benefit the consumer by reducing the final cost of a project."

Your Committee has amended the bill by making technical non-substantive changes. Section 2 has been amended in the following manner:

- (1) On lines 2 and 3 of the new paragraph proposed, the phrase "of notice to" has been changed to "to notify".
- (2) On line 6 of the new paragraph, a comma has been inserted between the words "county" and "of".
- (3) On line 9 of the new paragraph, the word "with" has been changed to "within".

Your Committee on Water, Land Use Development and Hawaiian Affairs is in accord with the intent and purpose of S.B. No. 1324, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1324, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 932 Finance on S.B. No. 572

The purpose of this bill is to establish staggered dates for the collection of state vehicle registration fees and weight taxes.

Most of the counties have adopted staggered dates for the collection of their various fees on vehicles, and that procedure improves service to the public by reducing the long waiting times that occur with a single anniversary date.

Your Committee agrees that conforming state procedures for the collection of registration fees to the county collection procedure will simplify collection on the state level. The Department of Transportation indicates that failure on the State's part to comply with county fee collection procedures will substantially increase costs of the state program.

Your Committee has amended this bill to make technical, nonsubstantive amendments.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 572, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 572, S.D. 1, H.D. 1.

Signed by all members of the Committee.

SCRep. 933 Finance on S.B. No. 330

The purpose of this bill is to authorize for the replacement, at county expense, of reserve police officers' uniforms which have become unserviceable through normal wear and tear while worn by the officers in the performance of their duty.

Your Committee is in agreement that police reserves are an integral part of the county police departments. They augment regular police officers in assigned divisions and provide services during emergencies. This bill authorizes the extension of nominal

benefits to these unpaid volunteers.

Your Committee has amended this bill to substitute the word "may" for "shall" on page 2, line 10, and to make other nonsubstantive amendments.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 330, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 330, S.D. 1, H.D. 1.

Signed by all members of the Committee.

SCRep. 934 Finance on S.B. No. 356 (Majority)

The overall purpose of this bill is to promote the expansion of agricultural production in Hawaii.

The bill proposes the following major amendments to the Hawaii Revised Statutes:

- (1) Adds a provision which provides that an additional purpose of the bill is to implement Article XI, Section 3 of the Hawaii State Constitution, relating to agricultural lands.
- (2) Adds a provision which replaces all references, contained in Section 205-4.5, Hawaii Revised Statutes, to the Land Study Bureau soil classification system with references to the Agricultural Lands of Importance to the State of Hawaii (ALISH) system.
- (3) Adds a provision to prohibit the issuance of special permits for hotels, airports, golf courses, commercial amusement parks, deep draft harbors, and residential subdivisions which are proposed to be located on lands within agricultural and rural districts.
- (4) Adds a provision to require the county planning commission and Land Use Commission to use a list of six criteria when determining whether to issue a special permit.
- (5) Adds provisions which establish land use policies for agricultural districts to guide the Land Use Commission in its decision-making.
- (6) Amends Section 155-3, Hawaii Revised Statutes, to provide that loans made under the agricultural loans law shall be authorized only if such loans cannot be made by the Farmers Home Administration.
- (7) Adds provisions under Chapter 155, Hawaii Revised Statutes, to (a) allow DOA to set interest rates on direct loans up to a maximum of eight percent a year or one per cent over the cost to the State to borrow money, whichever is greater, and (b) increase the maximum amount of loans for certain classes of farm loans.
- (8) Adds a new section to Chapter 421 which requires the Chairman of GACC to coordinate the development of a program by DOA for the establishment of a statewide agricultural cooperative association.
- (9) Adds provisions to provide the benefits and tenure of civil service coverage to certain employees in the Milk Control Division and the Planning and Development Office of the Department of Agriculture.

Your Committees on Finance is in accord with the intent and purpose of S.B. No. 356, S.D. 3, H.D. 1, and recommend that it pass Third Reading.

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

SCRep. 935 Finance on S.B. No. 1298

The purpose of this bill is to provide for an adjustment in the travel allowances to public officers and employees and legislators.

This bill proposes to raise the inter-island travel allowance for public officers and employees from \$30 to \$45 a day and the out-of-state travel allowance from \$45 to \$60 a day. In addition, the maximum rate for special travel approved by the governor

for these public officers and employees is proposed to be raised from \$45 to \$65 a day.

Your Committee has amended this bill to provide that the travel allowance shall be equal to the maximum allowance for public employees excluded from collective bargaining.

Your Committee agrees that the increases proposed by this bill are fair and reasonable.

Your Committee has amended this bill to add a section to declare that the substantive amendments of Act 2, Session Laws of Hawaii 1981 (S.B. No. 233, S.D. 1) are not to be superseded by this bill.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1298, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1298, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 936 Finance on S.B. No. 1713

The purpose of this bill is to bring state regulations concerning health care insurance for the elderly into compliance with Public Law 96-625, enacted by Congress on June 8, 1980.

This law requires states to adopt before July 1, 1982, a regulatory system for Medicare supplements in conformance with federal requirements. Failure to adopt such a system will subject the State to federal regulation. This bill authorizes the state insurance commissioner to adopt a variety of rules regulating terms and types of coverage, eliminating misleading provisions, and providing for full disclosure in the sale and marketing of health care coverage to senior citizens.

This bill will protect the State's elderly consumers of medical insurance and ensure that the State retain regulation in this area.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1713, S.D. 1, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 937 Finance on S.B. No. 163

The purpose of this bill is to authorize the preparation and publication of a new index to the Hawaii Revised Statutes.

The revisor of statutes indicated that the present index has reached the stage where it should be republished. Portions of the index have been rendered obsolete by changes in the law and the increasing size of the pocket supplement will soon make further publication of the supplement impractical.

Your Committee agrees that the revisor of statutes should re-compile and update the present index volume and your Committee finds that an appropriation of \$75,000 should meet this purpose. The bill is accordingly amended.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 163, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 163, S.D. 1, H.D. 1.

Signed by all members of the Committee.

SCRep. 938 Finance on S.B. No. 931

The purpose of this bill is to permit the state post-secondary education commission to cooperate with the federal government, rather than with just the United States Department of Health, Education and Welfare in qualifying the State to receive federal funds. The bill also permits the maximum amount of any grant awarded under the state incentive grant program to equal federal law maximums.

This law will provide for a greater number of students to avail themselves of programs

of the federal government and recognizes the need to provide greater financial assistance reflective of the increasing costs of higher education.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 931, S.D. 2, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 939 Finance on S.B. No. 815

The purpose of this bill is to increase the income tax credit provided to low-income renters.

Presently, any taxpayer having an adjusted gross income of less than \$20,000 and paying more than \$1,000 rent during a taxable year is permitted an income tax credit of \$20 per qualified exemption. An increased tax credit would be welcomed by low-income renters, as it would help offset the proportionately higher tax burden on renters as compared to homeowners. Renters receive no home exemption under the property tax and also have the four per cent general excise tax levied on their rent payments.

Your Committee has amended this bill to raise the adjusted gross income limit for the tax credit eligibility to \$25,000 and to change the credit per qualified exemption to \$30.

Your Committee on Housing is in accord with the intent and purpose of S.B. No. 815, S.D. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 815, S.D. 2, H.D. 1.

Signed by all members of the Committee.

SCRep. 940 Finance on S.B. No. 508

The purpose of this bill is to amend the laws relating to fish and game, fishing rights, commercial fishing, birds and mammals, and conservation and resources. These laws are implemented by the department of land and natural resources. The proposed amendments serve two general purposes. First, the amendments reorganize and confer more discretionary authority with the department in the management and regulation of fish and game, forests, and conservation. Second, the amendments clarify, make consistent, and update the subject laws. Basically, this bill provides for more effective and efficient regulation of a segment of the natural resources of Hawaii.

Individual provisions of this bill have been discussed in previous standing committee reports. Since your Committee makes only one non-technical amendment to the bill, as received, reiteration of the individual provisions is not necessary. Rather, your Committee wishes to use this standing committee report to lay a broad philosophical basis for this bill.

Hawaii is no longer the uncrowded place with seemingly unlimited natural resources it previously was. Hawaii has learned, through only hard experience, that its capacity is finite. The older generation has memories of Hawaii which are alien and oftentimes unbelievable to the younger generation. Tragically, certain aspects of life in Hawaii have deteriorated.

Deterioration of the fish stock, the forests, and passive recreational opportunities of Hawaii is evident. There is no question that the take and size of fish and other aquatic life are less and less and smaller and smaller. Forests and other "natural lands" are also disappearing or being corrupted.

Further deterioration, however, is not inevitable. This State must protect itself. Protection is necessary for three general reasons, and the means of protection must be balanced between them.

First, but perhaps least important, natural resources must be conserved, protected, and maintained for economic reasons. The beauty of the natural resources of Hawaii is a prime reason for the attraction of tourists. Tourists do not want to visit a spoiled Hawaii. More importantly, the natural beauty of Hawaii is an asset consistent with the culture and life-style of residents. Alternatives to the tourist industry are also emerging. These alternatives, such as aquaculture, forest products, and commercial fishing, depend on existing resources. Damage or disappearance of these resources

will only harm these alternatives and may effectively nullify the State's intention to diversify its economic base.

Second, the natural resources must be preserved for the enjoyment of present Hawaii residents. Recreation is an important factor in the quality of life, and the types of recreation clearly preferred by residents require natural resources. Game and particularly fish stock must be managed properly or rejuvenated for recreational hunters and fishers. Forests and other land resources must be preserved for those whose enjoyment comes from interaction with nature.

Third, and perhaps most importantly, the natural resources of Hawaii must be preserved for future generations. The constant refrain of the older generation to the younger that "Hawaii is not what it used to be" should not be repeated to those unborn. While progress and change are inevitable, it is the responsibilities of the elder to take actions with minimum negative impact on and bequeath the best possible conditions to the younger. Thus, with respect to natural resources, on-going prevention of deterioration is the only means to fulfill these responsibilities.

Your Committee, however, does not take the extreme position of imposing a moratorium on fishing, hunting, or the use of forest and other "natural" lands. Recreational opportunities and commercial pursuits must be permitted. These pursuits, however, must and can be managed in a balanced manner with positive impacts on the enjoyment and conservation of natural resources and economic activities.

This bill is rather unique in that it is a reversal of the recent trend of increased legislative control over specific problems. The laws sought to be amended are old and uncoordinated, and some are archaic. It is apparent that many of these laws were enacted intermittently to resolve specific problems of legislative concern. Some of these laws may not have been necessary if the executive branch had addressed the problems through regulations adopted under its broad authority. Thus, the existing laws are a patchwork of collected but uncoordinated legislative initiatives. The patchwork is inappropriate for the purpose it supposedly serves. This bill disassembles the patchwork. Instead, it strengthens the law by repealing specific, single issue-oriented legislation and conferring broad authority on the department of land and natural resources to regulate fish, game, forests, and conservation under general policies established by the legislature.

Your Committee is uncomfortable with such a reversal, but recognizes that it may be necessary. To relieve some of the uncomfortableness, your Committee has inserted a sunset provision. The sunset provision provides that the amendments of this bill shall be ineffective three years after the bill's effective date. The provisions of law as they existed prior to this bill shall be reenacted automatically after the sunset date. It is the intent of your Committee that the legislature review the amendments during the period.

Your Committee has also made numerous other technical amendments to the bill.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 508, 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. 508, S.D. 1, H.D. 2.

Signed by all members of the Committee.

SCRep. 941 Finance on S.B. No. 1150

The purpose of this bill is to amend Hawaii Revised Statutes Section 237-13.5 to provide that the gross proceeds from the sale of electricity to a public utility company for resale to the public shall be assessed at the rate of one-half of one per cent of the gross proceeds of sales.

The rate will apply whether the electricity is generated from fossil fuel or non fossil fuel resources.

The amendments proposed by this bill removes ambiguous language to clarify the intent of the bill.

The bill further provides that the Department of Taxation is to study and analyze the effect on the various producers of electric power and report its findings to the 1985 Legislature.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1150, S.D. 1, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 942 Tourism and Consumer Protection and Commerce on S.B. No. 271

The purpose of this bill is to add a definition for "security boxes" and to limit the liability of hotels that provide security boxes for the safekeeping of guests' valuables.

Your Committees find a need for the security of visitors' valuables, due to the growing rate of thefts committed in hotel rooms. Hotel keepers have been reluctant to expand security services for their guests without legal clarification covering the non-liability of the hotels due to the loss of valuables in security boxes emplaced in hotel rooms.

Your Committees have amended the bill to clarify and omit any redundancy. The definition of the security box in Section 1 of S.B. No. 271, S.D. 1 shall be amended as follows:

"Security box" means any metal or alloy box, used in a hotel for the safekeeping of valuables, which may be securely locked with a non-master keyed locking mechanism that meets or exceeds Underwriter Laboratories standards and which shall be secured in a manner which precludes its removal from the room".

Your Committees have amended the bill by deleting all mention of "Underwriters Laboratories approved" in Section 2 of page 2 on lines 3, 4, and 9.

Your Committees have also amended Section 2, lines 22 to 23 in the last paragraph of page 2 and lines 1 to 9 in the first paragraph of page 3, and replaced with the following paragraph.

Your Committees on Tourism and Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 271, S.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 271, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representatives
Dods and Medeiros.

SCRep. 943 Corrections and Rehabilitation and Judiciary on S.B. No. 113 (Majority)

The purpose of this bill is to permit the Director of Social Services (and Housing) to assign prisoners to lawful programs of treatment or furlough in the public's and prisoner's interest.

The bill would give the Director of Social Services (and Housing) the authority to assign a prisoner to a program in the public's and prisoner's interest notwithstanding the type of sentence or its length.

According to testimony submitted by the Department of Social Services and Housing, the Department fully supports the purpose and intent of this bill.

Your Committees have deleted Subsection (1) of this bill and renumbered subsections herein in order to facilitate consistency.

Your Committees on Corrections and Rehabilitation and Judiciary are in accord with the intent and purpose of S.B. No. 113, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 113, H.D. 1, and be placed on the calendar for Third Reading.

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

SCRep. 944 Judiciary and Consumer Protection and Commerce on S.B. No. 123

The purpose of this bill is to remove the protection presently given to persons who distribute dangerous, harmful or detrimental drugs to minors less than three years younger in age than the distributor.

The present law provides that distribution to a minor by a person three or more years older is a class A felony. The statute reflects prior legislative intent to protect a distributor of drugs in the same age group, albeit slightly older than the person to whom the drugs are distributed.

Testimony was received from a representative of the Prosecuting Attorney, City and County of Honolulu, who stated that the existing protection given to persons less than three years older than the minor to whom the drug is distributed, has resulted in wholesalers of drugs using young persons as "pushers" to distribute to minors, and thereby avoiding class A felony sanctions.

Your Committees are in agreement that this exemption should be removed, in order to remove the incentive to recruit young persons as "pushers".

Your Committees on Judiciary and Consumer Protection and Commerce are in accord with the intent and purpose of S.B. No. 123 and recommend that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committees.

SCRep. 945 Judiciary on S.B. No. 2068

The purpose of this bill is to amend Section 804-17, Hawaii Revised Statutes, (Bail) to require that a person who has been granted bail or release on their own recognizance appear promptly at the time they are bound to appear.

Under the present law, the court permits a defendant released on bail or his own recognizance to appear before adjournment of the court, before a default is entered against him. In *State v. Taylor*, 56 Hawaii 203 (1977), the Hawaii Supreme Court, in interpreting Section 804-17, Hawaii Revised Statutes, held that a trial court could not order forfeiture of bail as long as the defendant appeared before adjournment of the court. This has enabled defendants to appear in court long after they were scheduled to appear but before adjournment of the court without fear of bail forfeiture.

Your Committee finds that the law as presently written contributes to costs as well as inefficiency and wasted time of the courts, the prosecutors, and witnesses. It also results in additional contempt of the judicial system.

Your Committee is convinced that the enactment of this bill will result in greater efficiency of the courts, reduced cost, and less contemptuous conduct on the part of errant defendants.

The bill has been amended to make some technical changes.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2068, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2068, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 946 Judiciary on S.B. No. 856

The purpose of the bill is to include within the offense of theft in the first degree, theft committed by a person having in his possession a live animal, as defined therein, while on a fenced or enclosed premises or in any other location.

Present law only proscribes possession of carcasses or meat while on a fenced or enclosed premises, and does not cover the situation where a person possesses stolen live animals, carcasses or meat in other locations.

Your Committee finds that the crime of cattle rustling has become a problem of major concern to the cattlemen and livestock owners in the State.

Your Committee has amended the bill to make a non substantive technical change.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 856, S.D. 2, as amended herein, and recommends that it pass Second Reading in the

form attached hereto as S.B. No. 856, S.D. 2, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 947 Consumer Protection and Commerce on S.B. No. 332

The purpose of this bill is to repeal the present statutory requirement that a container be purchased for the certificate of registration when a new vehicle is first registered.

Under present law, registration certificates need only be kept within the vehicle (or a convenient receptacle in the case of motorcycles). The mandatory sale of a container by the director of finance, a carryover from earlier times when it was required that the certificate be carried in plain sight, is an outdated and unnecessary expenditure of the public's money.

Your Committee has amended the bill by incorporating the substance of S.B. No. 331, S.D. 1, relating to Registration Expense, the purpose of which is to grant the counties authority to set the fee charged for the transfer and reissuance of motor vehicle certificates of ownership and registration and to delete all statutory reference to the present fixed fee.

Your Committee notes that the cost of the transfer process far exceeds the return from the present \$1.00 fee, a figure that was set by the 1955 Legislature. This bill obviates the necessity of state legislative action whenever a rise in costs requires an increase in the fee.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 332, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 332, S.D. 1, H.D. 1.

Signed by all members of the Committee.

SCRep. 948 Consumer Protection and Commerce on S.B. No. 526

The purpose of this bill is to conform terminology relating to the Board of Massage to that of other regulatory boards; to provide adequate time for medical examinations of license applicants; and to allow tuberculin tests for persons who cannot be exposed to required x-rays.

Your Committee is in agreement with the intent of these clarifying changes to Chapter 452, Hawaii Revised Statutes, to conform to the language of other regulatory programs.

In accord with the intent of the bill, your Committee has added several amendments to improve regulation of the industry. These amendments include: 1) requiring apprenticeship as a prerequisite to licensure; 2) making a conviction for a criminal offense involving moral turpitude grounds for denial or revocation of a massage license; 3) a prohibition on advertising for massage services by unlicensed persons; and 4) raising the penalty for the unlicensed practice of massage from petty misdemeanor to misdemeanor status. Your Committee feels that these amendments should aid in the more orderly regulation of the massage industry and help curb undesirable practices.

Your Committee has also amended the bill to include extending the repeal date of Chapter 452, Hawaii Revised Statutes, to December 31, 1988 under the sunset review process and in accordance with the Committee's position on S.B. No. 636, S.D. 1, H.D. 1. Your Committee feels that regulation in this industry is necessitated by the potential of harm to the public.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 526, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 526, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 949 Consumer Protection and Commerce on S.B. No. 636

The purpose of this bill is to permit the legislature to extend for ten years, a twice

reviewed and renewed regulatory program under the Hawaii Regulatory Licensing Reform Act.

Under present law, regulatory programs may be extended for a maximum of six years after review by the legislature. Your Committee heard testimony stating that the number of programs regulated (31) and the frequency of review has apparently placed a strain on the two administrative agencies involved in the review process; the Department of Regulatory Agencies and the Legislative Auditor.

While mindful of the fact that the sunset review function has placed a substantial responsibility on the two agencies, your Committee has elected to retain the six-year format and instead delay the review of all programs for one year. The effect of this amendment is that the Auditor need not perform any sunset evaluation for the 1982 legislative session. The intent of this amendment is therefore to authorize and direct the Auditor to evaluate the regulated industries program of the Department of Regulatory Agencies during this period. The Auditor shall submit its findings in the form of an evaluation report to the legislature prior to the convening of the 1982 session.

Your Committee feels that this provision will function to definitely identify administrative problems that are sometimes voiced by the regulated industries and will have the effect of streamlining and simplifying application of the various statutes.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 636, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 636, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 950 Consumer Protection and Commerce on S.B. No. 79

The purpose of this bill is to amend subsection (c) of Section 437B-23, Hawaii Revised Statutes, to authorize the motor vehicle repair industry board to waive the practical examination for certification when financial or physical impracticalities in administering the test warrant such action.

Your Committee received testimony in support of the bill from the Motor Vehicle Repair Board and the State Director of Vocational Education citing the costliness and unavailability of adequate equipment for the testing of heavy diesel truck mechanics.

While in agreement with the intent of the bill to deal with the problem of prohibitive examination costs, your Committee has amended the bill by deleting the amendments to Section 437B-23, Hawaii Revised Statutes, and instead modifying the definition of "motor vehicle" contained in Section 437B-1(3), Hawaii Revised Statutes, to exclude trucks and truck tractors. Your Committee feels that this measure will give the Board adequate flexibility to deal with the problem that has arisen.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 79, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 79, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Nakamura.

SCRep. 951 Consumer Protection and Commerce on S.B. No. 601

The purpose of this bill is to amend the law relating to the regulation of speech pathologists and audiologists.

Presently, speech pathologists and audiologists employed by state and local governments are exempt from licensure. Your Committee finds that the application of professional skills and techniques by trained speech pathologists and audiologists are of such importance to the health and well-being of our citizens that licensure should be required for all practitioners.

This bill removes the government licensure exemption of local or state employees and requires government-employed speech pathologists and audiologists to qualify for licensure by December 31, 1984, pursuant to rules of the Board of Speech Pathologists

and Audiologists. Your Committee has made a technical clarifying amendment in this regard.

In addition to the areas covered by this bill, your Committee has also considered S.B. No. 593, S.D. 1 in conjunction therewith. Your Committee heard extensive testimony from a variety of interested parties stating that speech pathologists and audiologists provide an important service to certain areas of the public and that strict regulation is necessary to continue that level of service.

While recognizing that the Legislative Auditor recommended in his Sunset Evaluation Report No. 81-5 that Chapter 468E, Hawaii Revised Statutes, be allowed to expire as scheduled on December 31, 1981, your Committee feels that regulation provides an important function and should be extended for the maximum term. Your Committee has also provided that the repeal date be December 31, 1988 in conformance with its position on S.B. No. 636, S.D. 1, H.D. 1, relating to the Hawaii Regulatory Licensing Reform Act.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 601, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 601, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Nakamura.

SCRep. 952 Consumer Protection and Commerce on S.B. No. 868 (Majority)

The purpose of this bill is to require health insurers to provide optional coverage for "well-baby" visits for children up to two years of age.

A "well-baby" visit is a preventative examination of an infant to determine the general health of the child. This bill specifically provides for a series of six "well-baby" visits from birth to age two, which may be covered by optional insurance coverage.

According to testimony received from the Hawaii Medical Service Association, the theory of insurance to spread the cost of a service widely enough in order to make the costs to any one subscriber nominal, is defeated by making coverage under this plan optional. Your Committee agrees with the intent of the bill to provide preventative health care for children in a manner affordable to all parents. Your Committee has therefore amended the bill to provide that "well-baby" insurance coverage be mandatory for both individual and group coverage.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 868, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 868, S.D. 2, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Nakamura.
(Representative Kawakami did not concur.)

SCRep. 953 Finance on S.B. No. 532

The purpose of this bill is to amend present laws relating to the application to do business as a trust company.

This bill amends Chapter 406, Hawaii Revised Statutes, by requiring that a newly organized trust company have at least \$1,000,000 in paid capital stock as a prerequisite to doing business, an increase of the present \$200,000 capital stock requirement.

This bill requires applicants seeking to do business as a trust company to provide the Department of Regulatory Agencies with certain information and a \$1,000 investigation fee. An applicant must provide reasonable assurance that its operations will be solvent. The Department is authorized to adopt rules pursuant to the Hawaii Administrative Procedures Act in order to implement the provisions of Chapter 406, Hawaii Revised Statutes.

Your Committee has made technical, non-substantive amendment to this bill.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 532, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form

attached hereto as S.B. No. 532, H.D. 2.

Signed by all members of the Committee.

SCRep. 954 Judiciary on S.B. No. 164

The purpose of this bill is to correct technical errors appearing in various portions of the Hawaii Revised Statutes (hereinafter "H.R.S.") which have resulted in inconsistencies, redundancies, unnecessary repetition and lack of clarity.

This bill, as received by your Committee, proposes amendment or repeal of thirty-seven separate and unrelated sections of the H.R.S. The proposals originate from the legislative directive contained in section 23G-20, H.R.S., which mandates the Revisor of Statutes to conduct a continual review of the laws of the State for the purpose of removing inconsistencies, redundancies, unnecessary repetition and to improve their clarity.

Your Committee has made several technical and non-substantive amendments to the bill.

This bill does the following:

Section 1 amends section 6-26, H.R.S., which pertains to the Pacific War Memorial Commission of Hawaii, to bring it into conformity with section 26-21. Section 26-21, H.R.S., was amended by L 1969, c 122, and placed the Pacific War Memorial Commission of Hawaii within the Department of Defense for administrative purposes; in addition, section 26-21 provide that the Governor appoint only six of the Commission's members with the Adjutant General serving as an ex officio member. The amendment to section 6-26, H.R.S., will conform the appointment procedure with the intent of section 26-21 and present practice.

Section 2 amends section 26-21, H.R.S. pertaining to the Department of Defense by deleting the provision for appointment to the Pacific War Memorial Commission of Hawaii. For purposes of clarity, the provision for appointment of the commissioners was placed in section 6-26, H.R.S.

Sections 3 and 4 amend sections 13-2 and 13D-2, H.R.S., respectively, by deleting brackets placed about the references to Article II, section 7, of the State Constitution by the Revisor of Statutes. When sections 13-2 and 13D-2, H.R.S., were amended in 1980, the references were to Article II, section 6, of the Constitution, which refers to campaign contribution limits. Article II, section 7, refers to resignations from public office. The Revisor, using statutory authority, corrected the reference and indicated such correction by the use of brackets.

Section 5. amends section 26-1, H.R.S., by replacing references to Article IV, section 4, of the State Constitution with references to Article V. In 1978, when the Constitution was amended by the electorate, Article IV was renumbered Article V.

Section 6 amends section 26-6, H.R.S., by conforming it to L 1974, Act 57, which changed the name of the Kamehameha Day Celebration Commission to the King Kamehameha Celebration Commission. The reference to the Commission in section 26-6, H.R.S., was not amended to reflect the 1974 change.

Section 7 amends section 26-9, H.R.S., by updating the listing of boards and commissions subject to administration by the Department of Regulatory Agencies.

Section 8 amends section 76-35, H.R.S., by replacing the old definitions relating to salary schedules, ranges and structures with the new terminology of L 1980, Act 253, which amended the Compensation Law. Because section 76-35, H.R.S., defines and delineated intragovernmental transfers, the terminology relating to salary schedules, ranges and structures should conform to the terminology of the Compensation Law.

Section 9 amends section 78-18, H.R.S., by deleting references to repealed section 78-18.5 and replacing it with appropriate references to Chapter 89C, which was enacted in 1978.

Sections 10, 11, 12, 13 and 14 amend the Preamble to Chapter 84, sections 84-19(a) and (b), 84-31(a), 84-33 and 84-37, H.R.S., respectively, by replacing references to "specific standards" of conduct for public officers and employees with references to

"code of ethics". In 1978, the electorate ratified a provision in the State Constitution which reflected the change from standards of conduct to code of ethics, and clarification will be provided by these amendments. In addition, numerous provisions of the State Constitution were renumbered in 1978 and changes are made to reflect the renumbering.

Section 15 amends section 87-1, H.R.S., by deleting the reference to the "chairman" of any county as being a person excluded from the definition of an "employee" from the definitional section for the law on the Public Employees Health Fund. This amendment will conform the section to the counties charter government structures.

Section 16 amends section 128-11(a), H.R.S., by deleting references to general fund appropriations made in 1949 and 1950 for public safety and internal security, as such appropriations, by virtue of Article VII, section 11, of the State Constitution, lapsed on June 30, 1980.

Section 17 amends section 171-19, H.R.S., which appropriates net proceeds from sales of public lands and buildings thereon which are no longer necessary for school purposes to the counties wherein the sales occurred; such appropriation to be used for acquiring land or erecting buildings for school purposes. In 1967, section 27-11, H.R.S., was amended to transfer the functions of planning, construction, improvement and maintenance of public school facilities and grounds to the State. For the purposes of clarity and consistency, section 171-19, H.R.S., deletes reference to appropriations to the counties.

In addition, section 171-19, H.R.S., is amended by replacing references to "school districts" with "departmental school districts", to conform with the change in terminology effective November 1, 1980.

Section 18 amends section 286-47, H.R.S., by making various technical corrections. Section 286-47 has also been set forth in this bill because L 1980, Act 141, purported to amend the section without the constitutionally required enacting clause.

Section 19 amends the title to section 286-56.5, H.R.S., by removing the brackets from the word "foreign" which the Revisor of Statutes, by virtue of statutory authority, include to conform with the text of the section.

Section 20 amends section 290-11(b), H.R.S., by deleting reference to section 286-172(a)(3), as the provision to which the reference was made were contained in a bill which was vetoed by the Governor in 1980.

Section 21 amends section 305A-4, H.R.S., by conforming a cross-reference to renumbering by L 1975, Act 166.

Section 22 amends section 323D-2, H.R.S., by replacing references to the U.S. Department of Health, Education, and Welfare with its new name, the U.S. Department of Health and Human Services, and by deleting the definition of "state medical facilities plan", as it pertains to the chapter on State medical facilities repealed by L 1980, Act 75.

Section 23 amends section 346-122, H.R.S., by removing the brackets from the references to the United States Housing Act of 1937, Chapter 896, 50 Stat. 888, which were inserted by the Revisor of Statutes who, pursuant to statutory authority, corrected the original reference to the United States Housing Act of 1927, Chapter 396, 50 Stat. 888.

Section 24 amends 362-83, H.R.S., by repealing it, as it made an appropriation for a high school demonstration project in 1969, which, by virtue of Article VII, Section 11, of the State Constitution, lapsed on June 30, 1980.

Section 25 amends the title of section 416-78, H.R.S., by removing the brackets from the words "or members", which were inserted by the Revisor of Statutes to conform the title with the text of the section.

Section 26 amends section 424-40, H.R.S., by replacing insanity as a ground for dissolution of a partnership with adjudication of mental incompetence, in conformity with amendments in L 1980, Act 182.

Section 27 amends the title of section 448-6, H.R.S., by deleting the word "quorum", as L 1980, Act 249, deleted reference in the section to the requisite number of members necessary to constitute a quorum.

Section 28 amends the title of section 452-3, H.R.S., by deleting the word "registered" and replacing it with the word "licensed" to conform with the amendments of L 1980, Act 208.

Section 29 amends the definition of "sales representative" in section 468K-1, H.R.S., by removing brackets from the word "registered" which the Revisor of Statutes, by virtue of statutory authority, included, as there are no licensing provisions for sales representatives of travel agencies.

Section 30 amends the title of section 46K-12, H.R.S., by removing brackets from the word "registrant" which the Revisor of Statutes, by virtue of statutory authority, included, as there are no licensing provisions for sales representatives of travel agencies.

Section 31 amends the title of section 531-29, H.R.S., by adding the words "or guardians" to conform to amendments in L 1980, Act 260.

Sections 32, 22, 34, 35 and 36 amend section 560:3-301(a), 560:3-308(a), 560:3-502, 560:3-503(b) and 560:3-706(b), H.R.S., respectively, by changing the jurisdictional amount for informal probate proceedings from \$30,000 to \$40,000, to conform to changes made by L 1980, Act 260.

Section 37 amends section 709-906(1), H.R.S., by replacing the phrase "such person" with "the abused person" for the purposes of clarity.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 164, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 164, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 955 Judiciary on S.B. No. 1699

The purpose of this bill, as received by your Committee, is to require that all incidents of violence or threats of violence directed against students or personnel within the Department of Education be reported by the Department's employees to appropriate law enforcement authorities for required action or disposition. In addition, the bill indemnifies those employees who comply with the reporting requirements.

Your Committee finds that consistent reporting of any incident involving violence occurring within our schools is an essential component to the reduction of violence within the educational arena. Your Committee agrees that standardized procedures for reporting of these incidents will form the basis for equitable and consistent discipline, deterrence, and for efficient and effective allocation of school security resources, both by the Department and by the community.

However, the problem of violence within the school system represents a problem which will be more effectively dealt with and controlled within the school system itself. The problems may be essentially criminal in nature, but the immediate solutions thereto are of administrative concern.

Therefore, your Committee has amended this bill by directing the Board of Education to promulgate rules and regulations to govern the reporting and disposition, and appropriate sanctions for nonreporting, of incidents of violence. This does not prevent resolution of some of the more serious problems within the criminal justice system, but will ensure that incidents that do not warrant pursuing criminal complaints will remain within the Department.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1699, 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. 1699, S.D. 1, H.D. 2.

Signed by all members of the Committee except Representatives
Baker, Dods, Ikeda and Liu.

SCRep. 956 Finance on S.B. No. 878

The purpose of this bill is to provide for a tax refund to commercial fishers.

Your Committee finds that the commercial fishing industry has the potential to become a much larger sector of Hawaii's economy, although little progress in developing this industry has been made in the past 50 years. Despite abundant resources, Hawaii's fish catch has remained virtually unchanged over the years. Your Committee further finds that recent fisheries studies have identified substantial fishery resources in waters around the Leeward Islands, stretching beyond the 200-mile federally established Fisheries Conservation Zone.

Your Committee fully supports the intent of this bill to strengthen the fishing industry in the State by providing the type of tax exemptions enjoyed by other non-highway users.

Your Committee has amended this bill in its entirety.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 878, 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. 878, S.D. 2, H.D. 2.

Signed by all members of the Committee.

SCRep. 957 Finance on S.B. No. 831

The purpose of this bill is to authorize the chief executives and the chief justice to establish a salary structure for non-managerial white-collar employees excluded from collective bargaining coverage.

Prior to 1980, compensation for all excluded white-collar employees was tied to bargaining unit contracts. In 1980 this linkage was partially eliminated by authorizing the chief executives and chief justice to establish a separate salary structure for excluded managerial white-collar positions. However, excluded non-managerial white-collar employees are still covered by the same salary structure and schedule as their counterparts in the bargaining units.

Your Committee agrees that the excluded non-managerial employees to be included with the excluded managerial group should be the ones who function in a confidential capacity and directly support managerial functions and responsibilities. Employees who are excluded because they are part-time, temporary, and intermittent should continue to be linked to their counterparts in the bargaining units. They would be included if it were not for the small amount of hours or short term of employment.

Your Committee further agrees that there exists a unique relationship of confidentiality and strong interdependence between the excluded managerial positions, and their support staff of certain excluded non-managerial positions. Accordingly, it is essential and consistent to establish a separate compensation structure and schedule, free from any link and subordination between bargaining unit contracts, for these certain non-managerial white-collar positions.

Your Committee has amended this bill to add a new section 4 and to renumber the subsequent sections.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 831, 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. 831, S.D. 1, H.D. 2.

Signed by all members of the Committee.

SCRep. 958 Finance on S.B. No. 335

The purpose of this bill is to establish standards for grants, subsidies, and purchases of service pursuant to Article VII, section 4, of the State Constitution which requires that "No grants of public money or property shall be made except pursuant to standards provided by law."

The use of public funds to support private organizations has increased significantly

in recent years, raising questions as to the public purposes served by these expenditures. Your Committee is cognizant of the problems resulting from the growing number of requests from private organizations and the need to strengthen state control over expenditures to these organizations in order to ensure that public funds are spent effectively and efficiently and are, in fact, for a public purpose. Your Committee recognizes the need to have appropriate criteria against which the Legislature can review and evaluate requests for funds from private organizations.

After due consideration of this bill, your Committee agrees that the bill should be revised in its entirety as follows:

- (1) Establish standards and procedures for the submission, review, legislative consideration, and appropriations for grants and subsidies of public funds to qualifying providers.
- (2) Provide that grants of public money or property shall only be made for public purposes in the public interest.
- (3) Assistance shall only be granted if the provider agrees to comply with applicable laws relating to discrimination in employment, conditions of employment, and participation in the benefits of the assisted program or activity.
- (4) In the case of requests for state assistance, establish review procedures, the procedure and schedule for submitting requests to the legislature, the information to be included in requests, and a requirement that appropriations for assistance be monitored and evaluated by the agency responsible for administering the grant.
- (5) Require that the counties enact ordinances establishing standards and procedures for the submission, review, and consideration of requests for assistance. The ordinances shall include, but not be limited to, the general conditions applicable to state appropriations for assistance, and the requirements that requests for assistance include specified items of information which are the same as are required in the application for state assistance.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 335, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 335, S.D. 2, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 959 Finance on S.B. No. 734

The purpose of this bill is to provide funds for the acquisition and development of unspecified land resources for recreation, agricultural and conservation parks, historic and archaeological sites, water resources projects and public land banking.

This bill has been substantially amended to provide appropriations for specific capital improvement projects throughout the state. Upon consideration of this bill, your Committee has found it extremely difficult to understand where the State Administration obtains public input for capital improvements. As far as could be ascertained, no public hearings are held and no suggestions are solicited from the community. Rather, your Committee suspects that the Administration's CIP budget may reflect only the feelings and desires of a few bureaucratic individuals making decisions having state-wide repercussions.

As an example of your Committee's belief, the Administration's version of the CIP budget included \$2,000,000 for improvements to George Hall at the University of Hawaii's Manoa Campus. Those improvements included funds for the construction of a kitchen lab facility for the School of Travel Industry Management despite the fact that the University could have saved the state considerable sums of money through the joint use of the existing kitchen lab facilities at Kapiolani Community College. Yet at the same time, the Administration and the University failed to appropriate construction funds for the development and improvements to the Vocational Technical Facilities at Honolulu Community College which are presently overcrowded with hazardous working and teaching conditions.

It is your Committee's belief that capital improvements initiated by legislators:

- 1) are a direct result of legislators seeking and obtaining vital input from their respective communities;

- 2) reflect the true concerns and priorities of a particular geographic area; and,
- 3) provide the people of this state with an effective and democratic way in which to gain access to the Governor and make their feelings known about particular appropriations for capital improvements.

Because the individual legislator is often the most visible and most easily approached link between the general public and the state government, the aspirations and frustrations of the people become the aspirations and frustrations of the legislature. Consequently, refusals by the Administration to allot funds for community input projects because of a self-imposed ceiling on the sale of general obligation bonds which has no basis in the State Constitution or State Statutes is especially exasperating to the legislature and people of the state affected by that kind of an informal policy. Your Committee believes that the projects contained herein reflect the legislature's continued commitment to projects which truly reflect the needs and desires of our state's people in the areas of education, health, transportation, economic development, and culture and recreation.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 734, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 734, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 960 Finance on S.B. No. 1912

The purpose of this bill is to provide deductions on gross income for contributions to a trust account established for savings toward a downpayment on the first principal residence of a taxpayer.

The individual housing account (IHA) established by this bill would operate much like an individual retirement account. A maximum of \$5,000 a year could be contributed to an account and such contribution and interest generated would be deductible from the taxpayer's gross income. The total contributed to an IHA within a ten-year period is not to exceed \$25,000. An account holder must use the accumulated money for the purchase of a home or penalties and liabilities are imposed.

Your Committee is aware of the difficulties many potential homebuyers have in saving enough money for a downpayment on a home. This bill would provide an excellent means of assisting these households as well as provide a source of funds which may be used to make mortgage loans in our capital-short State.

Your Committee has amended this bill making minor technical amendments for clarification.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1912, 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. 1912, S.D. 2, H.D. 2.

Signed by all members of the Committee.

SCRep. 961 Finance on S.B. No. 1507

The purpose of this bill is to provide for the appointment of private attorneys to represent indigent criminal defendants when the public defender is unable due to a conflict of interest or when the interests of justice require such. The bill also establishes maximum fees payable to, and provides for the payment of necessary expenses incurred by, the appointed attorney. All fees and expenses are paid by the courts.

Your Committee has amended the bill to delete the provision allowing for excess payment above the maximum amount.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1507, 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. 1507, S.D. 2, H.D. 2.

Signed by all members of the Committee.

SCRep. 962 Consumer Protection and Commerce on S.B. No. 67

The purpose of this bill is to provide for the strict regulation of time sharing sales and for the regulation of exchange programs involving time share units.

Your Committee is aware of the numerous public complaints with respect to the manner and style of sales and solicitation activities of persons associated with the time sharing industry in Hawaii and therefore feels that reform and strict regulation of time sharing sales activities is required to curb certain practices of the industry.

This bill attempts to respond to the major issues of concern relating to time sharing sales making time sharing trade practices subject to all provisions of the State's antitrust laws contained in Chapter 480, Hawaii Revised Statutes. It is the intention of the bill that time share companies and sales be subject to Section 480-2, Hawaii Revised Statutes, relating to "unfair methods of competition" by specifically listing certain practices as deceptive, including the failure to disclose fully that promotional devices are "being used for the purpose of soliciting sales of time share plans or units." Equally important is the requirement that each purchaser be informed, orally and in writing, at the time he signs a contract, of his right to cancel or void the contract. Sanctions are provided under Section 480-13, Hawaii Revised Statutes, which allows private plaintiffs to bring treble-damage lawsuits for injuries sustained through acts in violation of Chapter 480.

The bill also sets out prohibited practices, with an emphasis on disclosure and making the prohibited practices a violation of Chapter 514E, Hawaii Revised Statutes. Penalties for such violations are civil in nature and provide for fines of not less than \$500 nor more than \$10,000 for each offense, with each date of offense declared a separate offense. Corporate and individual responsibility is made a matter of law, with the penalties applicable to each. Under the civil penalty section of the bill there is parity between the civil penalty provisions of Chapters 514E and 480, Hawaii Revised Statutes, and the amended language makes clear that agents or independent contractors of time share sellers will also be subject to civil penalties.

The bill also empowers the director of regulatory agencies, upon satisfaction that "any person" is in violation of Chapter 514E, Hawaii Revised Statutes, to bring suit on behalf of the State to enjoin any violation. The bill also provides for the voiding of every sale, transfer, or exchange made in violation of Chapter 514E at the election of the purchaser, and agents of the seller may be held jointly and severally liable for the purchase price, plus interest, court costs, and reasonable attorney's fees.

Your Committee has made several amendments to the bill to further the intent of the bill. First, your Committee has deleted the section on limitations of actions. Your Committee feels that adequate statutory provisions exist regarding actions that may arise out of time share transactions. Second, your Committee has deleted the section relating to defense to action. Your Committee feels that this section will operate as a limitation to recovery by purchasers who have been damaged and have the tendency to dilute the rights granted under this bill.

Your Committee has modified the bill to include a number of revisions intended to clarify and implement the intent. A new Section 8 has been added to clarify and implement the intent of the existing Chapter 514E and its relationship to Chapter 467, Hawaii Revised Statutes. Section -2 of Act 186 (the present Section 514E-2) was intended to make clear that the character of an interest in real property would not be affected by the use of the property in connection with a time share plan. Accordingly, an interest in real property retains its character as an interest in real property, even if the interest is divided for time sharing purposes.

Generally speaking, Chapter 467, Hawaii Revised Statutes, requires any person who offers to sell or buy "real estate" or solicit prospective purchasers of real estate to be licensed as a real estate broker or a real estate salesman. "Real estate" is defined to include land, the improvements thereon, leaseholds, and "all other interests in real property." §467-1(4).

There has never been any doubt that persons marketing timeshare ownership plans where the buyer receives a recorded deed or lease of an interest in real property had to be licensed real estate salesmen or brokers. The amendment set forth in Section 8 is intended to remove any doubt that an interest in a time share use plan is an interest in real property and therefore "real estate" within the meaning of Section 467-1(4). Accordingly, acquisition agents and sales agents marketing interests in time share use plans or time share ownership plans must be licensed real estate salesmen or brokers, and Section 1 of the bill has been amended to explicitly provide for this.

Your Committee believes that this does not represent a significant change in the existing law so much as it represents a desire to make explicit that which is presently implicit in Chapter 514E and Chapter 467. Any interest in a time share plan which permits the owner or holder to use, occupy or possess a time share unit is an interest in real property under traditional common law analysis. While the legal character of such interest may be "personal property" and not "real property", it may nevertheless constitute "an interest in real property" both within the meaning of the common law and within the meaning of Chapter 467.

This is not a new concept. For example, a leasehold interest is characterized in the common law as being both "personal property" and an interest in real property. See 2 Powell, Real Property, paragraph 221 [2] at p. 187 (1979) Knudsen v. Stolz, 8 Hawaii 81 (1890). A person selling a leasehold lot or apartment must be licensed under Chapter 467. Likewise, an easement and a license both are personal property but also represent an interest in land. See 3 Powell, Real Property, paragraph 428 at p. 34-294 (1979).

Your Committee notes that the Department of Real Estate of the State of California takes the position that interests in time share use plans may only be marketed by licensed real estate sales personnel. Furthermore, in a California Court of Appeals decision, the membership interests in a Hawaii time share use plan being marketed in California were held to constitute an interest in real property and therefore subject to regulation by the California Department of Real Estate. While the court felt it unnecessary to classify the nature of the real property interest, the Court felt that the member's right to exclusive possession of the condominium apartment should be characterized as a lease. Cal-Am Corporation v. Department of Real Estate, 104 Cal. App. 3d 453, 163 Cal. Rptr. 729 (1980).

Irrespective of the legal analysis of an interest in a time share plan, your Committee believes that one who purchases a time share interest expects thereby to acquire the right to use a condominium apartment or other property and therefore your Committee feels it is appropriate to require acquisition and sales agents to be licensed under Chapter 467.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 67, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 67, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives
Baker, Shito, Ikeda and Liu.

SCRep. 963 Finance on S.B. No. 1681

The purpose of this bill is to establish a Design Professional Conciliation Panel and procedures for claims filed against professional engineers, architects, or surveyors. In any action for damages the complaining individual shall file a claim with the panel. The panel shall consist of three persons who shall review and render findings and advisory opinions on the issue of liability and damages. Notice of a claim shall be given to all parties who may be involved. Any party may file a written response to a claim filed.

At the hearing on the claim, the panel may receive any type of evidence and may in its discretion permit any party or counsel for a party to question other parties, witnesses, or consultants. The panel may subpoena witnesses and invoke the aid of the courts to assure compliance with the subpoena. The panel may encourage parties to settle the case any time prior to the rendition of its advisory decision. Evidence obtained from the hearing is inadmissible in any subsequent litigation except in a situation where a party refuses to cooperate with the panel and is subject to an assessment of costs and fees. Within fifteen days of a hearing, if the case has not been settled or otherwise disposed, the panel is required to file a decision with the Director of Regulatory Agencies who shall mail copies of it to all parties. The filing of the claim with the panel shall toll the statute of limitations until sixty days after the decision is mailed or delivered by the panel to the parties involved.

All parties involved have the duty to cooperate with the panel or be subject to an assessment of costs and fees by the Court. All panel members are immune from any defamation action while acting within their capacity as a member of the panel.

The bill also provides that the Director of Regulatory Agencies shall prepare and submit a report to the Legislature annually on the effectiveness of this panel.

Your Committee heard testimony from many engineering firms and architects, including the Consulting Engineers Council of Hawaii and the American Institute of Architects.

Your Committee recognizes that this bill would be beneficial in terms of preventing individuals from becoming involved in frivolous and costly suits. There would be assurances that only reasonable and meritorious claims are brought to the Court's attention and result in the savings of time and money of all involved.

Your Committee has amended this bill to include compensation to the panel members. Such compensation shall be paid by the claimant and defendant.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1681, S.D. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1681, S.D. 2, H.D. 1.

Signed by all members of the Committee.

SCRep. 964 Finance on S.B. No. 1720

The purposes of this bill are to increase the maximum annual limit of the University of Hawaii research and training revolving fund and to require the university to prepare and submit an annual report on the status of the revolving fund to the legislature.

Your Committee finds that the quality of instruction at the University of Hawaii is largely dependent on the university's excellence in research. The ability of the university to excel in research is largely dependent on the financial status of the research and training revolving fund. In the past, the extramural research funds generated by moneys from the revolving fund has enabled the university to make significant contributions in many areas of research.

Under current law, an annual maximum of \$600,000 in funds from various research and training contracts and grants is permitted to be deposited into the revolving fund. This ceiling on the revolving fund has severely limited the ability of the university to acquire additional urgently needed extramural funds for research and to attract distinguished faculty to conduct research. An increase in the ceiling will assist the university to compete more effectively for additional extramural research funds and to attract more distinguished faculty to the university to conduct research.

Your Committee has amended this bill to set the maximum annual limit of the revolving fund at \$1,000,000 to reflect the specific needs identified by the University of Hawaii, and to require a breakdown of travel expenses in the annual report.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1720, 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. 1720, S.D. 1, H.D. 2.

Signed by all members of the Committee.

SCRep. 965 Finance on S.B. No. 1769

The purpose of this bill is to clarify the language on the confidentiality of child abuse reports.

Under the Federal Child Abuse and Neglect Prevention and Treatment Act, states are required to have, in statute, language mandating the confidentiality of child abuse and neglect reports and records. The state is authorized under this Act to stipulate those who may have authorized access to these reports and records.

This bill will conform the language of the existing statutes relating to confidentiality, in chapter 350 of the Hawaii Revised Statutes, to meet current federal standards.

Your Committee has amended this bill to make technical, nonsubstantive amendments.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1769, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form

attached hereto as S.B. No. 1769, S.D. 1, H.D. 1.

Signed by all members of the Committee.

SCRep. 966 Finance on S.B. No. 1476

The purpose of this bill is to enable the director of personnel services of the State and county civil service commissions to adopt appropriate rules on compensation concerning promotions, temporary assignments, and demotions and to accommodate the effects of recently negotiated model conversion plans authorized by Act 253, Session Laws of Hawaii, 1980.

Your Committee finds that Sections 77-10 and 77-14, Hawaii Revised Statutes, were developed to cover situations arising under current salary structures and is no longer applicable with the model conversion plans. Greater flexibility is needed for the adoption of appropriate rules on compensation adjustments with proper consideration being given to merit principles and requirements under model conversion plans.

Your Committee has amended this bill by making technical, non-substantive amendments.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1476, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1476, H.D. 1.

Signed by all members of the Committee.

SCRep. 967 Finance on S.B. No. 788

The purpose of this bill is to conform the Hawaii state income tax laws to the federal income tax laws with respect to adopting the partial exclusion of dividend and interest income of \$200 (\$400 on joint returns). The exclusion at that level, like the federal law, shall be effective only for taxable years 1981 and 1982, after which the exclusion will remain operative in Hawaii but only as a partial dividend income exclusion of \$100 (\$200 on joint returns).

Your Committee has amended this bill to prevent possible conflict with H.B. No. 794, H.D. 2, passed earlier in this regular session and with S.B. No. 547, S.D. 1, H.D. 1. H.B. No. 794, H.D. 2, is the annual income tax conformity legislation passed by the legislature. S.B. No. 547, S.D. 1, H.D. 1, adopts federal zero bracketing provisions. In order to prevent such conflict, section 235-2.3(a), Hawaii Revised Statutes, has been conformed to section 235-2.3(a), Hawaii Revised Statutes, as amended in H.B. No. 794, H.D. 2. A new section 3 has been added to the bill to provide further integration with H.B. No. 794, H.D. 2, and S.B. No. 547, S.D. 1, H.D. 1. Sections 3 and 4 have been renumbered and other minor technical amendments have been made.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 788, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 788, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 968 Finance on S.B. No. 422

The purpose of this bill is to establish support for the Hawaii cancer commission to assist Hawaii's cancer victims to obtain interferon treatment.

Cancer is the second leading cause of death in the United States and presently accounts for approximately one thousand deaths each year in Hawaii.

Though interferon is still in the experimental and research stage, it has shown great promise as an anti-cancer agent for the treatment of multiple myeloma, melanoma, breast cancer and lymphoma. However, because of the complex manner in which interferon is presently produced, it is a very expensive drug which is beyond the financial means of most cancer patients.

Although interferon is still in the experimental and research stage, it nevertheless is in the public interest to assist in the acquisition and dispensing of interferon for

the treatment of cancer. This experimental drug when available will be furnished by companies manufacturing it under strict regulation and medical protocol which would allow Hawaii's cases to be joined with others on the mainland.

Your Committee has also amended this bill to delete the legislative appropriation.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 422, 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. 422, S.D. 2, H.D. 2.

Signed by all members of the Committee.

SCRep. 969 Finance on S.B. No. 454

The purpose of this bill is to make appropriations for the fiscal biennium 1981-1983 to fund the cost items included in the collective bargaining agreement with certain collective bargaining units.

Your Committee has amended this bill to make it applicable to collective bargaining units 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 13.

Your Committee has also made nonsubstantive amendments to the bill and conformed the bill's effective date with its substance.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 454, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 454, H.D. 1.

Signed by all members of the Committee.

SCRep. 970 Finance on S.B. No. 547

The purpose of this bill is to adopt the zero-bracket method of computing itemized deductions.

In reviewing this bill, your Committee again notes the concerns of House Concurrent Resolution No. 149, Regular Session of 1979, which indicated that Hawaii taxpayers are confused by the difference in computing the standard deduction under present Hawaii law and the method used under the federal income tax law. The federal law provides that the zero-bracket amount which is specified in the law is subtracted from adjusted gross income; and, if the taxpayer's itemized deductions exceed the zero-bracket amount, such itemized deductions are first to be reduced by the zero-bracket amount before such deductions are subtracted from adjusted gross income. The present Hawaii law uses the method first adopted in 1957 and never changed to allow a standard deduction of ten per cent or \$1,000, whichever is less. If a taxpayer's itemized deductions exceed the standard deduction, the total amount of such deductions are deducted from adjusted gross income without reduction. Due to the difference in computing the standard deduction between Hawaii and the federal, our taxpayers are in some instances using the federal method of computing their deductions and are therefore paying more than they would otherwise be required to pay.

Your Committee heard H.B. No. 797 the companion measure to this bill.

Your Committee notes that there will be little if any revenue loss from enacting this bill.

Your Committee has amended this bill to add a new section 4 to provide that this bill shall not supersede the substantive provisions of H.B. No. 794, H.D. 2, passed earlier in this regular session and S.B. No. 788, H.D. 1. H.B. No. 794, H.D. 2, is the yearly income tax conformity legislation adopting the previous calendar year's amendments to the Internal Revenue Code for the purposes of this State. S.B. No. 788, H.D. 1, adopts the federal provisions on the partial exclusion of dividends and interest. Your Committee has also renumbered sections 4 and 5 appropriately and made other nonsubstantive, technical amendments to this bill.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 547, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 547, S.D. 1, H.D. 1, and be placed on the calendar for

Third Reading.

Signed by all members of the Committee.

SCRep. 971 Transportation on S.B. No. 1985

The purpose of this bill is to increase the maximum legal length for a truck-tractor and semitrailer combination from fifty-eight to sixty feet. The bill would also set the maximum length of a semitrailer carrying a projecting structure at sixty feet.

Your Committee heard testimony from the Department of Transportation that such a change will have no serious impact upon highway useage and that the department, therefore, has no objections to it.

The Hawaii Transportation Association testified in favor of the bill, noting that it will conform local law with that of most other states and will increase productivity within the local trucking industry.

Your Committee amended S.B. No. 1985, S.D. 1 to correct a typographical error and to change "less than" to "not greater than" in two places at the suggestion of the Department of Transportation.

Your Committee on Transportation is in accord with the intent and purpose of S.B. No. 1985, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1985, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Dods and Anderson.

SCRep. 972 Youth and Elderly Affairs and Consumer Protection and Commerce
on S.B. No. 1050

The purpose of this bill is to require nine months notification to elderly and handicapped tenants of a condominium conversion of their rental units.

Your Committees find that condominium conversions are disturbing for all tenants, not only the elderly and the handicapped, and that due to the shrinking rental market, many persons have difficulty finding rental units. Your Committee has amended S.B. 1050, S.D. 2, to require notification of all tenants of a condominium conversion.

In addition, your Committees disagree with the requirement of a nine month notification period. The nine month period would be onerous and difficult for the landlord and does not help a tenant proportionately. Your Committees find that a 120day notification period is sufficient to enable the tenant to find housing. Your Committees have amended S.B. 1050, S.D. 2, accordingly.

Your Committees on Youth and Elderly Affairs and Consumer Protection and Commerce are in accord with the intent and purpose of S.B. No. 1050, S.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1050, S.D. 2, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representative Liu.

SCRep. 973 Water, Land Use, Development and Hawaiian Affairs and Judiciary
on S.B. No. 1471

The purpose of this bill is to amend Section 199-4, Hawaii Revised Statutes, to allow the Board of Land and Natural Resources to appoint and commission enforcement officers within the conservation and resources enforcement program with the legal authority to act with full police powers within all State lands and county parks.

Under present law, conservation and resources enforcement officers are empowered to enforce State laws only within areas under the jurisdiction of the Department of Land and Natural Resources. The effect of this bill will be to expand the areas within which conservation and resources enforcement officers are empowered to enforce State laws and ordinances, to include all State and county parks and beach areas. This

bill recognizes and states that the primary responsibility of conservation and resources enforcement officers will be to enforce the provisions of Title 12 of the Hawaii Revised Statutes, and the rules promulgated thereunder, within those areas under the jurisdiction of the Department of Land and Natural Resources.

Your Committees have amended Section 1, of the bill to (1) enable conservation and resources enforcement officers to also enforce State rules, and (2) further expand the areas within which conservation and resources enforcement officers are empowered to enforce State laws and rules, and county ordinances, to include all State shorewaters and shores.

The purpose of this amendment is to empower conservation and resources enforcement officers to enforce any new or existing rules of the Department of Transportation, relating to the State's shorewaters and shores, including but not limited to rules relating to the restriction of surfing in designated shorewaters and shores of the State.

Your Committees caution at this time that the authorization of police powers to these enforcement officers is not to be construed as the first step toward all rights, benefits, etc., presently enjoyed by police officers.

Your Committees on Water, Land Use Development and Hawaiian Affairs and Judiciary are in accord with the intent and purpose of S.B. No. 1471, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1471, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees.

SCRep. 974 Judiciary on S.B. No. 126 (Majority)

The purpose of this bill is to allow the Family Court to maintain jurisdiction over a person who has reached majority for offenses committed before eighteen, in the absence of any waiver of jurisdiction over to the Circuit Court.

Your Committee heard testimony from representatives of the Office of the Prosecuting Attorney, City and County of Honolulu, and the Family Court, who spoke in favor of the bill. The Office of the Prosecuting Attorney stated that there is presently a gap in jurisdiction that occurs when no action is taken by the Family Court prior to a minor's eighteenth birthday, for offenses he has committed before reaching eighteen. Under existing law, neither the Family nor Circuit Court has jurisdiction over persons between eighteen and twenty years of age, for crimes committed before eighteen.

Your Committee recognizes the importance of closing this gap in jurisdiction, and has amended the bill accordingly.

The bill has been further amended to clearly specify that once a person reaches the age of twenty, the circuit courts shall have jurisdiction over that person, regardless of whether the alleged offense took place before the person reached the age of eighteen. In the event the person reaches the age of twenty prior to termination of a case, the case shall be transferred to the circuit courts.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 126, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 126, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

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

SCRep. 975 Judiciary on S.B. No. 1662

The purpose of this bill as referred by your Committee is to require the Board of Education to release any public school student from school attendance for the purpose of observing religious holy days that fall on regularly scheduled school days, when the release is requested in writing by a parent, guardian, or other person having custody or control of the pupil.

Presently, section 298-15, Hawaii Revised Statutes, requires the Department of Education

to release from school attendance, not to exceed sixty minutes each week during the school year, any pupil in any public school for the purpose of receiving religious instruction from the religious organization of the pupil's choice. Your Committee finds that the proposed bill is in accord with this statute. Further, your Committee feels this bill is necessary to ensure that children of all religions are not discriminated against in observing their holy days.

Your Committee has amended the bill to delete any reference to "discretion" on the part of the Board of Education in relation to releasing a student from attendance for the purpose of observing religious holy days.

Your Committee recognizes that such discretion would result in constitutional violations.

Your Committee has also amended the bill to eliminate the language "if allowed" from line 10, page 1 of the bill.

Your Committee recognizes that the release of a student counts as attendance at public schools where attendance forms the basis of computation. However, this does not necessarily mean that it is an excused absence and as such qualify the student to receive make-up lessons or examinations held on the day of the student's release. Your Committee expressly intends that the student be given the opportunity to receive make-up lessons or examinations for those lessons or examinations held on the days of the authorized release.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1662, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1662, H.D. 2.

Signed by all members of the Committee except Representatives Honda, Shito, Waihee and Ikeda.

SCRep. 976 Higher Education on S.B. No. 1642

The purpose of this bill is to clarify the responsibilities of the board of nursing to resolve an apparent constitutional conflict.

Presently, section 457-5, Hawaii Revised Statutes, empowers the board of nursing to prescribe standards and approve curricula of educational programs for persons preparing for licensure. However, Article X, Section 6, of the State Constitution, grants the board of regents of the University the sole power to approve programs and curricula in the university system.

This bill resolves the apparent conflict by retaining power of the board of nursing to prescribe standards while leaving approval of curriculum to the board of regents.

Your Committee on Higher Education is in accord with the intent and purpose of S.B. No. 1642, S.D. 1, and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Sakamoto.

SCRep. 977 Public Employment and Government Operations on S.B. No. 1449
(Majority)

The overall purpose of this bill is to require that, for all employees in each bargaining unit under the law relating to collective bargaining in public employment (Chapter 89, Hawaii Revised Statutes), instead of the mandatory payroll deduction of "service fees" (necessary to defray the costs of the services rendered by the exclusive representative of that particular bargaining unit in negotiating and administering an agreement), the public employer shall deduct from the payroll of every member and nonmember employee in each bargaining unit, the "amount of regular dues" required of its members in that bargaining unit.

Other major provisions of the bill are as follows:

(1) With respect to the payroll deductions for nonmember employees, such deductions "shall be made only for an exclusive representative which provides for a procedure for determining the amount of a refund to any employee who demands the return of any part of the deduction which represents the employees' pro rata share of expenditures

made by the exclusive representative for activities of a political and ideological nature unrelated to terms and conditions of employment."

(2) If a nonmember employee objects to the amount to be refunded, his recourse is to petition the Hawaii Public Employment Relations Board (HPERB) for a review thereof within fifteen days after he receives a notice of the refund.

(3) The definition of "service fee" is deleted from section 89-2, HRS.

Your Committee on Public Employment and Government Operations is in accord with the intent and purpose of S.B. No. 1449 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

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

SCRep. 978 Public Employment and Government Operations and Transportation
on S.B. No. 562

The purposes of this bill are to except government owned or controlled motor vehicles used for the State ride-sharing program from the prohibitions of §105-1, Hawaii Revised Statutes (HRS), and to provide an exception to the requirements of §105-6, HRS, for vehicles assigned to undercover investigators.

Your Committees find that section 105-6, HRS, requires that vehicles, which are owned or controlled by the State, bear, on each side, a facsimile of the State seal and the inscription "FOR OFFICIAL USE ONLY". Certain State vehicles are used for undercover investigative work and enforcement, and it would be advantageous to have such vehicles excepted from the requirements of §105-6. Thus, it is necessary to amend §105-6 to provide an exception for State motor vehicles used for investigative work, enforcement purposes, and other functions as approved by the Comptroller.

In addition, State owned or leased vehicles are used in connection with the VAN GO PROGRAM. Although the Vans are owned or leased by the State, they are not used for official business and should therefore be excepted from §105-6 requirements also. An integral part of the Van Go Program is the privilege of the assigned driver to make personal use of the van when it is not required for Van Go purposes. Because §105-1 prohibits the personal use of a State owned or controlled vehicle unless excepted by §105-2, it is necessary to amend the latter section in order to permit such personal use of Van Go vehicles.

Your Committees on Public Employment and Government Operations and Transportation are in accord with the intent and purpose of S.B. No. 562 and recommend that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committees.

SCRep. 979 Judiciary on S.B. No. 1163

The purpose of this bill is to make technical corrections to erroneous references contained in section 706-606.5, Hawaii Revised Statutes.

Your Committee recognizes that the bill conforms section 706-606.5 with statutory changes enacted by the 1980 Legislature and removes various misdemeanors originally included in the repeat offender statute and replaces them with the more serious offense.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1163, S.D. 1, and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 980 Consumer Protection and Commerce on S.B. No. 592

The purpose of this bill is to extend the repeal date of the Board of Certification of Practicing Psychologists, from December 31, 1981 to December 31, 1987.

Under Chapter 26H, Hawaii Revised Statutes, the various boards and commissions regulated by state law under the Department of Regulatory Agencies are scheduled for periodic review by the legislature to determine whether or not the regulatory program should be continued. Pursuant to this "sunset" law, the statutes governing the Board of Certification of Practicing Psychologists is due to be repealed on December 31, 1981. This bill would extend the board until December 31, 1987.

Your Committee finds from extensive testimony presented by numerous interested parties and from the Sunset Evaluation Report No. 81-6 submitted by the Legislative Auditor that maintenance of a state licensing program for practicing psychologists is in the best interest of the public. The nature of the service which psychologists perform in diagnosing and treating intellectual, behavioral, mental and emotional problems is such that a potential for great harm to the public exists if these services are performed by unqualified or unethical individuals. Your Committee finds that continued regulation and licensing will provide the public with a certain measure of protection.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 592 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives
Baker, Chun, Ikeda and Liu.

SCRep. 981 Ocean and Marine Resources on H.R. No. 464

The purpose of this Resolution is to respectfully request the Speaker of the Hawaii State House of Representatives, Eleventh State Legislature, Regular Session, to appoint an interim committee to review the issues identified in a hearing previously held by your committee to consider H.B. No. 77, "Relating to the Leasing of Ocean and Marine Resources", and contained in H.R. No. 464, and to develop proposed legislation for the leasing of ocean and marine resources to be submitted to the 1982 Legislature for consideration.

Your Committee fully supports the intent of this Resolution and feels strongly that procedures must be established for ocean leasing including the designation of specific state marine waters or submerged lands for marine activities, the use of conservation district use applications for ocean leases in conservation districts, and the assignment of responsibility for ocean leasing to the Board of Land and Natural Resources, which is reflected in H.B. No. 77, H.D. 1.

Your Committee recognizes and commends a study entitled, "Ocean Leasing for Hawaii," which was published by the Department of Planning and Economic Development. This study served as background for the introduction of H.B. No. 77, "Relating to the Leasing of Ocean and Marine Resources".

Your Committee realizes that public hearings on H.B. No. 77, H.D. 1, raised several issues or problems which should be addressed, including (1) the applicability of traditional, land-oriented concepts for the leasing of relatively static and defineable land-based natural resources to ocean resources which are relatively undefined and fluid in nature; (2) the relationship between State, federal, and international efforts to establish jurisdiction for the purposes of regulating, managing and disposing of ocean and marine resources and developing a law of the sea; (3) the most appropriate administrative structure; and (4) the need for basic data and a legal framework regarding the types, location and extent of ocean and marine resources for possible leasing.

Your Committee feels that a solution to the issues raised could be arrived at if an appropriate interim committee were appointed to review the issues and develop proposed legislation for the leasing of ocean and marine resources. Your Committee further recommends that the review include public meetings to provide information to the community and receive public input.

Your Committee has heard testimony from the Director of the Department of Planning and Economic Development who testified that the State's marine waters and submerged lands offer our people significant new sources of energy, minerals, food, and usable space. While many ocean-related activities are now being conducted under State licenses and permits, the management and the development of mariculture, ocean thermal energy conversion, and marine mining, may require that defined rights of property and tenure be established. These rights could be granted in the form of a lease.

Your Committee on Ocean and Marine Resources concurs with the intent and purpose of H.R. No. 464 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee except Representative Sakamoto.

SCRep. 982 Tourism on H.R. No. 398

The purpose of this resolution is to request that the City and County of Honolulu conduct a study in concert with the Hawaii State Legislature's Committee on Tourism in the House of Representatives, on Waikiki improvements for the promotion of quality tourism development in Waikiki and for the general well-being of the Waikiki area.

The Waikiki Improvement Association, Inc., feels that ample studies have been made, from which there is sufficient information to make recommendations on the ways and means to improve Waikiki. Your Committee has adopted recommendations from the Association and amends the purpose of H.R. No. 398, page 2, paragraph 3, to read as follows:

"BE IT RESOLVED by the House of Representatives of the Eleventh Legislature of the State of Hawaii, Regular Session of 1981, that the City and County of Honolulu is urged to formulate action recommendations on the ways and means to improve Waikiki for the promotion of quality tourism development and the reduction of negative social impacts of tourism development in Hawaii; and".

The following paragraphs have also been amended to be consistent with the purpose of the amended resolution:

1. Page 2, paragraph 4, has been amended to read:

"BE IT FURTHER RESOLVED that the City and County of Honolulu conduct this task in concert with the Hawaii State Legislature's Committee on Tourism in the House of Representatives, as the responsibility for the general well-being of the Waikiki area and its financial support in development is jointly held by the City and County of Honolulu and the State of Hawaii, in cooperation with tourist-related agencies in the private sector, in promoting the goals and objectives of a quality tourism industry; and"; and

2. Page 2, paragraph 5, has been amended to read:

"BE IT FURTHER RESOLVED that the City and County of Honolulu submit a report of its findings to the Legislature not less than twenty days before the convening of the Regular Session of 1982; and".

Your Committee on Tourism is in accord with the intent and purpose of H.R. No. 398, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 398, H.D. 1.

Signed by all members of the Committee.

SCRep. 983 Public Assistance and Human Services and Health on H.R. No. 419

The purpose of this resolution is to request that an interim committee of the House of Representatives be established to study the current practice of State funding of private health and welfare agencies through grants-in-aid, subsidies, and purchase of services, and to recommend detailed policies which will provide a more effective and consistent basis for future legislation decision-making.

Under Article VII, Section 4 of the State Constitution, no grant of public money or property is to be made except pursuant to standards provided by law. Your Committees find, however, that such standards have not yet been enacted. Your Committees believe that the development of definitive standards and criteria for legislative funding of private agencies through grants-in-aid and subsidies is urgently needed and would help alleviate the long-standing problem of allocating limited State fiscal resources to a variety of private agencies which request financial assistance.

Your Committees also find that the development of detailed policies which serve as

a basis for decision-making relating to State funding of private agencies will also help to resolve any future problems which may be encountered by decreased levels of federal funding, such as that recently experienced with the decision to reallocate limited Title XX federal funds (under the Social Security Act) to basic social services in the State rather than to continue purchase of service agreements with private health and social service agencies. Faced with a reduction in funding levels, these private agencies will have to cut back their programs substantially unless State general funds are appropriated to replace the anticipated loss of federal funds.

Your Committees on Public Assistance and Human Services and Health concur with the intent and purpose of H.R. No. 419 and recommend that it be referred to the Committee on Legislative Management.

Signed by all members of the Committees.

SCRep. 984 Public Assistance and Human Services and Health on H.C.R. No. 177

The purpose of this concurrent resolution is to request that a joint interim committee of the House of Representatives and Senate be established to study the current practice of State funding of private health and welfare agencies through grants-in-aid, subsidies, and purchase of services, and to recommend detailed policies which will provide a more effective and consistent basis for future legislative decision-making.

Under Article VII, Section 4 of the State Constitution, no grant of public money or property is to be made except pursuant to standards provided by law. Your Committees find, however, that such standards have not yet been enacted. Your Committees believe that the development of definitive standards and criteria for legislative funding of private agencies through grants-in-aid and subsidies is urgently needed and would help alleviate the long-standing problem of allocating limited State fiscal resources to a variety of private agencies which request financial assistance.

Your Committees also find that the development of detailed policies which serve as a basis for decision-making relating to State funding of private agencies will also help to resolve any future problems which may be encountered by decreased levels of federal funding, such as that recently experienced with the decision to reallocate limited Title XX federal funds (under the Social Security Act) to basic social services in the State rather than to continue purchase of service agreements with private health and social service agencies. Faced with a reduction in funding levels, these private agencies will have to cut back their programs substantially unless State general funds are appropriated to replace the anticipated loss of federal funds.

Your Committees have amended the concurrent resolution by adding, to the "BE IT RESOLVED" clause on page 1, the word "policies" which had been inadvertently omitted from the phrase which, as amended, reads "recommends to the Legislature detailed policies . . .".

Your Committees on Public Assistance and Human Services and Health concur with the intent and purpose of H.C.R. 177, as amended herein, and recommend that it be referred to the Committee on Legislative Management in the form attached hereto as H.C.R. No. 177, H.D. 1.

Signed by all members of the Committees.

SCRep. 985 Housing and State General Planning on H.R. No. 55

The purpose of this resolution is to request the Hawaii Housing Authority and the State Land Use Commission to conduct a study on inclusionary and performance zoning in Hawaii.

Your Committees find that inclusionary zoning requires a private developer to develop or allocate a percentage of the total number of homes in a housing development for low- and moderate-income households. Several mainland jurisdictions have implemented inclusionary zoning programs. Moreover, several developers in Hawaii have voluntarily set aside a percentage of affordable homes in proposed developments in return for land reclassification. Your Committees believe a thorough study of the concept of inclusionary zoning will be invaluable in enabling the Legislature to determine whether any mandatory or voluntary provisions are necessary or desirable as a partial solution to the problem of the lack of affordable housing.

Your Committees received supporting testimony from the Hawaii Housing Authority, the State Land Use Foundation, the Council of Presidents and others. Those present expressed their willingness to participate in the study.

Your Committees have amended this resolution by inserting an additional "BE IT FURTHER RESOLVED" clause listing various organizations the Hawaii Housing Authority and the Land Use Commission should consult in the course of their study.

Your Committees on Housing and State General Planning concur with the intent and purpose of H.R. No. 55, as amended herein, and recommend that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 55, H.D. 1.

Signed by all members of the Committees.

SCRep. 986 Housing and Consumer Protection and Commerce on H.R. No. 387

The purpose of this resolution is to request the Legislative Reference Bureau to conduct a study of rent control.

Your Committees find that more than half of Hawaii's residents rent their homes. Many of these households have been faced with rapidly escalating rents. The State Housing Plan (September 1980) reports that Oahu median rents increased 27 per cent between 1979 and 1980. Several mainland cities presently have rent controls and Hawaii had its own rent control ordinance during World War II. This study will provide information that will assist the Legislature in its efforts to alleviate housing problems for Hawaii's low- and moderate-income residents.

Your Committees have amended the resolution by requesting that the study be submitted prior to the Regular Session of 1983 in order that a more thorough study may be undertaken.

Your Committees on Housing and Consumer Protection and Commerce concur with the intent and purpose of H.R. No. 387, as amended herein, and recommend that it be referred to the Committee on Legislative Management, in the form attached hereto as H.R. No. 387, H.D. 1.

Signed by all members of the Committees.

SCRep. 987 Finance on H.R. No. 76

The purpose of this resolution is to request (1) that the chairman of the Inter-Agency Task Force for State Permit Simplification report to the Legislature, on any findings and recommendations regarding possible techniques to streamline and simplify the environmental and land use regulatory process, and (2) that the chairman of the appropriate House Committee report to the Legislature, prior to the convening of the Regular Session of 1982, on any findings and recommendations of the Inter-Agency Task Force for State Permit Simplification regarding possible techniques to streamline and simplify the environmental and land use regulatory process.

Your Committee agrees that there is an important need to streamline, coordinate, and simplify the application, processing, and approval process for permits connected with the environmental and land use regulatory process.

Your Committee has amended this bill to change the date of the first report to April 15, 1981.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 76, as amended herein, and recommends that it be referred to the Committee on Legislative Management in the form attached hereto as H.R. No. 76, H.D. 1.

Signed by all members of the Committee.

SCRep. 988 Agriculture on H.R. No. 443

The purpose of this resolution is to request the County of Hawaii to implement in North Kohala, Hawaii, the provisions of Article 18, Chapter 8, Hawaii County Code, relating to intensive agricultural districts and, in particular, the provision which specifies that the minimum area to be designated for any "IA" District shall be three acres up

to a maximum of ten thousand acres.

Your Committee finds that small lot agricultural subdivisions are rarely used for economically viable agricultural activities.

Your Committee has received testimony from the Chairperson of the Board of Agriculture stating that the implementation of the provisions stated in this resolution would be beneficial in preventing a proliferation of very small lots on prime agricultural land in North Kohala.

Your Committee on Agriculture concurs with the intent and purpose of H.R. No. 443 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 989 Agriculture on H.R. No. 402

The purpose of this resolution is to request the House Agriculture Committee to conduct an interim study designed to determine the feasibility of establishing a feed production industry in the State of Hawaii for Hawaii's livestock producers.

Your Committee finds that feed costs represent a very substantial portion of the overall cost of livestock production. Your Committee also finds that local feed production constitutes just a small portion of the total feed needs for Hawaii.

Your Committee also finds that Hawaii's livestock producers are faced with the rising costs of imported feed and that they need to be freed from external price pressures and transportation costs of imported feed on which they depend.

Your Committee on Agriculture concurs with the intent and purpose of H.R. No. 402 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 990 Transportation on H.R. No. 70

The purpose of this resolution is to request the Department of Transportation to study the cause of the fire which occurred on August 15, 1980 at Honolulu Harbor, the methods used to combat the fire and to recommend measures to prevent or combat a similar fire. The Department of Transportation is also requested to submit a report of its findings and recommendations to the Legislature prior to the convening of the Regular Session of 1982.

The Department of Transportation testified that the Harbors Division is involved with the tenants of the harbor in monitoring day-to-day operations, safety, and inspections of fire fighting apparatus. Increasing amounts of hazardous materials are being handled on the piers and the Department is requesting for a hazardous material specialist to be part of a program to reduce potential hazards to the community.

The previous fire was contained with the assistance of military fire fighting units and their specialized equipment. Precautions must be taken to prevent a similar fire from occurring and if one does reoccur, to be able to combat it effectively.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 70 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 991 Transportation on H.R. No. 459

The purpose of this resolution is to request the State Department of Transportation to place greater emphasis on bikeway planning, designing and construction in the department reorganization which is under consideration.

Your Committee finds that there is a need to accelerate the implementation of the Department of Transportation's master plan for programming, design and construction of bikeways. Your Committee further finds that a bikeway coordinator has been designated by the Department of Transportation, but that this bikeway coordinator has no staff

which has been designated to work specifically on bikeway planning, design or construction. Finally, your Committee finds that the Department of Transportation is presently improving its organizational structure, management systems and operations.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 459 and recommends its adoption.

Signed by all members of the Committee except Representatives Dods and Anderson.

SCRep. 992 Energy, Ecology and Environmental Protection and Water, Land Use, Development and Hawaiian Affairs on S.C.R. No. 33

The purpose of this concurrent resolution is to register the Legislature's opposition to all hazardous nuclear activity in the Pacific Ocean.

Your Committees find that the present state of nuclear science cannot guarantee the absolute safety of nuclear testing, waste storage, or disposal programs and any release of radio-active material into the Pacific Ocean may have an irreversible negative impact on the people and resources of the Pacific.

Your Committees further find that those Asian countries with the largest nuclear programs have limited disposal options for the toxic waste produced by their nuclear plants. Japan, after a moratorium of several years, is again planning to dump low-level waste in the Pacific Ocean. This option may be found convenient by other East Asian countries as well.

Your Committees are in agreement, therefore, that it would be in the public interest to oppose all hazardous nuclear activity in the Pacific Ocean including, but not limited to the following: (1) above-ground storage of nuclear spent fuel on any Pacific Island; (2) storage or disposal of either high-level or low-level nuclear wastes in the Pacific Ocean; and (3) underground, underwater or atmospheric testing of nuclear devices within the Pacific basin by any nation.

Your Committees on Energy, Ecology and Environmental Protection and Water, Land Use Development and Hawaiian Affairs concur with the intent and purpose of S.C.R. No. 33, S.D. 1, and recommend its adoption.

Signed by all members of the Committees.

SCRep. 993 Energy, Ecology and Environmental Protection and Water, Land Use, Development and Hawaiian Affairs on S.C.R. No. 34

The purpose of this concurrent resolution is to register the Legislature's concern regarding the proposed plan to store radioactive spent fuel on Pacific Islands such as Palmyra; to request that the United States Congress and the new national administration adopt policies calling for the recycling and proper disposal of spent fuel and radioactive wastes in secure dry areas within the continental United States; to urge that the administration work directly with Japan and other Pacific rim nations to determine the most environmentally benign method for the disposal of such waste materials; and to request that the Japanese government defer any action in this regard until the new administration has had the opportunity to discuss this matter with them.

Your Committees find that the present state of nuclear science cannot guarantee the absolute safety of nuclear testing, waste storage, or disposal programs and any release of radioactive material into the Pacific Ocean may have an irreversible negative impact on the people and resources of the Pacific.

Your Committees further find that there may be no real need to consider the storage of radioactive spent fuel on Pacific Islands. If this material is reprocessed at existing facilities in the United States, England, or France, over 95 per cent can be recycled and reused and non-recyclable radioactive products can be permanently stored in secure repositories within the continental United States.

Your Committees on Energy, Ecology and Environmental Protection and Water, Land Use Development and Hawaiian Affairs concur with the intent and purpose of S.C.R. No. 34, S.D. 1, and recommend its adoption.

Signed by all members of the Committees.

SCRep. 994 Energy, Ecology and Environmental Protection and Water, Land Use, Development and Hawaiian Affairs on H.R. No. 327

The purpose of this house resolution is to request the House of Representatives to join in the Petition filed by Citizens of Pacific Islands, International Organizations and Pacific Governments concerning the Japanese Government's proposal for Pacific Ocean nuclear dumping.

Your Committees find that Japan, one of the primary users of nuclear energy in the Pacific rim, is proposing to dump radioactive waste into the Pacific Ocean in 1981. This action may be contrary to international laws and may seriously impair international relations. This dumping may also represent the first step in the opening of the Pacific for massive, dangerous low and high-level nuclear waste disposal. The Petition, prepared by the Commonwealth of the Northern Mariana Islands, requests the Japanese Diet to hold a formal hearing prior to any dumping. It also states that a degradation of any portion of the Pacific Ocean has an adverse effect on all the people of the area and strongly protests plan by the Japanese Government to use the Pacific as a disposal site for unwanted nuclear waste and nuclear spent fuel.

Your Committees on Energy, Ecology and Environmental Protection and Water, Land Use, Development and Hawaiian Affairs concur with the intent and purpose of H.R. No. 327 and recommend its adoption.

Signed by all members of the Committees.

SCRep. 995 Energy, Ecology and Environmental Protection and Water, Land Use, Development and Hawaiian Affairs on H.C.R. No. 158

The purpose of this concurrent resolution is to request the State Legislature to join in the Petition filed by the Citizens of Pacific Islands, International Organizations, and Pacific Governments concerning the Japanese Government's proposal for Pacific Ocean nuclear dumping.

Your Committees find that Japan, one of the primary users of nuclear energy in the Pacific, is proposing to dump radioactive waste into the Pacific Ocean in 1981. This action may be contrary to international law and may seriously impair international relations. This dumping may also represent the first step in the opening of the Pacific for massive, dangerous low and high-level nuclear waste disposal. The Petition prepared by the Commonwealth of Northern Mariana Islands, requests the Japanese Diet to hold formal hearings prior to any dumping. It also states that a degradation of any portion of the Pacific Ocean has an adverse effect on all people of the area and strongly protests plans by the Japanese Government to use the Pacific as a disposal site for unwanted nuclear waste and nuclear spent fuel.

Your Committees on Energy, Ecology and Environmental Protection and Water, Land Use Development and Hawaiian Affairs concur with the intent and purpose of H.C.R. No. 158 and recommends it adoption.

Signed by all members of the Committees.

SCRep. 996 Water, Land Use, Development and Hawaiian Affairs on H.R. No. 18

The purpose of this resolution is to require the Department of Land and Natural Resources to examine the concerns of farmers and farmer organizations that State lands leased for agricultural purposes are not being utilized for agricultural purposes.

Your Committee finds that in many instances leasees of State-owned agricultural lands do not adhere to the terms and conditions of the lease.

Your Committee further finds that the State Board of Land and Natural Resources is aware that there are violations of the terms and conditions of the leases and is attempting to take corrective action. They have set a goal of having each lease and permit inspected at least once per annum.

Your Committee further finds that the State Board of Land and Natural Resources has activated a new Division of Conservation and Resources Enforcement Branch which should facilitate the inspection work.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 18 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 997 Transportation on H.R. No. 71

The purpose of this resolution is to request the Committee on Transportation to review Bikeplan Hawaii: A State of Hawaii Master Plan and to submit a report of its findings and recommendations to the Legislature prior to the convening of the Regular Session of 1982.

The master plan prepared in 1977 for the Department of Transportation was for the design and construction of a bicycle lane network throughout the state. The recommendations for the implementation of the plan projects the costs to the State and Counties. The plan has not previously been subject to an official legislative review and now such a review is considered necessary.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 71 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 998 Transportation on H.R. No. 73

The purpose of this resolution is to request the House Committee on Transportation to review Act 179 of the Regular Session of 1979, which charges airport security personnel with the additional responsibility of enforcing all state and county laws.

Act 179, which has been in effect for over a year now, confers the power of police officers upon airport security personnel and requires them to enforce all state and county laws, as well as laws relating to aeronautics.

Your Committee has amended this resolution's first "BE IT FURTHER RESOLVED" clause to specify that the Committee report its findings and recommendations to the Legislature prior to the adjournment of the Regular Session 1982 and 1981.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 73, as amended herein, and recommends that it be referred to the Committee on Legislative Management, in the form attached hereto as H.R. No. 73, H.D. 1.

Signed by all members of the Committee.

SCRep. 999 Transportation on H.R. No. 69

The purpose of this resolution is to request the Committee on Transportation to review the problem of air traffic safety at the Honolulu International Airport and to examine the safety precautions taken at the airport by the Department of Transportation to minimize the problem.

In the recent past, air traffic safety has been a controversial matter at Honolulu International Airport due to the mixture of commercial and general aviation aircrafts. The Legislature enacted Act 308 of the Regular Session of 1980, establishing a policy on air traffic safety and allowing the Department of Transportation to alleviate the safety problems by imposing differential landing fees, assigning runways, and establishing the number and types of aircrafts. However, the problem of air traffic safety remains and should be reviewed until more permanent and effective measures are established.

Your Committee has amended the first "BE IT FURTHER RESOLVED" clause to allow your committee additional time to study the update during the interim between the 1981 and 1982 Regular Sessions by specifying that your committee shall submit a report of its findings and recommendations to the Legislature prior to the convening of the Regular Session of 1982.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 69, as amended herein, and recommends that it be referred to the Committee on Legislative Management in the form attached hereto as H.R. No. 69, H.D. 1.

Signed by all members of the Committee.

SCRep. 1000 Finance on H.R. No. 270

The purpose of this resolution is to request the House Committee on Health to conduct an interim study of the State Comprehensive Emergency Medical Services System.

Since the enactment of the statewide emergency medical services system in 1978, the cost to the State in providing for such services has increased dramatically, in particular the cost of ambulance services and specially-trained medical technicians. Further, the existence of varying State, county, and private agency models for providing emergency medical services delivery throughout the State has made difficult a comprehensive evaluation of the current program.

Your Committee agrees that an interim legislative review of the level, type, and geographic locations of emergency medical services, as well as of the costs involved in providing for these services, would significantly assist the Legislature in making informed decisions relating to the possible future expansion or upgrading of the emergency medical services program. Such a review will also help ensure the cost-effective and efficient utilization of existing State resources.

Your Committee has amended the third WHEREAS clause to add clarifying language.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 270, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Legislative Management in the form attached hereto as H.R. No. 270, H.D. 2.

Signed by all members of the Committee.

SCRep. 1001 Energy, Ecology and Environmental Protection on H.R. No. 465

The purpose of this house resolution is to request that the Department of Agriculture work in conjunction with the Department of Health and other public and private organizations to monitor current DBCP studies and to submit a report of their findings and recommendations to the Legislature prior to the Regular Session of 1982.

Your Committee finds that Dibromochloropropane (DBCP), an agricultural pesticide, has been banned by the federal Environmental Protection Agency (EPA). An exemption, however, has been granted for its use in Hawaii by our local pineapple industry.

Your Committee also finds that the Department of Health has reported trace amounts of DBCP in at least three domestic use wells in Central Oahu. Consequently, the continued use of DBCP may result in contamination of our groundwater supply and thus pose a serious hazard to the public health of our community.

Your Committee was informed that the Pesticide Hazard Assessment Project (PHAP) at the University of Hawaii is presently conducting studies of workers and families using those wells found to contain trace amounts of DBCP. The PHAP is also working cooperatively with the National Institute of Occupational Safety and Health (NIOSH) to monitor those agricultural workers and families exposed to DBCP during this current use season. Because of the potentially serious hazard posed by this pesticide, your Committee is in agreement that close monitoring and review of these on-going studies by the Departments of Agriculture and Health are warranted.

Testimony supporting H.R. No. 465 was provided by the: Department of Agriculture; Department of Health; Pesticide Hazard Assessment Project; Sierra Club; ILWU - Local 142; and Life of the Land.

The Department of Health testified that it currently provides on-going monitoring of our drinking water system including the monitoring of DBCP. The department expressed some concern, however, that its monitoring efforts may be jeopardized because of personnel vacancies. Your Committee is in agreement that all efforts be made to ensure a full complement of program staff to provide the monitoring necessary to ensure the availability of safe, uncontaminated drinking water throughout the State.

Testimony provided by the PHAP indicated that its current DBCP study should be completed by the end of 1981. However, project funding cuts by the EPA could result in delays to the study. Additional cuts by that federal agency could seriously jeopardize

completion of the study. Consequently, your Committee is in agreement that the EPA should be encouraged to reinstate those funds necessary for the PHAP to complete its study and to provide the on-going pesticides monitoring necessary to protect the health and welfare of our citizens.

Your Committee on Energy, Ecology and Environmental Protection concurs with the intent and purpose of H.R. No. 465 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1002 Energy, Ecology and Environmental Protection on H.C.R. No. 193

The purpose of this concurrent resolution is to request that the Department of Agriculture work in conjunction with the Department of Health and other public and private organizations to monitor current DBCP studies and to submit a report of their findings and recommendations to the Legislature prior to the Regular Session of 1982.

Your Committee finds that Dibromochloropropane (DBCP), an agricultural pesticide, has been banned by the federal Environmental Protection Agency (EPA). An exemption, however, has been granted for its use in Hawaii by our local pineapple industry.

Your Committee also finds that the Department of Health has reported trace amounts of DBCP in at least three domestic use wells in Central Oahu. Consequently, the continued use of DBCP may result in contamination of our groundwater supply and thus pose a serious hazard to the public health of our community.

Your Committee was informed that the Pesticide Hazard Assessment Project (PHAP) at the University of Hawaii is presently conducting studies of workers and families using those wells found to contain trace amounts of DBCP. The PHAP is also working cooperatively with the National Institute of Occupational Safety and Health (NIOSH) to monitor those agricultural workers and families exposed to DBCP during this current use season. Because of the potentially serious hazard posed by this pesticide, your Committee is in agreement that close monitoring and review of these on-going studies by the Departments of Agriculture and Health are warranted.

Testimony supporting H.C.R. No. 193 was provided by the: Department of Agriculture; Department of Health; Pesticide Hazard Assessment Project; Sierra Club; ILWU - Local 142; and Life of the Land.

The Department of Health testified that it currently provides on-going monitoring of our drinking water system including the monitoring of DBCP. The department expressed some concern, however, that its monitoring efforts may be jeopardized because of personnel vacancies. Your Committee is in agreement that all efforts be made to ensure a full complement of program staff to provide the monitoring necessary to ensure the availability of safe, uncontaminated drinking water throughout the State.

Testimony provided by the PHAP indicated that its current DBCP study should be completed by the end of 1981. However, project funding cuts by the EPA could result in delays to the study. Additional cuts by that federal agency could seriously jeopardize completion of the study. Consequently, your Committee is in agreement that the EPA should be encouraged to reinstate those funds necessary for the PHAP to complete its study and to provide the on-going pesticides monitoring necessary to protect the health and welfare of our citizens.

Your Committee on Energy, Ecology and Environmental Protection concurs with the intent and purpose of H.C.R. No. 193 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1003 Health; Education; and Youth and Elderly Affairs on H.R. No. 420

The purpose of this resolution is to request the Department of Health to plan and conduct a multidisciplinary workshop or conference on substance abuse which will (1) determine and discuss the extent of substance abuse in the schools and its related problems and (2) consider comprehensive, statewide alternatives to these problems.

Your Committees find that the incidence of substance abuse and its related problems have increased dramatically over the past several years. Although treatment and rehabilitation programs by various private organizations are currently available to individuals, information relating to substance abuse and, in particular, the prevention of substance abuse, has not been effectively disseminated to the wider community.

While your Committees acknowledge that the issue of substance abuse in the schools is of high priority, your Committees firmly believe that substance abuse and its associated social and health problems impact significantly on all residents of the State. Accordingly, programs to combat substance abuse should not be limited to only the school system, but rather must be part of a comprehensive statewide substance abuse prevention program.

Your Committees have therefore amended the resolution to reflect this broader concern by: (1) deleting the term "schools" and substituting the term "community"; (2) expanding the scope of the workshop to include the participation of the Department of Social Services and Housing, the Family Court, the police departments of the counties of Kauai, Maui, Hawaii, Honolulu, and the University of Hawaii; (3) deleting the requirement that the workshop be held sixty days prior to the convening of the Regular Session of 1982; and (4) providing that additional workshops or meetings may be held, as necessary, to further explore recommendations and alternatives to the problems associated with substance abuse.

Your Committees have also made a number of non-substantive changes for purposes of greater clarity.

Your Committees on Health, Education, and Youth and Elderly Affairs concur with the intent and purpose of H.R. No. 420, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 420, H.D. 1.

Signed by all members of the Committees.

SCRep. 1004 Education on H.R. No. 428

The purpose of this resolution is to request the Department of Education to develop relocation plans and other options for achieving optimal use of office space within existing state-owned facilities.

Your Committee finds that the Department has been engaged in relocating various operations into available school facilities since 1976. In view of the sharp rent increases in the Department's leased facilities over the past years, e.g. at the Queen Emma Building offices of the Department, and due to the decline in enrollment in several school districts, your Committee believes that the Department should develop a plan for the maximum use of surplus classrooms and other available public facilities. A progress report from the Department for the 1982 Regular Session, which explores the consolidation of schools and support facilities, relocation, and other options, is therefore requested to ensure that the cost of the Department's leased facilities is minimized and that a more orderly and rational system of providing for offices and school space needs is achieved.

Your Committee on Education concurs with the intent and purpose of H.R. No. 428 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1005 Education on H.R. No. 537

The purpose of this resolution as received by your Committee is to request the Department of Education to develop a plan for the implementation of a pilot project allowing a selected public school to operate on a year round basis, including:

1. Implications for employee unions regarding collective bargaining negotiability.
2. Plan methods of informing the public and dealing with community acceptance.
3. Implications toward curriculum expansion and adjusted instructional programs.

4. Methods of evaluating this pilot project.
5. Develop plans for the choice of attendance on a full year or partial year plan.
6. Determine all costs related to the development of a pilot project in terms of the extended year and the maintenance of the facilities.
7. Evaluation of site location for selected year round school pilot project.
8. Any other subject relevant to implementation of the plan.

Due to the many implications and complexities of the year round school concept, your Committee believes that an assessment of the feasibility of implementing such a pilot project is necessary. Many logistical, personnel, instructional, and other considerations need to be addressed for the year round school concept to be fairly tested in a pilot project.

Your Committee has amended this resolution by inserting the request that the Department include in its considerations an assessment of the feasibility and the possible general application of the year round pilot project based on the other considerations enumerated in the resolution. Your Committee has also amended the resolution by making organizational and format changes without changing the substantive content of the resolution to clarify the actions requested therein.

Your Committee on Education concurs with the intent and purpose of H.R. No. 537, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 537, H.D. 1.

Signed by all members of the Committee.

SCRep. 1006 Higher Education on H.R. No. 510

The purpose of this resolution is to request the agencies named in the title of this resolution to conduct a joint study of agricultural education in public programs to the end of developing a better articulated and more effective and efficient system of public agricultural education programs.

Testimony was offered by both the University of Hawaii and the Board of Education, State of Hawaii, at the Committee's hearing on this resolution on April 3, 1981. Basically, both presentations supported the purpose and intent of this resolution.

The University of Hawaii suggested the following three substantive changes to the resolution as drafted: (1) substitute for a single report addressing specific topics the development of a process for the continuing review of educational needs in agricultural education and means of meeting designated needs, (2) substitution of the "the University" for "the College of Tropical Agriculture" as the designated organizational entity responsible for paying attention to an aspect of agricultural education in Hawaii's public institutions, and (3) deletion of reference to the real or potential relationships of agricultural education programs to students unable to relate to non-agricultural educational offerings.

Your Committee believes that the University's first point cited in the foregoing paragraph merits attention. Accordingly, your Committee has amended this resolution to require the University of Hawaii and the Hawaii State Department of Education to cooperatively develop "a process for the continuing review of educational needs in agriculture and means of meeting them [educational needs]... [to include]... the involvement of agricultural industry... to define the desired outcomes of education at various levels as the needs of industry change." (University of Hawaii testimony before the Committee on Higher Education, April 3, 1981.)

Your Committee also has acquiesced to the proposed redesignation of the "the University" for "the College of Tropical Agriculture."

The third point raised by the University presents real problems. As your Committee interprets the intent of this resolution there is no suggestion that agricultural education programs be a "dumping ground" for the "less able." The point addresses the possibility that there are individuals with the ability to perform adequately as students but do not relate to most curriculums. Some of this group might be attracted to agricultural

education if they had more exposure to the field and more information about the rewards of work careers in agriculture. Your Committee believes it is a subject worth examining to see if the educational system can improve the process for attracting competent students into agriculture.

Your Committee on Higher Education concurs with the intent and purpose of H.R. No. 510, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 510, H.D. 1.

Signed by all members of the Committee.

SCRep. 1007 Higher Education on H.C.R. No. 201

The purpose of this concurrent resolution is to require the University of Hawaii to prepare and submit a report to the Legislature detailing progress made in implementing the recommendations included in the Legislative Auditor's Report twenty days before the convening of the Regular Session of 1981.

In testifying on this concurrent resolution the University of Hawaii fully supported the measure. No adverse testimony was received.

Your Committee on Higher Education concurs with the intent and purpose of H.C.R. No. 201 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1008 Higher Education on H.R. No. 512

The purpose of this resolution is to require the University of Hawaii to prepare and submit a report to the Legislature detailing progress made in implementing the recommendations included in the Legislative Auditor's Report twenty days before the convening of the Regular Session of 1982.

In testifying on this resolution the University of Hawaii fully supported the measure. No adverse testimony was received.

Your Committee on Higher Education concurs with the intent and purpose of H.R. No. 512 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1009 Higher Education on H.C.R. No. 200 (Majority)

The purpose of this concurrent resolution is to request the University of Hawaii to study the subject of ethnic groups underrepresented in the student population of the University system, to develop recommendations for reducing underrepresentation, and to report to the Legislature twenty days before the convening of the Regular Session of 1982.

Testimony at the Committee hearing on this resolution on April 3, 1981, was uniformly supportive of H.C.R. 200.

In its testimony, the University of Hawaii pointed out certain matters that should be considered in the course of such a study: (1) the need to adjust statistical data for underrepresentation of local ethnic groups to account for the fact that the student population includes mainland and foreign students, (2) the need to develop a reasonable measure of underrepresentation so purely random fluctuations do not distort the actual situation, and (3) the need to look at the ethnic mix of applicants to the University of Hawaii to determine if groups underrepresented in the student body also are underrepresented in the applicant pool.

Your Committee agrees with the University that these matters should be included in the proposed study.

Your Committee on Higher Education concurs with the intent and purpose of H.C.R. No. 200 and recommends that it be referred to the Committee on Finance.

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

SCRep. 1010 Higher Education on H.R. No. 509 (Majority)

The purpose of this resolution is to request the University of Hawaii to study the subject of ethnic groups underrepresented in the student population of the University system, to develop recommendations for reducing underrepresentation, and to report to the Legislature twenty days before the convening of the Regular Session of 1982.

Testimony at the Committee hearing on this resolution on April 3, 1981, was uniformly supportive of H.R. 509.

In its testimony, the University of Hawaii pointed out certain matters that should be considered in the course of such a study: (1) the need to adjust statistical data for underrepresentation of local ethnic groups to account for the fact that the student population includes mainland and foreign students, (2) the need to develop a reasonable measure of underrepresentation so purely random fluctuations do not distort the actual situation; and (3) the need to look at the ethnic mix of applicants to the University of Hawaii to determine if groups underrepresented in the student body also are underrepresented in the applicant pool.

Your Committee agrees with the University that these matters should be included in the proposed study.

Your Committee on Higher Education concurs with the intent and purpose of H.R. No. 509 and recommends that it be referred to the Committee on Finance.

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

SCRep. 1011 Consumer Protection and Commerce on H.R. No. 273

The purpose of this resolution is to request the Department of Regulatory Agencies to report to the legislature on cable television regulation and on any recommendations for its improvement.

Your Committee finds that emphasis during the establishment of cable television service on expansion of availability may have caused problems in other areas such as ratemaking, standard setting, complaint handling, consumer credit, representation before the Federal Communications Commission, and ownership of cable television systems.

Your Committee agrees with the intent of this resolution to reiterate Senate Concurrent Resolution No. 32 (1976) requesting a review of the regulation of cable television.

Your Committee has amended the resolution to require the report to be submitted prior to the 1982 legislative session instead of prior to the closing of the current session.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.R. No. 273, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 273, H.D. 1.

Signed by all members of the Committee.

SCRep. 1012 Consumer Protection and Commerce on H.R. No. 447

The purpose of this resolution is to request the County of Hawaii and Hawaiian Telephone Company to conduct a study of the feasibility and cost of establishing a county-wide telephone number for emergency service.

Your Committee finds that the number "911" is a nationwide emergency telephone number through which communication with police, fire fighter and ambulance services can be obtained in emergencies. Your Committee is also aware that this service is currently available on Oahu and Maui, and is scheduled to be established on Kauai in 1981. Your Committee is therefore in agreement that the possibility of expanding this service to the County of Hawaii should be investigated and evaluated.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.R. No. 447 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1013 Consumer Protection and Commerce on H.R. No. 359

The purpose of this resolution is to request the Department of Labor and Industrial Relations to amend its rules relating to Boiler and Elevator Safety Law by requiring all elevators to be equipped with emergency power sources.

Your Committee finds that all elevators are not equipped with emergency power sources and that emergency signaling devices would therefore be inoperable in elevators not so equipped in the event of a power failure. Your Committee is aware that the availability of power sources for emergency signaling devices may contribute toward the safety and welfare of the public.

Your Committee has amended the resolution to urge the Department to review their rules pertaining to requiring emergency power sources for elevators.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.R. No. 359, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 359, H.D. 1.

Signed by all members of the Committee.

SCRep. 1014 Consumer Protection and Commerce on H.C.R. No. 167

The purpose of this concurrent resolution is to request the Department of Labor and Industrial Relations to amend its rules relating to Boiler and Elevator Safety Law by requiring all elevators to be equipped with emergency power sources.

Your Committee finds that all elevators are not equipped with emergency power sources and that emergency signaling devices would therefore be inoperable in elevators not so equipped in the event of a power failure. Your Committee is aware that the availability of power sources for emergency signaling devices may contribute toward the safety and welfare of the public.

Your Committee has amended the concurrent resolution to urge the Department to review their rules pertaining to requiring emergency power sources for elevators.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.C.R. No. 167, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 167, H.D. 1.

Signed by all members of the Committee.

SCRep. 1015 Public Assistance and Human Services and Youth and Elderly
Affairs on H.R. No. 458

The purpose of this resolution, as received by your Committees, is to request the Department of Social Services and Housing (DSSH) to report on the status of the state advisory committee on day care services and on when the department intends to convene the committee.

Your Committees find that while such a State Day Care Advisory Committee had met regularly between 1975 and 1978 for the purpose of updating and rewriting day care standards, it has not been reconvened since then. There is a critical need to reconvene the committee so that it may provide consumer and professional input on the various child care bills introduced for legislative consideration and on the comprehensive rules and regulations currently being developed by the DSSH.

Your Committees have amended this resolution by requiring the Department of Social Services and Housing to: (1) appoint members to the State Advisory Committee on Day Care Services; (2) reconvene the advisory committee by August 1, 1981; (3) report on the progress of the committee; and (4) report on the status of the rules and regulations on day care services to the House of Representatives. Accordingly, your Committees have also changed the title of this resolution to reflect this broader purpose by amending it to read: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING TO APPOINT MEMBERS AND CONVENE THE STATE ADVISORY COMMITTEE ON DAY CARE SERVICES".

Your Committees on Public Assistance and Human Services and Youth and Elderly

Affairs concur with the intent and purpose of H.R. No. 458, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 458, H.D. 1.

Signed by all members of the Committees.

SCRep. 1016 Public Assistance and Human Services and Health on H.R. No. 415

The purpose of this resolution is to request the Department of Health and the Department of Social Services and Housing to study the feasibility of establishing a drug plan for Medicare-eligible persons in the State. Such study is to include, but not be limited to, an assessment of the need for and financing of such a plan, a projection of consumer and agency costs involved in such an undertaking, and a recommendation as to the appropriate state agency to administer the plan.

Your Committees find that although Medicare is of substantial assistance in meeting the costs of medical and hospital care for persons 65 years of age and older, such benefits do not include the payment of outpatient prescription drugs. Many elderly individuals on fixed incomes are treated for chronic conditions and continuously require a variety of prescription drugs as part of their treatment. Therefore, these individuals are subject to substantial financial hardships due to the rapidly rising costs of prescription drugs and would greatly benefit from a drug plan established for Medicare-eligible persons.

Your Committees on Public Assistance and Human Services and Health concur with the intent and purpose of H.R. No. 415 and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committees.

SCRep. 1017 Transportation and Agriculture on H.R. No. 481

The purpose of this resolution is to request the State Department of Transportation and Board of Land and Natural Resources to meet with Hawaii County officials to resolve the problem of "paper roads" in Hawaii County.

Your Committees find that there are many roads designated on Hawaii County and area maps as providing access to Big Island ranches and farm lands, which roads do not actually exist. Your Committees further find that providing roads where they are designated will promote diversified agriculture by saving time and fuel for farmers and ranchers marketing their crops and livestock.

Your Committees heard testimony from the Department of Transportation that these "paper roads" are not within the jurisdiction of the department, but are within the jurisdiction of Hawaii County, the Department of Land and Natural Resources, the University of Hawaii and the Department of Hawaiian Home Lands.

Your Committees amended H.R. No. 481 in order to delete reference to the Board of Land and Natural Resources, and to request that the Department of Land and Natural Resources, the Department of Agriculture, the University of Hawaii and the Department of Hawaiian Home Lands be included along with the Department of Transportation and the Counties in the joint meetings to resolve the problem of "paper roads". Your Committees further amended the resolution to request that a report on these meetings be transmitted to the Chairmen of the House Committees on Transportation and Agriculture prior to the 1982 Regular Session and to designate the Department of Land and Natural Resources as the lead agency involved.

Your Committees on Transportation and Agriculture concur with the intent and purpose of H.R. No. 481, as amended herein, and recommend that it be referred to the Committee on Judiciary, in the form attached hereto as H.R. No. 481, H.D. 1.

Signed by all members of the Committees except Representative Dods.

SCRep. 1018 Public Employment and Government Operations on H.R. No. 423

The purpose of this resolution is to request the appropriate House committees to conduct a comprehensive interim study of Chapter 88, Hawaii Revised Statutes, relating to the

Employees' Retirement System of the State of Hawaii.

Since the establishment of the Employees' Retirement System in 1926, numerous amendments have been made to the Retirement System law, and although a number of studies have been conducted on specific aspects of the System, no comprehensive study has yet been conducted of the Retirement System law as a whole.

Your Committee agrees that a comprehensive review of the Retirement System law will aid in determining the adequacy and effectiveness of the major provisions of the law and their inter-relationships. The study should also greatly assist the Legislature in making informed decisions to improve the Retirement System.

Your Committee on Public Employment and Government Operations concurs with the intent and purpose of H.R. No. 423 and recommends that it be referred to the Committee on Finance.

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

SCRep. 1019 Youth and Elderly Affairs on H.R. No. 351

The purpose of this resolution is to request the Department of Social Services and Housing to report to the Legislature on instances of elderly abuse and neglect.

The Department of Social Services and Housing presently does not have a clear legislative mandate to protect elderly persons from abuse and neglect. Consequently, there is a lack of statistical data on cases of elderly abuse and neglect. Your Committee finds that more information is needed in order to determine what, if any, legislative action is needed to provide for the protection of elderly persons.

Your Committee has amended H.R. No. 351 to include cases of elderly abuse or neglect which are reported to private agencies as well as public agencies.

The Department of Social Services and Housing informed your Committee that a manual search of the records would be necessary to get the information requested in the bill for Fiscal Year 1980-1981, since no systematic record-keeping has been instituted on elderly abuse and neglect. Your Committee has amended this date to May-November, 1981, to provide the Department of Social Services and Housing with sufficient time to gather the necessary data.

Your Committee recognizes that many agencies are involved in the issue of elderly abuse and neglect. Your Committee has requested these agencies to cooperate with the Department of Social Services and Housing in preparing the report to the Legislature.

Your Committee finds that information on each specific report of elderly abuse and neglect might be voluminous for the legislators to review and has amended this request to "information on reports" made to the Department of Social Service and Housing.

Your Committee has amended the title of H.R. No. 351 to be consistent with amendments made to the resolution. The words "instances of" have been deleted.

Your Committee on Youth and Elderly Affairs is in accord with the intent and purpose of H.R. No. 351, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 351, H.D. 1.

Signed by all members of the Committee.

SCRep. 1020 Education on H.R. No. 430

The purpose of this resolution is to request that the Governor proclaim May 24-30, 1981 as Community Education Week.

Your Committee recognizes the services that have been provided by the adult community education program to immigrants, refugees, high school dropouts, in-school youths, the unemployed, senior citizens, veterans, military personnel and dependents, and the general public interested in leisure-time pursuits. The community education program has provided the means whereby adults can become more employable, productive, and responsible citizens through the acquisition of basic skills. Thus, the adult community

education program has contributed towards a more educated and literate citizenry in Hawaii.

The Board of Education and the Hawaii State Teachers Association testified in favor of the resolution.

Your Committee on Education concurs with the intent and purpose of H.R. No. 430 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1021 Education on H.C.R. No. 181

The purpose of this concurrent resolution is to request that the Governor proclaim May 24-30, 1981 as Community Education Week.

Your Committee recognizes the services that have been provided by the adult community education program to immigrants, refugees, high school dropouts, in-school youths, the unemployed, senior citizens, veterans, military personnel and dependents, and the general public interested in leisure-time pursuits. The community education program has provided the means whereby adults can become more employable, productive, and responsible citizens through the acquisition of basic skills. Thus, the adult community education program has contributed towards a more educated and literate citizenry in Hawaii.

The Board of Education and the Hawaii State Teachers Association testified in favor of the concurrent resolution.

Your Committee on Education concurs with the intent and purpose of H.C.R. No. 181 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1022 Consumer Protection and Commerce on H.R. No. 27

The purpose of this resolution is to request a study of the present statutes governing the application of no-fault motor vehicle insurance.

Your Committee finds that Hawaii's no-fault insurance statutes have been in effect for eight years and believes that there is sufficient data and experience for the basis of a useful study. Your Committee also notes that the administrator of the program, the Motor Vehicle Insurance Division, is in agreement with the intent of the resolution to conduct the study.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.R. No. 27, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1023 Consumer Protection and Commerce on H.R. No. 28

The purpose of this resolution is to authorize an interim study on the findings of the Public Utilities Commission relating to the implementation of lifeline utility rates.

Under the Federal Public Utility Regulatory Policies Act of 1978, states are required to consider the implementation of lifeline rates for public utilities. Accordingly, the Public Utilities Commission of this State has conducted evidentiary hearings on the merits of lifeline rates (P.U.C. Docket No. 3874). Your Committee agrees that the findings of this hearing should be evaluated by the legislature for possible implementation.

Your Committee amended the resolution to delete the reference to submission of the findings of the Public Utilities Commission to the 1981 legislative session. Your Committee notes that the revised date for issuance of said findings is now June 15, 1981, and has therefore amended the resolution to require the findings to be submitted prior to the 1982 session.

Your Committee on Consumer Protection and Commerce concurs with the intent and

purpose of H.R. No. 28, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 28, H.D. 1.

Signed by all members of the Committee.

SCRep. 1024 Consumer Protection and Commerce on H.C.R. No. 5

The purpose of this concurrent resolution is to authorize an interim study on the findings of the Public Utilities Commission relating to the implementation of lifeline utility rates.

Under the Federal Public Utility Regulatory Policies Act of 1978, states are required to consider the implementation of lifeline rates for public utilities. Accordingly, the Public Utilities Commission of this State has conducted evidentiary hearings on the merits of lifeline rates (P.U.C. Docket No. 3874). Your Committee agrees that the findings of this hearing should be evaluated by the legislature for possible implementation.

Your Committee amended the concurrent resolution to delete the reference to submission of the findings of the Public Utilities Commission to the 1981 legislative session. Your Committee notes that the revised date for issuance of said findings is now June 15, 1981, and has therefore amended the concurrent resolution to require the findings to be submitted prior to the 1982 session.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.C.R. No. 5, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 5, H.D. 1.

Signed by all members of the Committee.

SCRep. 1025 Finance on H.R. No. 41

The purpose of this resolution is to request a feasibility study of recycling greywater, including the potential uses of such water, with special emphasis on:

- (1) Adequate standards and measures to protect the public health and safety in any proposed use of such recycled water;
- (2) Standards relating to any equipment or device to filter or otherwise process greywater for domestic or other uses; and
- (3) Any necessary implementing legislation.

The health and general welfare of Hawaii's citizens are directly linked to the availability and adequacy of our water resources. The residual water from laundry, bathing and other uses, known as greywater, has the potential for being recycled for use in watering gardens or for other agricultural purposes.

Because the use of recycled greywater could significantly reduce the State's overall water consumption, your Committee believes it would be in the public interest for the State to study the feasibility of recycling greywater.

Your Committee believes that the University of Hawaii should be responsible for this study and this resolution is accordingly so amended.

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

Signed by all members of the Committee.

SCRep. 1026 Transportation on H.R. No. 74

The purpose of this resolution is to request a review of the 1995 Honolulu Harbor Master Plan by the House Committee on Transportation and that the findings and recommendations of the committee be submitted to the Legislature prior to the convening of the Regular Session of 1982.

The Department of Transportation has formulated and is implementing certain long-range plans for the development of Hawaii's commercial harbors. The 1995 Honolulu Harbor Master Plan proposes the redevelopment of Honolulu Harbor and development of a second deep draft harbor at Barber's Point. The changing factors which may affect cargo demand projections, the need to interface the waterfront and the Aloha Tower Complex and legal impediments to unrestricted relocation of operations require the constant review and monitoring of the 1995 Honolulu Harbor Master Plan to determine its continued appropriateness for the planning period.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 74 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1027 Higher Education on H.R. No. 45 (Majority)

The purpose of this resolution is to require the appropriate House Committees to review Article X, section 6, of the Constitution of the State of Hawaii, as amended in 1978, to determine what specific provisions of the Hawaii Revised Statutes require amendment to conform to the amended Constitution.

Your Committee finds that full implementation of the 1978 amendment to Article X, section 6, of the State Constitution requires further study and implementing legislation.

Your Committee has amended this resolution to specify that the House Committee on Higher Education shall be responsible for the necessary review and development of recommendations for amending the Hawaii Revised Statutes and has further specified that the Committee on Higher Education shall report back to the House of Representatives no later than twenty days before the convening of the 1982 Regular Session.

In addition, your Committee has amended this resolution to request the Legislative Reference Bureau to assist the Committee in its work.

Your Committee on Higher Education concurs with the intent and purpose of H.R. No. 45, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 45, H.D. 1.

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

SCRep. 1028 Agriculture on H.R. No. 403

The purpose of this resolution is to urge the Farmer's Home Administration, United States Department of Agriculture, and the members of Hawaii's delegation to the United States Congress to take or support actions which would enable more farmers in Hawaii to qualify for rural housing and loan grant programs under "Section 502".

Your Committee finds that many needy farmers in Hawaii are no longer eligible for the benefits provided under section 502 programs because of inflationary factors and the fact that Hawaii is one of the highest cost of living areas in the United States. Those farmers needing assistance but unable to qualify for "Section 502" under current eligibility standards may be unable to continue farming.

Your Committee on Agriculture concurs with the intent and purpose of H.R. No. 403 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1029 Agriculture and Energy, Ecology and Environmental Protection
on H.R. No. 477

The purpose of this resolution is to request that appropriate Committees of the House of Representatives to examine the feasibility of developing commercial energy-agricultural plant plantations in Hawaii.

Your Committees find that research on energy-agricultural plants has been conducted for many years and the results of such research have been encouraging. Research

has been directed toward the extraction of hydrocarbons (oil) from agricultural plants, and hydrocarbons have been successfully extracted from these plants in the laboratory.

Your Committees also find that in addition to the hydrocarbons extracted from the plants, the remaining bagasse may potentially be used as a fuel, animal feed, or for the manufacture of paper, cardboard, fiberboard or other uses.

Your Committees have amended the first "BE IT RESOLVED" clause of this resolution to request that the College of Tropical Agriculture and Human Resources, University of Hawaii, also be involved in conducting the examination of developing energy-agricultural plant plantations in Hawaii.

Your Committees have also amended the "BE IT FURTHER RESOLVED" clause of this resolution to specify that a certified copy of this resolution also be transmitted to the College of Tropical Agriculture and Human Resources, University of Hawaii.

Your Committees on Agriculture and Energy, Ecology and Environmental Protection concur with the intent and purpose of H.R. No. 477, as amended herein, and recommend that it be referred to the Committee on Legislative Management in the form attached hereto as H.R. No. 477, H.D. 1.

Signed by all members of the Committees.

SCRep. 1030 Agriculture and Water, Land Use, Development and Hawaiian Affairs
on H.R. No. 478

The purpose of this resolution is to request the Speaker of the House of Representatives to designate appropriate House Committees to conduct an interim study on the feasibility of establishing a feed production industry, which shall include roughage crops such as alfalfa hay and grain crops such as feed corn, to supply Hawaii's livestock producers.

Your Committees find that feed costs represent a very substantial portion of the overall cost of livestock production and that local feed production is able to supply just a small portion of the total feed needs for Hawaii.

Your Committees also find that Hawaii's livestock producers are faced with the rising costs of importing feed supplies and that they would benefit from actions to relieve them from the external price pressures and transportation costs of the imported feed on which they now depend. These external pricing and transportation forces on feed grain may have the impact of increasing the consumer prices and reducing consumption of locally produced beef, pork, fresh milk, poultry, and eggs.

Your Committees have amended the first line on page 2 of this resolution to delete the word "poultry" and replace it with "chicken and broiler" for the purpose of more specifically identifying that particular segment of the poultry industry which provides 20 per cent of Hawaii's needs.

Your Committees on Agriculture and Water, Land Use Development and Hawaiian Affairs concur with the intent and purpose of H.R. No. 478, as amended herein, and recommend that it be referred to the Committee on Legislative Management in the form attached hereto as H.R. No. 478, H.D. 1.

Signed by all members of the Committees.

SCRep. 1031 Ocean and Marine Resources and Energy, Ecology and Environmental
Protection on H.R. No. 360

The purpose of this House Resolution is to respectfully request the President of the United States, Secretaries of Commerce and Energy to reinstate funding for the Sea Grant College Program and the Ocean Thermal Energy Conversion Program.

Your Committees fully support the intent of this House Resolution and sincerely believe that the Sea Grant College Program is an integral part of ocean resources development in Hawaii, the Nation and the developing countries. The Sea Grant and Ocean Thermal Energy Conversion Programs provide funding for various marine projects including, among others, manganese nodule mining, aquaculture, and ocean thermal energy conversion projects in Hawaii.

Your Committees recognize that Hawaii cannot continue to base the majority of our

economy on tourism, military expenditures and agriculture. Instead, Hawaii must focus its attention on the resources of the sea around us. Your Committees acknowledge that it has been through the vehicle of the Sea Grant College Program that Hawaii has been able to begin to explore, evaluate, understand and develop the complex multiplicity of the physical and biological resources which lie off our shores. Notwithstanding, ocean-dependent activities in Hawaii and the Pacific Basin area requires the continued support of the Sea Grant and Ocean Thermal Energy Conversion Programs if the Nation is to fully identify and utilize the ocean resources available. Your Committees aggressively look to the ocean as a source of food and sustenance, and ultimately, in the future, as a source of valuable mineral and energy.

Your Committees are also cognizant that the development of a viable manganese nodule industry in the United States is in the national interest for national security purposes. Manganese nodules are rich in manganese, nickel, copper, cobalt, and other metals critical for our industrial needs.

Your Committees further recognize that, because of Hawaii's favorable climate, marine, and geographic features, all three of the nation's major OTEC projects, i.e. the mini-OTEC, the OTEC-1, and the Seacoast Test Facility, are located in Hawaii.

Your Committees on Ocean and Marine Resources and Energy, Ecology, and Environmental Protection concur with the intent and purpose of H.R. No. 360 and recommend its adoption.

Signed by all members of the Committees except Representative Sakamoto.

SCRep. 1032 Ocean and Marine Resources and Energy, Ecology and Environmental
Protection on H.C.R. No. 169

The purpose of this House Concurrent Resolution is to respectfully request the President of the United States, Secretaries of Commerce and Energy to reinstate funding for the Sea Grant College Program and the Ocean Thermal Energy Conversion Program.

Your Committees fully support the intent of this House Concurrent Resolution and sincerely believe that the Sea Grant College Program is an integral part of ocean resources development in Hawaii, the Nation and the developing countries. The Sea Grant and Ocean Thermal Energy Conversion Programs provide funding for various marine projects including, among others, manganese nodule mining, aquaculture, and ocean thermal energy conversion projects in Hawaii.

Your Committees recognize that Hawaii cannot continue to base the majority of our economy on tourism, military expenditures and agriculture. Instead, Hawaii must focus its attention on the resources of the sea around us. Your Committees acknowledge that it has been through the vehicle of the Sea Grant College Program that Hawaii has been able to begin to explore, evaluate, understand and develop the complex multiplicity of the physical and biological resources which lie off our shores. Notwithstanding, ocean-dependent activities in Hawaii and the Pacific Basin area requires the continued support of the Sea Grant and Ocean Thermal energy Conversion Programs if the Nation is to fully identify and utilize the ocean resources available. Your Committees aggressively look to the ocean as a source of food and sustenance, and ultimately, in the future, as a source of valuable mineral and energy.

Your Committees are also cognizant that the development of a viable manganese nodule industry in the United States is in the national interest for national security purposes. Manganese nodules are rich in manganese, nickel, copper, cobalt, and other metals critical for our industrial needs.

Your Committees further recognize that, because of Hawaii's favorable climate, marine, and geographic features, all three of the nation's major OTEC projects, i.e. the mini-OTEC, the OTEC-1, and the Seacoast Test Facility, are located in Hawaii.

Your Committees on Ocean and Marine Resources and Energy, Ecology, and Environmental Protection concur with the intent and purpose of H.C.R. No. 169 and recommend its adoption.

Signed by all members of the Committees except Representative Sakamoto.

SCRep. 1033 Finance on H.R. No. 53

The purpose of this resolution is to request the county housing agencies and the Hawaii Housing Authority to conduct a study on employee rental housing programs.

The Hawaii State Plan, State Tourism Plan and State Housing Plan cite the need to provide low- and moderate-income housing for employees of vital economic activities outside major urban centers. This study will investigate various employee housing efforts that have already been made as well as the feasibility of providing additional employee housing in each county of the State.

Your Committee has amended this resolution to direct the Hawaii Housing Authority to coordinate the study and to direct the counties to assist the Authority.

Your Committee on Housing concurs with the intent and purpose of H.R. No. 53, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 53, H.D. 1.

Signed by all members of the Committee.

SCRep. 1034 Public Employment and Government Operations and Employment Opportunities and Labor Relations on H.R. No. 452

The purpose of this resolution is to request the U.S. Department of Labor and the U.S. Office of Management and Budget to approve and fund the Employment Security Automation Proposal (ESAP) in order to automate the Hawaii State Department of Labor and Industrial Relations' Employment Service Program and Unemployment Insurance Program. It is further requested that the members of Hawaii's congressional delegation monitor, support, and take appropriate action, if necessary, to expedite the approval and federal funding of Hawaii's Employment Security Automation Proposal.

Your Committees find that the Hawaii State Department of Labor and Industrial Relations' present manual systems for filing, locating, processing, and coordinating applicant records for employment services and unemployment insurance claims have resulted in inefficiencies, costly duplication of staff efforts, and a tremendous amount of non-productive staff time.

Your Committees further find that in order to remedy these problems, the Department submitted to the U.S. Department of Labor in 1979, an ESAP for federal funding to automate the two programs. However, the consideration of all ESAP applications was thereafter suspended pending federal review of the ESAP program and existing budgetary constraints.

Your Committees are in agreement that the Department of Labor and Industrial Relations' ESAP application should be approved and funded by the federal government so that the Department will be able to serve more efficiently and effectively the growing number of Hawaii's residents who utilize the services of the Employment Service Program and the Unemployment Insurance Program.

Your Committees on Public Employment and Government Operations and Employment Opportunities and Labor Relations concur with the intent and purpose of H.R. No. 452 and recommends its adoption.

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

SCRep. 1035 Public Assistance and Human Services on H.R. No. 361

The purpose of this resolution is to request that members of Hawaii's Congressional Delegation, the President of the United States Senate, the Speaker of the United States House of Representatives, and the Majority Leaders of the United States Senate and the House of Representatives sponsor and work toward the passage of legislation providing financial assistance to states such as Hawaii which receive large numbers of foreign immigrants, with funding especially directed toward alleviating the social, economic, and employment hardships of immigrants.

Your Committee finds that since 1970, Hawaii has received a disproportionately greater influx of immigrants per 100,000 population than has any other state in the nation. Such an influx has significantly contributed to many of the economic and social problems

facing our State, such as the lack of affordable housing, rising unemployment, crime, and, in particular, the increased costs of providing social services. Your Committee believes that unless additional financial assistance relating to immigrant adjustment services is provided by the federal government, the costs to the State in providing social services will continue to increase and the level of services provided to local residents will be adversely affected.

Your Committee on Public Assistance and Human Services concurs with the intent and purpose of H.R. No. 361 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1036 Transportation on H.R. No. 68

The purpose of this resolution is to request the Committee on Transportation to review the Hawaii Airport System Plan.

The Hawaii Airport System Plan prepared in 1976, recommends the use of existing and the establishing of new airports, and projects the demand for services for these airports and facilities. A preliminary review of the plan reveals apparent inconsistencies between the plan's projected demand for services and the projections of the most recent executive budget document. The Department of Transportation is in the process of updating the plan and the Legislature must review this update to insure the most effective and efficient development of the airport system.

Your Committee has amended the first "Be It Further Resolved" clause to allow your committee additional time to study this update during the interim between the 1981 and 1982 Regular Sessions by specifying that your committee shall submit a report of its findings and recommendations to the Legislature prior to the convening of the Regular Session of 1982.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 68 as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 68, H.D. 1.

Signed by all members of the Committee.

SCRep. 1037 Employment Opportunities and Labor Relations on H.R. No. 482

The Resolution requests that the Hawaii State Occupational Information Coordinating Committee (HSOICC) coordinate the development of a Hawaii Employment and Occupational Planning System as a part of its occupational information system.

The need for rational and coordinated planning of employment programs to meet the aspirations of our people and the occupational demands that exist or expected through economic activities from within or without the State has been expressed repeatedly by policy makers and program planners. The Committee believes that the establishment of a process for such planning will immediately enhance rational decision making both at the policy level as well as at the level of the individual deciding upon careers.

Basic to the development of such a system is the necessity of appropriate occupational and related information. The charge for the coordination of development of an occupational information system rests with the HSOICC comprised of members representing the Department of Labor and Industrial Relations, The State Board of Vocational Education, the State Division of Vocational Rehabilitation and the State Employment and Training Council. HSOICC's effective membership, however, extends to many other major public and private agencies which deal with employment, training and education programs, and who are directly affected by the quality of occupational information.

HSOICC's tasks are only relevant to the extent to which effective use is made of the occupational information system that is developed to plan in an orderly and rational way programs for employment and training. Thus, the nature of an occupational information system must relate to the kinds of plans and planning processes envisioned for use of the occupational information system.

Because of this interrelatedness, the assignment to HSOICC for the coordination of the development of a Hawaii Employment and Occupational Planning System is most appropriate.

Your Committee on Employment Opportunities and Labor Relations concurs with the intent and purpose of H.R. No. 482 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1038 Employment Opportunities and Labor Relations on H.C.R. No. 194

The Concurrent Resolution requests that the Hawaii State Occupational Information Coordinating Committee (HSOICC) coordinate the development of a Hawaii Employment and Occupational Planning System as a part of its occupational information system.

The need for rational and coordinated planning of employment programs to meet the aspirations of our people and the occupational demands that exist or expected through economic activities from within or without the State has been expressed repeatedly by policy makers and program planners. The Committee believes that the establishment of a process for such planning will immediately enhance rational decision making both at the policy level as well as at the level of the individual deciding upon careers.

Basic to the development of such a system is the necessity of appropriate occupational and related information. The charge for the coordination of development of an occupational information system rests with the HSOICC comprised of members representing the Department of Labor and Industrial Relations, The State Board of Vocational Education, the State Division of Vocational Rehabilitation and the State Employment and Training Council. HSOICC's effective membership, however, extends to many other major public and private agencies which deal with employment, training and education programs, and who are directly affected by the quality of occupational information.

HSOICC's tasks are only relevant to the extent to which effective use is made of the occupational information system that is developed to plan in an orderly and rational way programs for employment and training. Thus, the nature of an occupational information system must relate to the kinds of plans and planning processes envisioned for use of the occupational information system.

Because of this interrelatedness, the assignment to HSOICC for the coordination of the development of a Hawaii Employment and Occupational Planning System is most appropriate.

Your Committee on Employment Opportunities and Labor Relations concurs with the intent and purpose of H.C.R. No. 194 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1039 Judiciary and Public Assistance and Human Services on H.R. No. 417

The purpose of this resolution is to give widespread publicity to the investigation and prosecution of Medicaid fraud cases, by including a provision for the dissemination of information to the public in the operational plan of the State Medicaid Fraud Control Unit.

Your Committees recognize the importance of publicizing the activities of the State Medicaid Fraud Control Unit. This publicity will make the public aware of the unit's existence and serve as a deterrent to potential violators of the Medical Assistance Program. In addition, the deterrent effect of such publicity will be further fortified by giving special attention to the prosecution of fraud cases. Your Committees have amended this resolution's title to reflect this emphasis.

Your Committees have also amended this resolution to acknowledge the existence of the State Medicaid Fraud Control Unit by eliminating the provision which calls for the establishment of a new fraud control unit.

Your Committees have also amended the resolution to provide for a progress report, to be submitted by the State Medicaid Fraud Control Unit to the Hawaii State Legislature, 10 days prior to the convening of the 1982 Regular Session.

Your Committees have also made some technical, non-substantive amendments to this resolution.

Your Committees on Judiciary and Public Assistance, Human Services concur with the intent and purpose of H.R. No. 417, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 417, H.D. 1.

Signed by all members of the Committees.

SCRep. 1040 Judiciary on H.R. No. 449

The purpose of this resolution is to request the Chief Justice of the Supreme Court of the State of Hawaii to study and amend, if necessary, Rule 24(c) of the Hawaii Rules of Penal Procedure relating to alternate jurors.

Your Committee recognizes that considerable costs are involved when there is a mistrial in a case tried by a jury. Your Committee further recognizes that presently alternate jurors are discharged after a jury retires to begin its deliberations. This current practice could possibly lead to a mistrial if a juror becomes ill or is disqualified after deliberations begin.

Your Committee feels that, although inconvenient to the alternate juror, the discharge after the jury renders a verdict rather than after a jury retires for deliberation, will provide a solution to the possibility of a mistrial.

Your Committee feels that the proposed change is a procedural one and is properly within the discretion of the Chief Justice of the Supreme Court of the State of Hawaii to amend the rule if he deems it necessary.

Your Committee has made some technical, non-substantive amendments to the resolution.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 449, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 449, H.D. 1.

Signed by all members of the Committee except Representative Waihee.

SCRep. 1041 Judiciary on H.R. No. 466

The purpose of this resolution is to have the House Committee on Judiciary examine and conduct a study of the State of Hawaii's current rape statutes during the 1981 legislative interim. The study is to be submitted 45 days prior to the convening of the 1982 Legislature, and should include the following information:

1. Rapes attempted, committed and reported in the State;
2. The dynamics involving the occurrences of rapes and rape prevention;
3. The reasons rapes are not reported and are increasing;
4. The necessity for the requirement of "forcible compulsion" in our rape statutes;
5. A review of rape legislation in other states; and
6. Hearings to receive testimony from interested persons on proposals for revisions to our rape statutes.

Your Committee is aware of the growing public concern relating to sexual offenses, and recognizes the need to current rape statutes. Your Committee further recognizes that the interim will provide sufficient time to conduct an examination and study of our current laws on sexual offenses.

Your Committee has amended the resolution to expand the examination and study to include the state's sexual offense statutes rather than specifically the rape laws.

Your Committee has made various technical, non-substantive amendments to the resolution.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 466,

as amended herein, and recommends that it be referred to the Committee on Legislative Management in the form attached hereto as H.R. No. 466, H.D. 1.

Signed by all members of the Committee.

SCRep. 1042 Judiciary on H.R. No. 456

The purpose of this resolution is to request the Legislative Reference Bureau to study and report on the legal ramifications of "Good Samaritan" laws in other states.

Your Committee recognizes that "Good Samaritan" legislation similar to legislation enacted in other states, would encourage the donation of surplus food products to worthy non-profit organizations. Your Committee feels that a study of other state's "Good Samaritan" laws would be helpful in formulating such a law for the State of Hawaii.

Your Committee feels that a study analyzing "Good Samaritan" laws should focus on the legal ramifications should such a law be enacted. Accordingly, your Committee has amended the resolution to reflect this concern.

Your Committee has amended the resolution to provide that a report on the study be submitted to the Hawaii State Legislature 20 days before the convening of the 1982 Regular Session.

Your Committee has also made some technical, non-substantive amendments to this resolution.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 456, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 456, H.D. 1.

Signed by all members of the Committee.

SCRep. 1043 Water, Land Use, Development and Hawaiian Affairs on H.R. No. 399

The purpose of this Resolution is to require the Board of Land and Natural Resources to perform a feasibility study relating to the restoration of the Waikiki War Memorial Natatorium.

By Executive Order No. 1446 of June 14, 1951, the responsibility for the control and management of the facility to the City and County of Honolulu. Since that time, the structure has deteriorated until it is no longer practicable or economically feasible to operate.

In 1979, the City Council adopted a Resolution asking the City and County of Honolulu to petition the State to cancel Executive Order No. 1446 in order to return the operation of the Natatorium and adjacent lands to the State.

Your Committee finds that further delay by the State in making a decision on City and County Resolution 79-89 is not in the public interest and therefore feels that a study by DLNR should be made to include (1) the total estimated cost of the restoration, (2) the time period required for restoration, (3) the projected revenues from admissions and concessions and (4) the potential of the Natatorium as a tourist attraction.

Your Committee further finds from testimony received that this type of study is needed in order for the State to make a rational decision as to the ultimate course of action to be taken in respect to the Natatorium.

Your Committee on Water, Land Use, Development and Hawaiian Affairs is in accord with the intent and purpose of H.R. No. 399 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Morioka.

SCRep. 1044 Water, Land Use, Development and Hawaiian Affairs on H.R. No. 451

The purpose of this Resolution is to require the Department of Land and Natural

Resources and the City and County of Honolulu's Department of Parks and Recreation to complete their joint evaluation of state-city parks jurisdiction responsibility and submit a report of their findings to the Legislature at least twenty days prior to the convening of the Regular Session of 1982.

Your Committee finds that during a public hearing on H.B. No. 1811, which would have required the transfer of certain parks between the State and City, that DLNR and the Department of Parks and Recreation had already initiated a joint evaluation of responsibility of the management of public parks. This evaluation included public parks other than those named in H.B. No. 1181.

Your Committee finds that by deferring action on H.B. No. 1181 and allowing the joint evaluation to examine the feasibility and desirability of the exchange of jurisdiction over appropriate State and County parks, the Legislature will have a broader base to make a decision. This is especially true since this Resolution while not limiting the scope of the study does require the two departments to include certain named parks.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 451, and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Morioka.

SCRep. 1045 Employment Opportunities and Labor Relations and Higher Education
on H.R. No. 426

The purpose of this resolution is to request that the State Advisory Council for Vocational Education to study the extent to which Hawaii's adult community schools and colleges successfully prepare adults, through their employment and training courses and services, for gainful employment.

Your Committees finds that adult education will become increasingly important because of shifts in the population structure of individuals' needs for continuing education to adapt to labor market and personal social changes. An assessment of the current effectiveness of state adult education programs would be helpful in identifying problems and needs and plotting future action.

The State Advisory Council for Vocational Education which the resolution requests to conduct the study is the same body as the State Commission on Manpower and Full Employment. Since the State Advisory Council's role is limited to vocational education, it is the Commission that should be addressed in the resolution. Your Committees have accordingly amended the resolution to make this change.

By request, the Adult and Community Education Council of the State Department of Education (DOE) will conduct the study jointly with the State Commission on Manpower and Full Employment. The resolution has been so amended.

The paragraph requesting the study to include an analysis of the number of adults who later become employed after graduating from adult community schools and colleges has been deleted. Your Committees have received testimony that such information is not currently available and would require funding to obtain.

The resolution has been further amended to urge the DOE to cooperate and assist with the study because the Adult Community Schools program falls under its jurisdiction.

The transmittal clause of the resolution has been amended to have "the Chancellor of the Board of Regents ..." read "the Chairperson of the Board of Regents ..." Furthermore, the Chairperson of the Board of Education, and the Superintendent of the DOE have been added.

Your Committees have also made a number of minor amendments in the interest of style.

Your Committees on Employment Opportunities and Labor Relations and Higher Education concur with the intent and purpose of H.R. No. 426 as amended herein, and recommend that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 426, H.D. 1.

Signed by all members of the Committees.

SCRep. 1046 Corrections and Rehabilitation on H.R. No. 494

The purpose of this resolution is to allow the Department of Social Services and Housing (DSSH), with the assistance of the Hawaii Paroling Authority to review the concept of awarding "good time credits" to incarcerated offenders.

Your Committee held a hearing on March 6, 1981 on H.B. No. 1660, relating to good time credits. Testimony provided by Oahu Community Correctional Center's Huli Like Council and the DSSH were in support of this bill but indicated that a further study be conducted before the bill is enacted. The DSSH shall report its findings and recommendations to this Legislature twenty days prior to the convening of the Regular Session of 1982.

Your Committee on Corrections and Rehabilitation concurs with the intent and purpose of H.R. No. 494 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Dods, Kawakami and Nakamura.

SCRep. 1047 Corrections and Rehabilitation on H.C.R. No. 226

The purpose of this concurrent resolution is to request the office of the Legislative Auditor to study and reevaluate the Hawaii Correctional Master Plan. The study is to review the effectiveness in meeting problems, presenting solutions for current and future conditions, the availability of facilities both now and in the future, and funding which may reasonably be expected.

Your Committee on Corrections and Rehabilitation concurs with the intent and purpose of H.C.R. No. 226 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Dods, Kawakami and Nakamura.

SCRep. 1048 Corrections and Rehabilitation on H.C.R. No. 222

The purpose of this concurrent resolution is to provide for the appointment of a special thirteen member commission, to review the need to provide for the coordinated implementation of the Hawaii State Correctional Master Plan through legislation statutorily designating an existing or new agency or administrative body with the overall responsibility, power, and authority to coordinate such a review.

Your committee is in agreement with the purpose of this concurrent resolution but feels that a need exists to more critically review the issue. Your committee feels that the special commission should consist of representatives of all branches and levels of government affected by or involved with the Master Plan.

Your Committee on Corrections and Rehabilitation concurs with the intent and purpose of H.C.R. No. 222 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Dods, Kawakami and Nakamura.

SCRep. 1049 Education on H.R. No. 114

The purpose of this resolution as received by your Committee is to develop a special program within the Hawaii Library Association which would:

- 1) Gather and make available all information relating to library losses and their prevention; and
- 2) Provide grants for various types of research and demonstration projects which would help to decrease the incidence of thefts and vandalism.

Your Committee finds that library losses due to theft and vandalism causes considerable inconvenience and hardships to library patrons, discouraging library use. However, your Committee concurs with the testimony of the Board of Education which indicated that although there may be a need for collecting information regarding alternative means

of reducing library vandalism and theft, the development of a special program is not necessary at this time.

Your Committee, therefore, amended this resolution to request the Board of Education to investigate and compile information relating to library losses and their prevention, including but not limited to a review of the successful security systems of other public library systems and the methods they employ to reduce vandalism and theft of library property. Your Committee further amended this resolution to request that the Board report its findings and recommendations to the legislature at least twenty days prior to the convening of the Regular Session of 1982.

Your Committee on Education concurs with the intent and purpose of H.R. No. 114, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 114, H.D. 1.

Signed by all members of the Committee except Representative Sakamoto.

SCRep. 1050 Education on H.C.R. No. 33

The purpose of this resolution as received by your Committee is to develop a special program within the Hawaii Library Association which would:

- 1) Gather and make available all information relating to library losses and their prevention; and
- 2) Provide grants for various types of research and demonstration projects which would help to decrease the incidence of thefts and vandalism.

Your Committee finds that library losses due to theft and vandalism causes considerable inconvenience and hardships to library patrons, discouraging library use. However, your Committee concurs with the testimony of the Board of Education which indicated that although there may be a need for collecting information regarding alternative means of reducing library vandalism and theft, the development of a special program is not necessary at this time.

Your Committee, therefore, amended this concurrent resolution to request the Board of Education to investigate and compile information relating to library losses and their prevention, including but not limited to a review of the successful security systems of other public library systems and the methods they employ to reduce vandalism and theft of library property. Your Committee further amended this concurrent resolution to request that the Board report its findings and recommendations to the legislature at least twenty days prior to the convening of the Regular Session of 1982.

Your Committee on Education concurs with the intent and purpose of H.C.R. No. 33, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 33, H.D. 1.

Signed by all members of the Committee except Representative Sakamoto.

SCRep. 1051 Youth and Elderly Affairs on H.R. No. 352

The purpose of this resolution is to request the Governor to appoint a task force, comprised of individuals from each county and representing the diverse family life-styles and island cultures of the State, to ascertain whether agencies, services, other institutions, and the laws of this State are adequately addressing the changing status, requirements, concerns and problems of today's family in Hawaii.

Your Committee finds that the family in Hawaii has had a significant effect upon personal, social, and political values, and that some direction must be determined as to policies and programs which would affect the family.

Your Committee agrees with this resolution, however, it recommends that any monies appropriated towards the establishment and operation of the task force on the family be stipulated on a 50-50 matching fund basis, with half the funding provided by private agencies.

Your Committee on Youth and Elderly Affairs concurs with the intent and purpose of H.R. No. 352, and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1052 Youth and Elderly Affairs and Public Assistance and Human Services
on H.R. No. 521

The purpose of this resolution is to request the Department of Social Services and Housing to include a continuing appropriation request for the Small Group Homes program in the Executive Budget, in order that Catholic Social Services, which provides this service, will not have to continually lobby for funding for the program.

Presently, Catholic Social Services must come to the Legislature and request a grant-in-aid for the Small Group Homes program. Your Committees feel that the program has demonstrated that it deserves continuation and should be spared the inconvenience of lobbying each fiscal year.

During the hearing on this resolution the point was made that the contracting agency should have the flexibility of contracting the services to the provider that the Department feels is best qualified. Thus, your Committees have deleted all references to Catholic Social Services. Other non-substantive changes have been made to be consistent with this amendment.

Your Committees on Youth and Elderly Affairs and Public Assistance and Human Services are in accord with the intent and purpose of H.R. No. 521, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 521, H.D. 1.

Signed by all members of the Committees.

SCRep. 1053 Employment Opportunities and Labor Relations and Higher Education
on H.C.R. No. 180

The purpose of this resolution is to request that the State Advisory Council for Vocational Education to study the extent to which Hawaii's adult community schools and colleges successfully prepare adults, through their employment and training courses and services, for gainful employment.

Your Committees find that adult education will become increasingly important because of shifts in the population structure and individuals' needs for continuing education to adapt to labor market and personal social changes. An assessment of the current effectiveness of state adult education programs would be helpful in identifying problems and needs and plotting future action.

The State Advisory Council for Vocational Education which the resolution requests to conduct the study is the same body as the State Commission on Manpower and Full Employment. Since the State Advisory Council's role is limited to vocational education, it is the Commission that should be addressed in the resolution. Your Committees have accordingly amended the resolution to make this change.

By request, the Adult and Community Education Council of the State Department of Education (DOE) will conduct the study jointly with the State Commission on Manpower and Full Employment. The resolution has been so amended.

The paragraph requesting the study to include an analysis of the number of adults who later become employed after graduating from adult community schools and colleges has been deleted. Your Committees have received testimony that such information is not currently available and would require funding to obtain.

The resolution has been further amended to urge the DOE to cooperate and assist with the study because the Adult Community Schools program falls under its jurisdiction.

The transmittal clause of the resolution has been amended to have "the Chancellor of the Board of Regents ..." read "the Chairperson of the Board of Regents ..." Furthermore, the Chairperson of the Board of Education, and the Superintendent of the DOE have been added.

Your Committees have also made a number of minor amendments in the interest of style.

Your Committees on Employment Opportunities and Labor Relations and Higher Education

concur with the intent and purpose of H.C.R. No. 180, as amended herein, and recommend that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 180, H.D. 1.

Signed by all members of the Committees.

SCRep. 1054 Health on H.R. No. 564

The purpose of this resolution is to request the Department of Health to study the continuation of community cancer control activities.

Your Committee finds that the Community Cancer Program of the Cancer Center of Hawaii is a five-year demonstration program of cancer control, encompassing prevention, diagnosis, treatment and management, rehabilitation and continuing care of cancer for Hawaii's citizens.

Your Committee further finds that this program is one of six across the country, funded by the National Cancer Institute at a level of more than one million dollars per year, and is one of only three of which has been continued through the end of a five-year contract. The program is entering its last year of funding.

Participants in community include thirteen senior citizen centers and 169 organizations which have volunteered their services and expertise to the Community Cancer Program of Hawaii which includes education and outreach regarding control and prevention of various types of cancer.

Your Committee finds that the Department of Health and the School of Public Health, University of Hawaii, are fully supportive and will continue work with the Community Cancer Control Program and other agencies in this study to determine how the most important, effective and promising projects of the Community Cancer Program can be continued.

Your Committee on Health concurs with the intent and purpose of H.R. 564 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1055 Health on H.C.R. No. 213

The purpose of this concurrent resolution is to request the Department of Health to study the continuation of community cancer control activities.

Your Committee finds that the Community Cancer Program of the Cancer Center of Hawaii is a five-year demonstration program of cancer control, encompassing prevention, diagnosis, treatment and management, rehabilitation and continuing care of cancer for Hawaii's citizens.

Your Committee further finds that this program is one of six across the country, funded by the National Cancer Institute at a level of more than one million dollars per year, and is one of only three of which has been continued through the end of a five-year contract. The program is entering its last year of funding.

Participants in community include thirteen senior citizen centers and 169 organizations which have volunteered their services and expertise to the Community Cancer Program of Hawaii which includes education and outreach regarding control and prevention of various types of cancer.

Your Committee finds that the Department of Health and the School of Public Health, University of Hawaii, are fully supportive and will continue work with the Community Cancer Control Program and other agencies in this study to determine how the most important, effective and promising projects of the Community Cancer Program can be continued.

Your Committee on Health concurs with the intent and purpose of H.C.R. 213 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1056 Health on H.R. No. 575

The purpose of this resolution is to request the Public Employees Health Fund Board of Trustees to review the possibility of selecting and implementing a dental plan for all public employees and submit its findings and recommendations to the Legislature prior to the convening of the 1982 session.

Your Committee finds that dental health care and its attendant costs is an expensive but necessary component of the family budget. Further that dental plan insurance for individuals is often extremely limited and very expensive. Therefore your Committee finds that it is appropriate to determine the feasibility of offering a group dental plan to the public employees of this State.

Your Committee has amended this resolution by requesting the Public Employees Health Fund Board of Trustees to review employer contributed plans as well as plans without employer contributions.

Your Committee on Health concurs with the intent and purpose of H.R. No. 575, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as H.R. No. 575, H.D. 1.

Signed by all members of the Committee.

SCRep. 1057 Health on H.R. No. 532

The purpose of this resolution is to request a review by the Legislative Reference Bureau, with the cooperation and assistance of various state departments, private health care plan providers, employers and other members of the community, to determine the adequacy, cost effectiveness, and necessity of the health care benefits prescribed by the Hawaii Prepaid Health Care Act of 1974 and submit its findings to the Legislature twenty days prior to the convening of the Regular Session of 1982.

Your Committee finds that the Hawaii Prepaid Health Care Act of 1974 has served the medical service needs of the employees of this State. However, because of rising medical cost and increased types of medical services, there have been numerous proposals to amend the Act to include a greater number of people as well as cover different types of medical services not now encompassed by the Act. Rather than approach this question on a piecemeal basis your Committee finds that it is necessary to review the plan as a whole and determine what aspects of the Act if any needs to be amended.

Your Committee has amended this resolution to include the Department of Health as one of the State agencies who are requested to cooperate in this study.

Your Committee on Health concurs with the intent and purpose of H.R. No. 532, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 532, H.D. 1.

Signed by all members of the Committee.

SCRep. 1058 Health on H.R. No. 517

The purpose of this resolution is to request the Department of Health to study the feasibility of establishing and administering a permanent program of financial assistance for the care and treatment of persons suffering from hemophilia in the State.

Your Committee finds that although hemophilia, a hereditary genetic disease characterized by delayed blood clotting, cannot be cured, medical technology has made possible the effective treatment of the disease through frequent transfusions of blood and plasma concentrate. Such transfusions, however, are extremely costly and impose a heavy financial burden on individuals who are afflicted with the disease and their families. According to testimony received by your Committee, medical expenses average \$7,000 per year per patient, of which health insurance covers but a small portion. Further, this estimate does not include the costs incurred from additional transfusions necessitated by surgery, accidental injury, or other medical complications.

Over the past several years, the Hawaii State Legislature has provided financial assistance through grants-in-aid to the Hemophilia Foundation of Hawaii to help offset the catastrophic costs of treatment of the disease. Such assistance has enabled hemophiliacs

to lead more normal independent lives, become self-supporting, and develop to their potential despite the limitations imposed by the disease. Your Committee believes, however, that a permanent program of financial assistance that is established and administered by the State may more adequately help hemophiliacs to purchase the expensive plasma concentrate they require and may also be a more cost-effective alternative.

Your Committee is in agreement that a preliminary study is necessary to determine the costs to the State if a permanent program of financial assistance is provided to hemophiliacs, the appropriate eligibility criteria, and how the program would be administered. Your Committee believes, however, that the assistance and participation of the Hemophilia Foundation of Hawaii in the study is also necessary and has therefore amended this resolution to provide for such participation.

Your Committee on Health concurs with the intent and purpose of H.R. No. 517, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 517, H.D. 1.

Signed by all members of the Committee.

SCRep. 1059 Higher Education and Youth and Elderly Affairs on H.R. No. 535

The purpose of this resolution is to request the University of Hawaii to continue the After-Hours Gerontology Program which places graduate students in housing projects to assist elderly residents and to report to the Legislature prior to the 1982 Regular Session.

Your Committees find that the After-Hours Gerontology Program benefits elderly residents in housing projects by making available needed services and assistance while simultaneously providing benefits to participating graduate students.

Your Committees have amended this resolution as follows:

1. The title has been changed to read "HOUSE RESOLUTION REQUESTING CONTINUATION AND EXPANSION OF THE AFTER-HOURS GERONTOLOGY PROGRAM AT THE UNIVERSITY OF HAWAII." This change is to clarify that the purpose of this resolution is not the establishment of a new "gerontology program" but the study of the feasibility of continuing and expanding an existing "After-Hours Gerontology Program."
2. Paragraph one of this resolution has been changed to mention all the projects in which the present program is in operation.
3. By adding a new "WHEREAS" clause as the sixth paragraph of this resolution to specify the benefits of the After-Hours Gerontology Program to the participating graduate students.
4. The last two "WHEREAS" clauses of the original resolution have been deleted and replaced by two new clauses to clarify the focus of this resolution on continuing and expanding the After-Hours Gerontology Program.
5. A new "BE IT RESOLVED" clause has been added immediately following the "WHEREAS" clauses to commend the University of Hawaii and the Hawaii Housing Authority for their efforts on behalf of the elderly and requesting they maintain an on-going After-Hours Gerontology Program.
6. The paragraphs in the original resolution requiring the University of Hawaii to consider continuing the program through specific action and requiring a report have been deleted and replaced by a paragraph clarifying the nature of the study requested of the University of Hawaii and the Hawaii Housing Authority (added in H.D. 1 because of the agency's direct involvement in the program) and the nature of the report to the Legislature.

7. The last paragraph has been amended to require transmission of a certified copy of this resolution to the Executive Director of the Hawaii Housing Authority.

Your Committees on Higher Education and Youth and Elderly Affairs concur with the intent and purpose of H.R. No. 535, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 535, H.D. 1.

Signed by all members of the Committees.

SCRep. 1060 Education on H.R. No. 518

The purpose of this resolution is to request the Department of Accounting and General Services (DAGS) to review the current process of initiating, prioritizing and funding capital improvement project (CIP) requests for the public schools, such review to include:

- 1) A review of the current process, including the applicable policies, rules, procedures, guidelines, and criteria followed or applied in initiating, prioritizing, and funding CIP project requests for the Department of Education, and the various agencies, individuals, and organizations involved in the current process and the role played by each; and
- 2) A determination as to whether the current process fairly and equitably represents the true needs of the public schools for CIP projects; and
- 3) Any recommendations for improving the current process.

Your Committee finds that there are persistent questions among members of the community and the Legislature relating to the process of initiating, prioritizing, and funding CIP projects, such as: (1) what the existing process consists of and what roles various agencies and individuals now play and should play in this process; (2) whether the present applicable policies, rules, procedures, guidelines, and criteria followed by the DOE in managing CIP project requests adequately and appropriately address the true needs of the public schools; and (3) what are and should be the means by which the Legislature can help to ensure that the needs of the public schools for CIP projects are met. Your Committee therefore finds that there is a need for reviewing the process of initiating, prioritizing, and funding CIP projects.

Your Committee on Education concurs with the intent and purpose of H.R. No. 518 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1061 Education on H.R. No. 528

The purpose of this resolution is to request the Department of Education to study the feasibility of more equitably distributing off-ratio teachers to the elementary and secondary levels to strengthen programs for gifted and talented students, in particular, the Advanced Placement Program at secondary schools; to encourage the expansion of this program to other public schools so that all qualified public school students in the State will have the opportunity to participate in the program for the gifted and talented; and to take appropriate action, if at all possible, to effectuate such more equitable distribution prior to and in time for the Fall 1981 school schedule.

Your Committee finds that the contributions of existing off-ratio personnel for programs such as the Special Motivation Program, Intensive Basic Skills and Alternative Learning Centers are positive and beneficial to students. These off-ratio teachers have allowed for smaller class sizes without depending on other teachers in the school to absorb additional students into their regular classrooms. Some elementary schools have also been fortunate to utilize off-ratio personnel to start programs for gifted and talented students. However, your Committee heard testimony indicating that programs for gifted and talented students at the secondary level, in particular the Advanced Placement Program, currently have no off-ratio personnel allocation. To strengthen the successful Advanced Placement Program and other programs for gifted and talented students at the secondary level, your Committee therefore believes that the feasibility of more equitably distributing off-ratio teachers deserves special study.

Your Committee has amended this resolution to direct the request of this resolution to the Board of Education.

Your Committee on Education concurs with the intent and purpose of H.R. No. 528, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 528, H.D. 1.

Signed by all members of the Committee.

SCRep. 1062 Education on H.C.R. No. 205

The purpose of this concurrent resolution is to request the Department of Education to study the feasibility of more equitably distributing off-ratio teachers to the elementary and secondary levels to strengthen programs for gifted and talented students, in particular, the Advanced Placement Program at secondary schools; to encourage the expansion of this program to other public schools so that all qualified public school students in the State will have the opportunity to participate in the program for the gifted and talented; and to take appropriate action, if at all possible, to effectuate such more equitable distribution prior to and in time for the Fall 1981 school schedule.

Your Committee finds that the contributions of existing off-ratio personnel for programs such as the Special Motivation Program, Intensive Basic Skills and Alternative Learning Centers are positive and beneficial to students. These off-ratio teachers have allowed for smaller class sizes without depending on other teachers in the school to absorb additional students into their regular classrooms. Some elementary schools have also been fortunate to utilize off-ratio personnel to start programs for gifted and talented students. However, your Committee heard testimony indicating that programs for gifted and talented students at the secondary level, in particular the Advanced Placement Program, currently have no off-ratio personnel allocation. To strengthen the successful Advanced Placement Program and other programs for gifted and talented students at the secondary level, your Committee therefore believes that the feasibility of more equitably distributing off-ratio teachers deserves special study.

Your Committee has amended this concurrent resolution to direct the request of this concurrent resolution to the Board of Education.

Your Committee on Education concurs with the intent and purpose of H.C.R. No. 205, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 205, H.D. 1.

Signed by all members of the Committee.

SCRep. 1063 Finance on S.B. No. 2102

The purpose of this bill is to permit the office of Hawaiian Affairs to hire independent legal counsel in certain instances.

The structure of the office of Hawaiian Affairs is unique and the services to be performed by it could benefit from the services of independent legal counsel.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2102, S.D. 2, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1064 Finance on S.B. No. 535

The purpose of this bill is to clarify the language in Section 346-71, General Assistance, by holding parents liable for support of their minor children and each other whether or not the parents are married to each other.

This proposal is consistent with the federal program of Aid to Families with Dependent Children. In the federal program, if natural parents, whether married to each other or not, are living with their natural children, the Department enforces support liability on both parents.

The proposed legislation closes a loophole in the general assistance law which does not clearly allow the Department to include both parents as applicants in behalf of their

children and fully consider the income and resources of both parents living in the same household.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 535, S.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1065 Finance on S.B. No. 1053

The purpose of this bill is to amend five different sections of the existing elections laws, to clarify and update the elections statutes.

Section 1 (1) would make it clear that the employer is required to grant time off to permit two consecutive hours for an employee to vote.

Section 1 (2) provides for the repeal of the existing requirement that specimen ballots be posted in each voting booth and at conspicuous places outside, and to amend the section dealing with spoiled ballots to permit the chief election officer to promulgate the procedures to maintain the secrecy of spoiled ballots.

Section 2 proposes several changes to the law relating to presidential elections, the major change being to include the nomination of electors from groups other than the democratic and republican parties.

Section 3 attempts to clarify the law as it relates to filling of vacancies on the Board of Education.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1053, S.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1066 Consumer Protection and Commerce on H.R. No. 422

The purpose of this resolution is to direct the Department of Transportation to conduct a study to determine the cost and feasibility of installing emergency telephone communication equipment along the H-1 freeway between Kahe Point and Waipahu.

Your Committee notes that there is a nine mile segment of the H-1 freeway between Waipahu and Kahe Point where there is no emergency telephone service. Your Committee agrees that installation of such service is desirable and therefore agrees with the intent of the resolution. Your committee has made a technical, non-substantive change in the resolve clause of paragraph 6 by adding "by the House of Representatives of the Legislature of the State of Hawaii, Regular Session of 1981" in order to comport with the traditional form of the resolve clause.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.R. No. 422, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 422, H.D. 1.

Signed by all members of the Committee.

SCRep. 1067 Tourism on H.C.R. No. 208 (Majority)

The purpose of this concurrent resolution is to urge the United States Congress, and the Hawaii Congressional delegation in particular, to support the passage of legislation H.R. 5083, providing for the waiver of non-immigrant visas for short-term business or pleasure visitors to the United States from countries with a refusal rate of less than 2 1/2%.

Present visa requirements of the United States are considered obsolete and not cost-effective. Many nations have eliminated advance visas for United States tourists and there is evidence that the elimination of such visa requirements may stimulate tourism growth.

Your Committee on Tourism concurs with the intent and purpose of H.C.R. No. 208

and recommends its adoption.

Signed by all members of the Committee except Representative Waihee.
(Representative Ikeda did not concur.)

SCRep. 1068 Employment Opportunities and Labor Relations and Water, Land
Use, Development and Hawaiian Affairs on H.R. No. 326

This Resolution requests the Department of Planning and Economic Development (DPED) to identify skills and necessary training required for jobs in the geothermal industry or industries likely to result from the development of geothermal industries and, with the assistance of the University of Hawaii to develop and provide training programs to prepare residents for those jobs when they are developed.

Your Committees find that geothermal energy production is a capital-intensive, rather than a labor-intensive, industry and does not require a large labor force. However, industries that may develop to use the energy produced will require trained personnel. There is, therefore, a need to identify the specific job skills needed and train adequate numbers of people beforehand. In this way, the new industries may draw upon the existing State labor force rather than import skilled workers from elsewhere.

The resolution has been amended to call upon both the DPED and the Office of Manpower Training in the Department of Labor and Industrial Relations (DLIR) to develop and provide training programs with the assistance of the University of Hawaii. This was done upon testimony from the DPED and the concurrence of the DLIR.

Your Committees on Employment Opportunities and Labor Relations and Water, Land Use Development and Hawaiian Affairs concur with the intent and purpose of H.R. No. 326, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 326, H.D. 1.

Signed by all members of the Committees except Representative Morioka.

SCRep. 1069 Employment Opportunities and Labor Relations on H.R. No. 329

The purpose of this resolution is to request the United States Congress to amend the social security laws to provide homemakers and non-working spouses with their own portable social security earnings records to which shall be credited an amount equal to one-half of their working spouse's earnings or the value of the homemaker's work in the home, and to give homemakers and non-working spouses protection in retirement, disability, marriage, divorce, and widowhood by making them eligible to claim full social security benefits in their own name on the basis of such individual earnings records.

Your Committee has received testimony to the effect that the social security system gives no credit for the years of service put in by women in the role of homemakers. In general, social security does not recognize the marriage to be an economic partnership, reducing the homemaker to the level of dependent. Therefore, there are no social security benefits for homemakers if:

1. they are not married to the same person for at least 10 years,
2. they become disabled,
3. they die - no survivors' benefits
4. they are widowed (unless they are 60 years old or caring for dependent children)

At the recently held White House Conference on Families, delegates expressed the need for a creative revamping of the social security system so that homemakers are not penalized in their later years for providing valuable unpaid services in the home. Your Committee concurs with this sentiment.

Further, testimony indicates that the present social security system may contribute to poverty among elderly women. Elderly women receive, on the average, approximately half of the social security benefits paid men in the same age group. Since women comprise 59% of persons over age 65 and nearly two-thirds of those over 72 years of age, this

inequity is compounded.

Your Committee finds that social security, broadly interpreted, provides a measure of security in old age or disablement. How well it serves any group covered, in this case women, is a relevant criterion of its effectiveness. Therefore, the manifest inequities in the treatment of women by the system must be addressed.

Your Committee on Employment Opportunities and Labor Relations concurs with the intent and purpose of H.R. No. 329 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1070 Employment Opportunities and Labor Relations on H.R. No. 278

This resolution proposes to: (1) express the concerns of the House over pay inequities of the female work force caused by unjustified job concepts and classifications; (2) request that all employers recognize and adopt the concept of equal pay for work of comparable value to their organization; and (3) transmit certified copies of the resolution to the Governor and to all the news media with a request that the views expressed in the resolution be conveyed to the public.

Your Committee believes that employers should evaluate positions within the company based on nondiscriminatory factors. These factors include value to the company, educational requirements, experience, supply, etc. So-called "female jobs" which are improperly classified due to misconceptions or traditional beliefs should be reevaluated and adjusted to show the value of the position to the company. The concept of equal pay for comparable worth to the company is sound.

Your Committee on Employment Opportunities and Labor Relations concurs with the intent and purpose of H.R. No. 278 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1071 Water, Land Use, Development and Hawaiian Affairs and Agriculture
on H.R. No. 551

The purpose of this Resolution is to request the Department of Planning and Economic Development, Department of Agriculture, and Department of Land and Natural Resources to project the amounts of land necessary for agriculture, conservation, and urban uses for the projected population in the year 2000.

This project would attempt to identify all needs as follows: (1) By determining the amount and location of land necessary for agriculture use to achieve self-sufficiency in those agricultural products for which self-sufficiency is realistic for the projected population of the year 2000; (2) By determining the amount and location of land necessary for conservations to preserve watersheds and water sources and maintaining sufficient open space for recreation need; and (3) By considering the remainder to be available for urban use.

This Resolution also places the burdens of making these determinations on the various departments and requires that the Department of Planning and Economic Development act as lead agency and charges them with providing all required assistance and submitting a report of its findings and recommendations to the Legislature at least twenty days prior to convening of the Regular Session of 1982.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and Agriculture concur with the intent and purpose of H.R. No. 551, and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committees.

SCRep. 1072 Water, Land Use, Development and Hawaiian Affairs and Agriculture
on H.R. No. 507

The purpose of this Resolution is to request an interim review and evaluation of the governance of agricultural districts.

Your Committees find that, while there is statewide concern regarding the uses of

lands in agricultural areas and the need to monitor such uses, there are several counties with their own unique means of regulating the use of agricultural lands. In addition, there have been suggestions that a statewide agency should have regulatory powers and duties similar to those exercised by the Board of Land and Natural Resources within conservation districts.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and Agriculture concur with the intent and purpose of H.R. No. 507 and recommend that it be referred to the Committee on Legislative Management.

Signed by all members of the Committees.

SCRep. 1073 Water, Land Use, Development and Hawaiian Affairs on H.R. No. 508

The purpose of this resolution is to request the Department of Transportation (DOT) to conduct a comprehensive review of the adequacy of both the Hawaii Shore Waters Regulations and the enforcement of these regulations in protecting the health, safety, and welfare of the various recreational users of the shore waters and shores of the State, and to report its findings and recommendations to the Legislature thirty days prior to the convening of the 1982 Regular Session.

Your Committee received favorable testimony on this resolution from the Department of Transportation and several bodysurfers.

Your Committee finds that there is an urgent need to conduct a comprehensive review of the Hawaii Shore Waters Regulations and the enforcement of these regulations in order to ensure and adequately protect the health, safety, and welfare of the recreational users of the shore waters and shores of the State. Your Committee is particularly concerned about the non-enforcement of the existing Hawaii Shore Waters Regulations in the Makapuu shore waters which has resulted in an increasing number of surfboard riders in these shore waters, despite the fact that the operation of surfboards in the Makapuu shore waters is prohibited under the Hawaii Shore Waters Regulations. This situation has resulted in ill will and conflicts between surfboard riders and other recreational users of the Makapuu shore waters and has created hazardous conditions at Makapuu.

Your Committee intends that the Department of Transportation include in its review, in addition to the issues of problem areas specifically cited in the resolution, the necessity and feasibility of establishing a State lifeguard service to be operated by DOT or the Department of Land and Natural Resources, and the necessity of providing lifeguard services in shore waters adjacent to State parks.

Your Committee on Water, Land Use, Development, and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 508 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1074 Water, Land Use, Development and Hawaiian Affairs on H.R. No. 566

The purpose of this Resolution is to request that the Department of Land and Natural Resources and the Board of Land and Natural Resources expeditiously develop a major waterfront park on the Fort Armstrong-Kewalo Peninsula.

Your Committee finds that since 1975, the State Legislature has supported and appropriated funds for the development of a major new park in the Fort Armstrong-Kewalo Peninsula area. In 1978, the House adopted H.R. No. 540, H.D. 2, and the Senate adopted S.R. No. 384, which Resolutions outlined the boundaries of the proposed park and requested the park be developed as expeditiously as possible. On September 30, 1978, groundbreaking ceremony was held for this park but since that time, there has been little visible progress.

Since that time, the need for a major new park in urban Honolulu has not diminished but indeed has grown greater and all agencies testifying support the development of this park.

Your Committee has amended the Resolution by adding a new whereas clause acknowledging that a draft Kakaako Waterfront Park Study was recently completed and its various alternatives are being reviewed and adding the Board of Land and Natural

Resources as one of the agencies requested to complete the park. A further amendment was made outlining the desired size of the park and expanding the list of personnel and departments who are to receive certified copies of this Resolution.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the purpose and intent of H.R. No. 566, as amended herein, and recommends it be referred to the Committee on Finance, in the form attached as H.R. No. 566, H.D. 1.

Signed by all members of the Committee.

SCRep. 1075 Water, Land Use, Development and Hawaiian Affairs on H.C.R. No. 214

The purpose of this Resolution is to request that the Department of Land and Natural Resources and the Board of Land and Natural Resources expeditiously develop a major waterfront park on the Fort Armstrong-Kewalo Peninsula.

Your Committee finds that since 1975, the State Legislature has supported and appropriated funds for the development of a major new park in the Fort Armstrong-Kewalo Peninsula area. In 1978, the House adopted H.R. No. 540, H.D. 2, and the Senate adopted S.R. No. 384, which Resolutions outlined the boundaries of the proposed park and requested the park be developed as expeditiously as possible. On September 30, 1978, groundbreaking ceremony was held for this park but since that time, there has been little visible progress.

Since that time, the need for a major new park in urban Honolulu has not diminished but indeed has grown greater and all agencies testifying support the development of this park.

Your Committee has amended the Resolution by adding a new whereas clause acknowledging that a draft Kakaako Waterfront Park Study was recently completed and its various alternatives are being reviewed and adding the Board of Land and Natural Resources as one of the agencies requested to complete the park. A further amendment was made outlining the desired size of the park and expanding the list of personnel and departments who are to receive certified copies of this Resolution.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the purpose and intent of H.C.R. No. 214, as amended herein, and recommends it be referred to the Committee on Finance, in the form attached as H.C.R. No. 214, H.D. 1.

Signed by all members of the Committee.

SCRep. 1076 Agriculture on H.R. No. 611

The purpose of this resolution is to request the Department of Agriculture to conduct a study to determine how the regulation of retail florist operations can be improved for the protection of the industry and the public.

In part, your Committee finds that such a study is advisable because estimates have shown that unlicensed retail florist operations are approaching gross sales close to that of the regulated industry, and your Committee believes that all retail florist operations should be properly and adequately regulated.

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

Your Committee on Agriculture concurs with the intent and purpose of H.R. No. 611 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1077 Agriculture on H.C.R. No. 229

The purpose of this concurrent resolution is to request the Department of Agriculture to conduct a study to determine how the regulation of retail florist operations can be improved for the protection of the industry and the public.

In part, your Committee finds that such a study is advisable because estimates have

shown that unlicensed retail florist operations are approaching gross sales close to that of the regulated industry, and your Committee believes that all retail florist operations should be properly and adequately regulated.

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

Your Committee on Agriculture concurs with the intent and purpose of H.C.R. No. 229 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1078 Agriculture on H.R. No. 589

The purpose of this resolution is to request the Department of Agriculture to report its findings and recommendations (relating to the problem of cattle and other livestock rustling), including proposed legislation for introduction during the Regular Session of 1982 (to the Legislature prior to the convening of the Regular Session of 1982).

Your Committee concurs with testimony submitted by the State Department of Agriculture supporting the adoption of this resolution.

Your Committee has amended the resolution's BE IT RESOLVED clause to specify that the Department is requested to review the problem of cattle and other livestock rustling in Hawaii and to report its findings and recommendations, including, where practicable and feasible, proposed legislation to the Legislature prior to the convening of the Regular Session of 1982.

Your Committee on Agriculture concurs with the intent and purpose of H.R. No. 589, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 589, H.D. 1.

Signed by all members of the Committee.

SCRep. 1079 Agriculture on H.C.R. No. 223

The purpose of this concurrent resolution is to request the Department of Agriculture to report its findings and recommendations (relating to the problem of cattle and other livestock rustling), including proposed legislation for introduction during the Regular Session of 1982 (to the Legislature prior to the convening of the Regular Session of 1982).

Your Committee concurs with testimony submitted by the State Department of Agriculture supporting the adoption of this resolution.

Your Committee has amended the concurrent resolution's BE IT RESOLVED clause to specify that the Department is requested to review the problem of cattle and other livestock rustling in Hawaii and to report its findings and recommendations, including, where practicable and feasible, proposed legislation to the Legislature prior to the convening of the Regular Session of 1982.

Your Committee on Agriculture concurs with the intent and purpose of H.C.R. No. 223, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 223, H.D. 1.

Signed by all members of the Committee.

SCRep. 1080 Water, Land Use, Development and Hawaiian Affairs and Agriculture
on H.R. No. 400

The purpose of this resolution is to request that President Reagan reconsider any proposal to reduce the effectiveness of the Resource Conservation and Development Program (RC&D) and maintaining the funding at the level of \$34 million during FY 1982, and requesting Hawaii's Congressional Delegation to critically weigh the concerns in this Resolution with a view toward continuing the program and sustaining a long-term funding system.

Your Committee finds that the RC&D Program has been operating in Hawaii for approximately eight years and not only has brought in monies for capital improvements but has done an exceptional job of involving the Hawaii citizen volunteers who expend much time and talent to assure development of programs which address local resource conservation projects and programs.

Your Committees have made technical corrections to this resolution.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and Agriculture concur with the intent and purpose of H.R. No. 400, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 400, H.D. 1.

Signed by all members of the Committees except Representative Morioka.

SCRep. 1081 Water, Land Use, Development and Hawaiian Affairs and Agriculture
on H.C.R. No. 176

The purpose of this resolution is to request that President Reagan reconsider any proposal to reduce the effectiveness of the Resource Conservation and Development Program (RC&D) and maintaining the funding at the level of \$34 million during FY 1982, and requesting Hawaii's Congressional Delegation to critically weigh the concerns in this Resolution with a view toward continuing the program and sustaining a long-term funding system.

Your Committee finds that the RC&D Program has been operating in Hawaii for approximately eight years and not only has brought in monies for capital improvements but has done an exceptional job of involving the Hawaii citizen volunteers who expend much time and talent to assure development of programs which address local resource conservation projects and programs.

Your Committees have made technical corrections to this resolution.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and Agriculture concur with the intent and purpose of H.C.R. No. 176, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 176, H.D. 1.

Signed by all members of the Committees except Representative Morioka.

SCRep. 1082 Education on H.R. No. 586

The purpose of this resolution is to create a task force which shall establish guidelines to effectively utilize existing health and mental health educational services, both public and private, to address the needs of the State of Hawaii in the areas of least restrictive environment, related services, and due process. The task force shall also study and clarify the needs of all children who have developmental delays, especially the preschool and severely multi-handicapped child, and review the services available to them in a total perspective.

As received by your Committee, the resolution specifies that the task force shall be led by the Chairman of the House Committee on Education and shall be composed of representatives from the Board of Education, Department of Education, State and District Office, Department of Health, Hawaii Medical Association and Hawaii Chapter American Academy of Pediatrics, Hawaii Association of Private Special Educational Schools, and Hawaii Parents Teachers Association.

Your Committee has heard testimony from numerous agencies and interested individuals supporting this resolution and also recommending the involvement of other agencies and individuals involved in the provision of special education services.

Your Committee has therefore amended the resolution to include in the task force representatives from the Department of Social Services and Housing; Department of Budget and Finance; Department of Attorney General; Department of Special Education College of Education, University of Hawaii; Hawaii State Teachers Association; Hawaii Government Employees Association; special education teachers; and other persons as deemed appropriate by the Chairman.

Your Committee also made numerous technical, non-substantive amendments.

Your Committee on Education concurs with the intent and purpose of H.R. No. 586,

as amended herein, and recommends that it be referred to the Committee on Legislative Management, in the form attached hereto as H.R. No. 586, H.D. 1.

Signed by all members of the Committee.

SCRep. 1083 Education on H.R. No. 587

The purpose of this resolution is to have the Board of Education create an advisory task force to advise the Board of the needs of students with limited English proficiency.

Your Committee is aware of the problems that confront immigrant students as they make the difficult transition between different languages, cultures, economic systems, and political systems. Your Committee believes that the establishment of an advisory task force for students with limited English proficiency will assist in fully integrating students with limited English proficiency into the academic and social activities of our schools.

Your Committee wishes to note the concern expressed at the public hearing for this resolution over the increasing number of immigrants entering Hawaii and their impact on the State, particularly regarding the growing competition between immigrants and residents for jobs.

Your Committee on Education concurs with the intent and purpose of H.R. No. 587 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1084 Education on H.C.R. No. 221

The purpose of this concurrent resolution is to have the Board of Education create an advisory task force to advise the Board of the needs of students with limited English proficiency.

Your Committee is aware of the problems that confront immigrant students as they make the difficult transition between different languages, cultures, economic systems, and political systems. Your Committee believes that the establishment of an advisory task force for students with limited English proficiency will assist in fully integrating students with limited English proficiency into the academic and social activities of our schools.

Your Committee wishes to note the concern expressed at the public hearing for this concurrent resolution over the increasing number of immigrants entering Hawaii and their impact on the State, particularly regarding the growing competition between immigrants and residents for jobs.

Your Committee on Education concurs with the intent and purpose of H.C.R. No. 221 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1085 Transportation and Health on H.R. No. 637 (Majority)

The purpose of this resolution is to request the State Department of Transportation, Department of Health, and Department of Labor and Industrial Relations, Occupational Safety and Health Division, to investigate the potential health hazards to humans, both commuters and workers, posed by the collocation of the proposed H-3 Highway and the Omega Station -- Haiku. It is also the purpose of this resolution to prevent any currently budgeted moneys to be expended on the proposed H-3 highway until the Legislature is satisfied that these health and safety issues are adequately resolved.

Your Committees heard testimony that two types of hazard will be posed to persons working on or traveling on the proposed H-3 highway. It was testified that these persons would receive both electric shock and electro-magnetic radiation. Your Committees received medical testimony that there has been little research into the affects on humans of electro-magnetic radiation of the frequency emitted by the Haiku Omega Station but that research on other frequencies indicate a potential for such adverse biological effects as mutation of cells, tumors and damage to the nervous system. It was testified that

a study with animal subjects of the adverse biological effects of electro-magnetic radiation from the Haiku Omega Station would take a minimum of two years.

The Department of Transportation testified that it has an upcoming court hearing involving H-3 and that the resolution as worded would not permit it to expend funds to state its case in court or to continue its planning process.

Your Committees find that the potential health hazard to persons working or commuting on the proposed H-3 is of such a magnitude that no moneys should be expended for construction of H-3 until the problem is studied.

Your Committees amended the Resolution by putting the first "whereas" clause second-to-last in order to emphasize the necessity of the study and to de-emphasize the holding up of moneys. Your Committees also added language making it clear that only moneys for actual construction of H-3 should not be expended prior to the study. Your Committees further amended the Resolution to delete the language "until such time as the Legislature is satisfied that the health and safety issues cited in the Resolution are adequately resolved" and replace it with the language "until the health and safety issues cited in this Resolution are adequately studied". It was felt that the original language would limit the determination that the Department of Transportation may recommence construction to some time during a legislative session and because it was felt that it would be impossible to determine whether the issue has been resolved but that it could be determined that the study of the issue has been completed. Your Committees also made stylistic changes necessitated by the foregoing amendments.

Your Committees on Transportation and Health concur with the intent and purpose of H.R. No. 637, as amended herein, and recommend that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 637, H.D. 1.

Signed by all members of the Committees except Representatives Dods, Kobayashi, Kunimura, Anderson, Lacy, Medeiros and Wong.
(Representative Ige did not concur.)

SCRep. 1086 Transportation and Health on H.C.R. No. 232 (Majority)

The purpose of this concurrent resolution is to request the State Department of Transportation, Department of Health, and Department of Labor and Industrial Relations, Occupational Safety and Health Division, to investigate the potential health hazards to humans, both commuters and workers, posed by the collocation of the proposed H-3 Highway and the Omega Station -- Haiku. It is also the purpose of this resolution to prevent any currently budgeted moneys to be expended on the proposed H-3 highway the Legislature is satisfied that these health and safety issues are adequately resolved.

Your Committees heard testimony that two types of hazard will be posed to persons working on or traveling on the proposed H-3 highway. It was testified that these persons would receive both electric shock and electro-magnetic radiation. Your Committees received medical testimony that there has been little research into the affects on humans of electro-magnetic radiation of the frequency emitted by the Haiku Omega Station but that research on other frequencies indicate a potential for such adverse biological effects as mutation of cells, tumors and damage to the nervous system. It was testified that a study with animal subjects of the adverse biological effects of electro-magnetic radiation from the Haiku Omega Station would take a minimum of two years.

The Department of Transportation testified that it has an upcoming court hearing involving H-3 and that the resolution as worded would not permit it to expend funds to state its case in court or to continue its planning process.

Your Committees find that the potential health hazard to persons working or commuting on the proposed H-3 is of such a magnitude that no moneys should be expended for construction of H-3 until the problem is studied.

Your Committees amended the Resolution by putting the first "whereas" clause second-to-last in order to emphasize the necessity of the study and to de-emphasize the holding up of moneys. Your Committees also added language making it clear that only moneys for actual construction of H-3 should not be expended prior to the study. Your Committees further amended the Resolution to delete the language "until such time as the Legislature is satisfied that the health and safety issues cited in the Resolution are adequately resolved" and replace it with the language "until the health and safety issues cited in this Resolution are adequately studied". It was felt that the original language would limit the determination that the Department of Transportation may re-

commence construction to some time during a legislative session and because it was felt that it would be impossible to determine whether the issue has been resolved but that it could be determined that the study of the issue has been completed. Your Committees also made stylistic changes necessitated by the foregoing amendments.

Your Committees on Transportation and Health concur with the intent and purpose of H.C.R. No. 232, as amended herein, and recommend that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 232, H.D. 1.

Signed by all members of the Committees except Representatives Dods, Kobayashi, Kunimura, Anderson, Lacy, Medeiros and Wong.
(Representative Ige did not concur.)

SCRep. 1087 Transportation on H.R. No. 557

The purpose of this Resolution is to request the State Department of Transportation to review its policies on safety inspections of school buses and to conduct independent random safety inspections of school buses to insure that the buses comply with safety regulations.

Testimony presented at the hearings stated that currently some or all school bus safety inspections are performed by motor vehicle inspection stations and there is no check by a public agency to insure that school buses which pass safety inspections are in compliance with the pertinent safety regulations. The Department of Transportation testified that it presently lacks manpower and funding to inspect all school buses.

Your Committee finds that random safety inspections by a public agency might be sufficient to promote maximum safety in the operation of school buses.

Your Committee has amended this Resolution to propose random inspections by a "public agency" rather than by the "Department of Transportation". Accordingly, your Committee has retitled this Resolution: "HOUSE RESOLUTION REQUESTING INDEPENDENT RANDOM SAFETY INSPECTIONS OF SCHOOL BUSES". Your Committee has further amended this Resolution by adding the Department of Education and the Department of Accounting and General Services to the study proposed by this Resolution for reviewing the possibility of conducting random safety inspections of school buses. Your Committee has also amended this Resolution by stating that currently, safety inspections are conducted by safety inspection stations rather than by the contractors of the school buses. Your Committee has also made technical non-substantive changes to this Resolution.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 557, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 557, H.D. 1.

Signed by all members of the Committee except Representative Dods.

SCRep. 1088 Transportation on H.R. No. 630

The purpose of this Resolution is to request the State Department of Transportation to conduct a study on the feasibility of using a contra-flow lane on Likelike Highway during morning and afternoon rush hours. The study will also include an analysis of the impact of such contra-flow lane on drivers travelling in the opposite direction, of the necessary synchronization of traffic patterns and lights, and of the feasibility of limiting use of Likelike Highway during peak hours to vehicles with three or more occupants.

Your Committee heard testimony stating that traffic congestion on Likelike Highway during morning and afternoon peak hours is intolerable to Windward commuters and this congestion causes great loss of time and energy. The Department of Transportation gave testimony in agreement with the intent of the Resolution and in favor of conducting the study.

Your Committee finds that it would be in the interest of Windward commuters and energy conservation for the State Department of Transportation to study the feasibility of contra-flow on Likelike Highway.

Your Committee made amendments to delete all references to a completed H-3 highway.

Your Committee on Transportation concurs with the intent and purpose of H.R. No.

630, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 630, H.D. 1.

Signed by all members of the Committee except Representative Dods.

SCRep. 1089 Transportation on H.R. No. 491

The purpose of this resolution is to request a feasibility study of requiring all school buses to be equipped with communication systems. It is requested that the Department of Transportation, Department of Education, and the Department of Accounting and General Services jointly conduct the study and report their findings to the Legislature at least twenty days prior to the convening of the 1982 Regular Session.

Your Committee has received testimony from the Departments of Education and Transportation indicating that they favor the improvement of school bus communication systems but feel that the study should be limited to public schools because costs may be prohibitive to small private schools.

Your Committee has amended the title and body of the resolution to limit the scope of the study to public school buses, both contract carriers and those buses owned by the State Department of Education. Therefore, your Committee has retitled this resolution: "HOUSE RESOLUTION REQUESTING A FEASIBILITY STUDY OF REQUIRING PUBLIC SCHOOL BUSES TO BE EQUIPPED WITH COMMUNICATION SYSTEMS". Your Committee also amended the resolution to specify that the study be into the cost of installing communication systems in school buses and that federal financing be investigated.

Finally, your Committee amended the resolution to designate the Department of Accounting and General Services as the lead agency in conducting this study.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 491, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 491, H.D. 1.

Signed by all members of the Committee except Representatives Dods and Waihee.

SCRep. 1090 Transportation on H.R. No. 522

The purpose of this resolution is to request the State Department of Transportation to determine the cost of eliminating those conditions which have caused flooding on a portion of the Hawaii Belt Road which runs through the Ka'u District on the island of Hawaii. Two particular flooding problems to be considered by the Department of Transportation are enumerated.

Your Committee heard testimony from the Department of Transportation that the flooding of the Hawaii Belt Road does indeed pose a hazard.

The Department testified that a thorough engineering evaluation and detailed determination of the cost of eliminating these conditions would be approximately \$200,000.

The Department of Transportation also testified that other agencies are involved in flood control in the Ka'u District.

Your Committee has amended the resolution to call for a preliminary, in-house study by the Department of Transportation because it is believed that at this stage a complete detailed engineering study is not necessary.

Your Committee also amended the resolution to direct the Department to seek assistance, if necessary, from the Army Corps of Engineers, the County of Hawaii, the Ka'u Soil and Water Conservation District, the Department of Land and Natural Resources and the U.S. Soil Conservation Service.

Your Committee has also amended H.R. No. 522 in order to correct typographical errors.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 522 as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 522, H.D. 1.

Signed by all members of the Committee except Representatives Dods and Waihee.

SCRep. 1091 Public Employment and Government Operations and Education on
H.R. No. 580

The purpose of this resolution is to request the Department of Education to report on measures taken to resolve the issues relating to the job sharing program.

In the March, 1981 Legislative Auditor's report entitled Job Sharing Pilot Project in the Department of Education: Final Evaluation, the Legislative Auditor identifies the following program issues and recommends they be studied and resolved before the job sharing program is made permanent:

1. The removal of certain eligibility restrictions imposed by Act 150, Session Laws of Hawaii 1978, to allow for increased participation in the job sharing program;
2. The status of job sharers with respect to collective bargaining coverage;
3. The provision of retirement incentives for near retirees to encourage their participation in the job sharing program;
4. The position retention rights of tenured, certificated DOE personnel if they are allowed to pair as job sharers;
5. How workload can be divided more equitably and compensation provided accordingly;
6. Provision of the duty-free lunch and preparation periods;
7. The assignment, compensation, and arrangement of substitute teaching when it is performed by job sharers; and
8. The conditions under which new hires might be granted probation and ten.

The Department of Education, various teachers, and representatives of the teachers' unions testified before the Legislature during the 1981 Regular Session in support of making the job sharing pilot project a permanent program in the Department of Education.

However, your Committees find that the pilot project should instead be extended an additional two academic years to enable the Legislature to consider more fully the issues and concerns cited above before possibly establishing job sharing as a permanent program in the Department of Education.

Your Committees have amended the resolution by designating, in the first "BE IT RESOLVED" clause, the Board of Education, rather than the Department of Education, as the body "requested to resolve the issues relating to the job sharing program and to submit a report to the [1982] Legislature . . .".

Relatedly, the title of the resolution has been amended by substituting the word "Board" for the word "Department" [of Education] in order to conform the title to the amendment reported in the preceding paragraph.

Your Committees on Public Employment and Government Operations and Education concur with the intent and purpose of H.R. No. 580, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 580, H.D. 1.

Signed by all members of the Committees.

SCRep. 1092 Finance on H.R. No. 79

The purpose of this resolution is to request the appropriate House standing committees "to study the Hawaii Revised Statutes as it relates to child abuse and neglect" for the following purposes: (1) to determine if references, definitions, or terminology are adequate to address the problems of child abuse and neglect in the State and (2) to

make recommendations for any amendments to improve the statutes.

A thorough legislative review of statutes is both timely and necessary to ensure that the present laws are adequate to deal with the serious problem of child abuse and neglect in Hawaii.

Your Committee agrees with the findings and recommendations of House Standing Committee Report No. 529.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 79, H.D. 1, and recommends it be referred to your Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 1093 Employment Opportunities and Labor Relations on H.R. No. 543

The purpose of this resolution is to request the Commission on Manpower and Full Employment and the Statewide Volunteer Services to study the feasibility of a State Volunteer Program, similar to the national VISTA program which would be designed not only to meet community needs in Hawaii but also to provide productive and rewarding volunteer assignments and related training for individuals willing to volunteer their services for one or more years in the State in exchange for basic subsistence allowance.

The study may include, but not be limited to, an examination, analysis, or consideration of the following:

- (1) Applicable federal laws, regulations, and policies relating to the VISTA program and their possible adaptation to a State Volunteer Program;
- (2) Chapter 90, Hawaii Revised Statutes ("State Policy Concerning Utilization of Volunteer Services"), including any amendments which may be necessary to Chapter 90;
- (3) Enabling legislation and appropriations which may be necessary;
- (4) Specific issues such as: (a) the types of skills, specialized or non-specialized, required of participating volunteers and the needs of the community; (b) who will receive the volunteer services and through what agency or entity the services are to be delivered; (c) the designated administering entity for the program; (d) provisions for the recruitment, training, and placement of volunteers, including on-the-job training; (e) what type of benefits to be given to volunteers, considering, among other things, a fixed monthly subsistence allowance for housing and food plus a stipend to cover miscellaneous expenses; a completion-of-service allotment which accrues at a fixed amount per month of service; medical insurance coverage; and vacation leave; and (f) who is to absorb the costs of the possible benefits to be paid to or received by the volunteers; and
- (5) Other matters deemed relevant.

Your Committee finds that there is already a program in the State designed to comply with the goals and objectives of VISTA. This is the State Volunteer Services Center which was established in 1976 through the findings of the Legislature. The Center has two major components: the Hawaii VISTA Grant Program and the Statewide Volunteer Services (SVS).

Whereas the Volunteer Services provides agencies and volunteers with information, training and technical assistance, recognition, expansion of public awareness, the Hawaii VISTA Grant Program is to coordinate, recruit, train and support volunteers, who participate in innovative anti-poverty efforts of community organizations and government agencies to help solve economic and social problems.

However, the Hawaii VISTA Grant Program is in the last year of its five year grant and will terminate November 30, 1981 and there is a need to assess the impact on the entire program and the feasibility of its continuance.

Testimony has been received that the Hawaii VISTA Grant Program can address many of the study specifications noted in this resolution without a study. The director of this program has also agreed to conduct the study with the assistance of the Commission

on Manpower and Full Employment and the Statewide Volunteer Services. Therefore the resolution has been so amended.

Your Committee on Employment Opportunities and Labor Relations concurs with the intent and purpose of H.R. No. 543 as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 543, H.D. 1.

Signed by all members of the Committee except Representatives Albano, Kiyabu and Anderson.

SCRep. 1094 Employment Opportunities and Labor Relations on H.R. No. 561

The purpose of this resolution is to have the appropriate House committees, during the 1981 legislative interim, review the Hawaii Prepaid Health Care Act, in relation to the Employee Retirement Income Security Act of 1974 and in the light of the federal court decisions in Standard Oil Company of California v. Joshua C. Agsalud, with the objective of preserving or saving as much of the Hawaii Prepaid Health Care Act as possible and, if necessary or advisable, making appropriate changes to other Hawaii employee benefits laws in relation to, and in order to preserve as much as possible of, the Hawaii Prepaid Health Care Act.

The Ninth Circuit Court of Appeals has affirmed a lower court ruling that ERISA pre-empts the Hawaii Prepaid Health Care Law, notwithstanding that the attorney general has defended Hawaii's position that ERISA does not preempt the Hawaii Prepaid Health Care Act. In their rulings, both courts have urged that Hawaii seek remedy with the U.S. Supreme Court. This step is in progress.

The Committee feels that a study should be conducted and legislation be prepared in the event the Supreme Court upholds the lower court decision. In the Committee's view there are several approaches which could be taken should the Supreme Court rule against Hawaii. These approaches range from the extreme of repealing the Hawaii Prepaid Health Care Law to amending the law in some fashion or combining it with some other law. Finding the best approach that will preserve the Hawaii Prepaid Health Care Act is an undertaking that will require extensive study.

Your Committee on Employment Opportunities and Labor Relations concurs with the intent and purpose of H.R. No. 561 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 1095 Transportation on S.C.R. No. 46

The purpose of this Resolution is to request the Legislative Auditor to study various aspects of the duty-free concessions at Honolulu International Airport (HIA). The Auditor is to study the effects of allowing permittees to deliver in-bond merchandise at HIA on orderly airport operations, on Hawaii's retail merchants and on the airport special fund. Finally, the Auditor is to study the capability of the Department of Transportation to actively supervise the duty-free concessions at HIA. It is also the purpose of this Resolution to request the Department of Transportation to determine the minimum qualifications of permittees necessary to insure quality duty-free operators and to determine a percentage fee to be charged permittees by the State which would bear an equitable relationship to the rights granted the permittees. The Department of Transportation is also requested to continue investigating possible rules to govern permittees at HIA. Finally, it is the purpose of this Resolution to request the Attorney General to analyze the issues, including constitutional issues involved in the State's granting or not granting contracts and/or permits for the sale and/or delivery of in-bond merchandise at HIA.

Your Committee heard testimony that the agencies involved will be capable of conducting the proposed studies and legal analysis within the time allotted by the Resolution.

Your Committee on Transportation finds that it is essential to a rational understanding of the State's interests, rights and obligations that the study proposed by this Resolution be undertaken and completed prior to the next legislative session so that the Legislature may act in an informed manner during its next session regarding duty-free contracts and permits at HIA.

Your Committee on Transportation has amended this Concurrent Resolution by deleting

reference to the passage of H.B. No. 1470-81, H.D. 2, S.D. 1.

Your Committee on Transportation is in accord with the intent and purpose of S.C.R. No. 46, 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. 46, S.D. 1, H.D. 1.

. Signed by all members of the Committee except Representative Dods.

SCRep. 1096 Housing and Youth and Elderly Affairs on H.R. No. 390

The purpose of this resolution is to request the Hawaii Housing Authority to select appropriate housing sites for elderly housing projects.

Your Committees are well aware of the problems elderly residents on fixed incomes encounter in seeking decent and affordable housing. Your Committees are also aware that many elderly persons prefer to live in areas in which they have been longtime residents and areas that are close to essential health, transportation and social facilities. This resolution seeks to reinforce the Legislature's long-standing commitment to meeting the needs of Hawaii's elderly.

Your Committees recognize that county housing agencies, through the expenditure of Community Development Block Grant (CDBG) funds for land acquisition, are instrumental in site selection for many elderly housing projects and have amended the resolution and its title accordingly.

Your Committees on Housing and Youth and Elderly Affairs concur with the intent and purpose of H.R. No. 390, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 390, H.D. 1.

Signed by all members of the Committees except Representative Kunimura.

SCRep. 1097 Employment Opportunities and Labor Relations on H.R. No. 643

This resolution requests the Director of Labor and Industrial Relations to establish an Apprenticeship Advisory Council as a means to promote, improve, and strengthen apprenticeship training programs and agreements.

A multi-trade apprenticeship council, together with business, labor and other concerned parties, will support apprenticeship and make it the basic avenue for acquiring skills adequate or appropriate to employer needs. The objective here is to achieve the highest possible standard of training in the practical aspects of the work to be done.

With the national administration's decision to shift the emphasis from public employment to private sector training and employment, there will be a greater need to foster the involvement and assistance of business, industry and labor representatives.

An active apprenticeship council, in partnership with government, is vital to the success of employment and training programs. Hence, with the phasing out of government as the "employer of last resort," there is a need for greater involvement of the private sector in employment and training programs.

Your Committee on Employment Opportunities and Labor Relations concurs with the intent and purpose of H.R. No. 643 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Dods.

SCRep. 1098 Agriculture on H.R. No. 655

The purpose of this resolution is to request the Governor to provide needed funds to the State Department of Agriculture for the enforcement of Department regulations regarding garbage feeding of swine. This resolution also requests the Department of Agriculture to establish proceedings to change the penalty section of its rules and regulations regarding garbage feeding of swine to provide for a \$1,000.00 penalty per violation instead of the current 30-day quarantine provisions.

The Department of Agriculture has had two positions, one for a veterinarian and

one for a swine disease specialist, frozen since 1977. The funding of these positions would permit the Department to carry out the needed enforcement program, including having a veterinarian available at the port of entry to inspect animals shipped to Hawaii from the mainland.

Your Committee has received testimony in support of this resolution from the Chairperson of the Board of Agriculture and the Hawaii Farm Bureau Federation.

Your Committee has amended this resolution by deleting the second "WHEREAS" clause. The purpose of deleting this clause is that Federal funds for the inspection program have been made available.

Your Committee has also amended this resolution by making technical amendments to the first and last "BE IT RESOLVED" clauses and by adding a new "BE IT RESOLVED" clause to require a report back to the 1982 legislative session.

Your Committee on Agriculture concurs with the intent and purpose of H.R. No. 655, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 655, H.D. 1.

Signed by all members of the Committee.

SCRep. 1099 Agriculture on H.R. No. 673

The purpose of this resolution is to request the Speaker of the House of Representatives to designate an appropriate House Committee to review during the 1981 interim period the status of agricultural cooperative associations.

Your Committee finds that, although Hawaii's diversified agricultural industry has demonstrated impressive growth over the past decade, it is broadly recognized in the farming sector that greater gains could have been accomplished through a more effective system of agricultural cooperative associations.

Your Committee on Agriculture concurs with the intent and purpose of H.R. No. 673 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 1100 Agriculture on H.R. No. 656

The purpose of this resolution is to request the Governor's Agriculture Coordinating Committee (GACC) to coordinate the performance of a study of the future of Hawaii's pineapple industry--the GACC to be assisted in the study by a number of State and county agencies and by the voluntary cooperation and assistance of the Hawaii pineapple industry.

Your Committee finds that such a coordinated study of the future of the pineapple industry in Hawaii is advisable in view of the overall decline of the industry in this State and the growth of, and related competition from, pineapple production in foreign countries.

Your Committee has amended the resolution by adding the ILWU Local 142 as one of the entities requested to voluntarily cooperate with and assist the GACC in carrying out the study and that the GACC report its findings and recommendations to the Legislature prior to the convening of the Regular Session of 1982.

Your Committee on Agriculture concurs with the intent and purpose of H.R. No. 656, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 656, H.D. 1.

Signed by all members of the Committee except Representative Fukunaga.

SCRep. 1101 Agriculture on H.C.R. No. 235

The purpose of this concurrent resolution is to request the Governor's Agriculture Coordinating Committee (GACC) to coordinate the performance of a study of the future of Hawaii's pineapple industry--the GACC to be assisted in the study by a number of

State and county agencies and by the voluntary cooperation and assistance of the Hawaii pineapple industry.

Your Committee finds that such a coordinated study of the future of the pineapple industry in Hawaii is advisable in view of the overall decline of the industry in this State and the growth of, and related competition from, pineapple production in foreign countries.

Your Committee has amended the resolution by adding the ILWU Local 142 as one of the entities requested to voluntarily cooperate with and assist the GACC in carrying out the study and that the GACC report its findings and recommendations to the Legislature prior to the convening of the Regular Session of 1982.

Your Committee on Agriculture concurs with the intent and purpose of H.C.R. No. 235, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 235, H.D. 1.

Signed by all members of the Committee except Representative Fukunaga.

SCRep. 1102 Agriculture and Water, Land Use, Development and Hawaiian
Affairs on H.R. No. 576

The purpose of this resolution is to request the Department of Agriculture to conduct a study on the means of regulating development encroaching on agricultural lands in the agricultural belt in the upper elevations of Kona from Keahole to Honaunau on the island of Hawaii.

The study shall recommend to the Legislature criteria and standards to preserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency and assure the availability of agriculture lands in this area. The study shall also address the feasibility of establishing this area as a greenbelt dedicated to agricultural purposes, and the feasibility of establishing a moratorium on the reclassification, rezoning, or permitting further non-agricultural uses in this area.

Your Committees find that this resolution is consistent with Article XI, Section 3 of the State Constitution which provides that the State shall conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency and assure the availability of agriculturally suitable lands.

Your Committees have received testimony from the Chairperson of the Board of Agriculture in favor of this resolution. The Chairperson of the Board of Agriculture has testified on the concern caused by increasing urbanization of agricultural lands in the upper elevations of Kona, Hawaii.

Your Committees have made a technical, non-substantive amendment to the title of this resolution.

Your Committees have also made technical, non-substantive amendments to the third "WHEREAS" clause of this resolution to correct misspelling of the words "intermittent", "contiguous" and "classified".

Your Committees on Agriculture and Water, Land Use, Development and Hawaiian Affairs concur with the intent and purpose of H.R. No. 576, as amended herein, and recommend that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 576, H.D. 1.

Signed by all members of the Committee except Representative Fukunaga.

SCRep. 1103 Agriculture and Water, Land Use, Development and Hawaiian
Affairs on H.C.R. No. 217

The purpose of this concurrent resolution is to request the Department of Agriculture to conduct a study on the means of regulating development encroaching on agricultural lands in the agricultural belt in the upper elevations of Kona from Keahole to Honaunau on the island of Hawaii.

The study shall recommend to the Legislature criteria and standards to preserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-

sufficiency and assure the availability of agriculture lands in this area. The study shall also address the feasibility of establishing this area as a greenbelt dedicated to agricultural purposes, and the feasibility of establishing a moratorium on the reclassification, rezoning, or permitting further non-agricultural uses in this area.

Your Committees find that this concurrent resolution is consistent with Article XI, Section 3 of the State Constitution which provides that the State shall conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency and assure the availability of agriculturally suitable lands.

Your Committees have received testimony from the Chairperson of the Board of Agriculture in favor of this concurrent resolution. The Chairperson of the Board of Agriculture has testified on the concern caused by increasing urbanization of agricultural lands in the upper elevations of Kona, Hawaii.

Your Committees have made a technical, non-substantive amendment to the title of this concurrent resolution.

Your Committees have also made technical, non-substantive amendments to the third "WHEREAS" clause of this concurrent resolution to correct misspelling of the words "intermittent", "contiguous" and "classified".

Your Committees on Agriculture and Water, Land Use, Development and Hawaiian Affairs concur with the intent and purpose of H.C.R. No. 217, as amended herein, and recommend that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 217, H.D. 1.

Signed by all members of the Committees except Representative Fukunaga.

SCRep. 1104 Energy, Ecology and Environmental Protection on H.R. No. 565

The purpose of this resolution is to request the House Committee on Energy, Ecology and Environmental Protection to do a study on the Office of Environmental Quality Control (OEQC), the Environmental Quality Commission (EQC) and the Environmental Impact Statement system. This study will include an analysis of the legislation which established the organizations, the responsibilities, rules, regulations, staffing, lines of authority, and other elements of the system to determine their ability to perform the duties given to them by the Legislature.

Your Committee finds that since these two organizations were created and the environmental impact statement system established there has been confusion over their specific responsibilities and governing authority. The two organizations, whose responsibilities include the coordination of the environmental programs of the state agencies and private sector, and the control and operation of the State Environmental Impact Statement system, have not been able to develop the relationship necessary to effectively achieve these objectives. The recent transfer of OEQC to the department of health for administrative purposes has added more confusion to this area. The resulting study will provide insight and legislative guidance to possible solutions for this problem.

Your Committee on Energy, Ecology and Environmental Protection concurs with the intent and purpose of H.R. No. 565 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 1105 Energy, Ecology and Environmental Protection on S.C.R. No. 29

The purpose of this concurrent resolution is to urge the Governor to (1) make Hawaii a party to the Western Regional Low-Level Radioactive Waste Committee, (2) submit an annual report to the Legislature describing the progress of the negotiations conducted under the auspices of the committee, and (3) submit any proposed interstate compact for low-level radioactive waste disposal to the Legislature.

Your Committee finds that the current practice of low-level radioactive waste disposal is to store such wastes in the state for a short time and then send them to the mainland for permanent disposal. These disposal sites now utilized by Hawaii and other western states may no longer be available after June 1, 1981. In view of this probable closure,

regional interstate compacts governing low-level radioactive waste disposal have been encouraged by the federal government as a possible solution to this problem. A number of western states have formed a working group to facilitate the negotiation of such compacts. Since building a low-level radioactive waste disposal facility in Hawaii is not feasible, the Governor should make Hawaii a party to this working group.

Your Committee has amended this concurrent resolution by eliminating the need for an Executive Order making Hawaii a party to the regional committee. The resolution has also been amended to delete the statement claiming that Hawaii is the only western states not to have joined the working group to comport with facts to the contrary. Your Committee has further amended the resolution to allow the Governor to secure membership in an interstate compact governing low-level radioactive waste disposal on an interim basis only and requiring that prior to the state entering any such compact on a permanent basis, Legislative approval is obtained.

Your Committee on Energy, Ecology and Environmental Protection concurs with the intent and purpose of S.C.R. No. 29, 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. 29, S.D. 1, H.D. 1.

Signed by all members of the Committee.

SCRep. 1106 Energy, Ecology and Environmental Protection on H.R. No. 562

The purpose of this house resolution is to request the Director of Health to conduct a survey to determine the extent to which beverage containers are a litter problem and to report the requested findings to the Legislature twenty days prior to the convening of the Regular Session of 1982.

Your Committee finds that a clean and safe environment remains of paramount importance to the State which has been continuously struggling to control the problem of litter. A major potential contributor to the State's litter problem may be discarded beverage containers. Numerous states have enacted or are considering enactment of litter laws to alleviate the litter problem caused by such containers.

Your Committee also finds that the extent to which beverage containers create or add to the litter problem in Hawaii is unknown. Your Committee is in agreement, therefore, that a survey to determine the extent of this problem is warranted.

Your Committee on Energy, Ecology and Environmental Protection concurs with the intent and purpose of H.R. No. 562 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1107 Public Assistance and Human Services on H.R. No. 627

The purpose of this resolution as received by your Committee is to request the Department of Defense, State of Hawaii, in cooperation with the Hawaii State Veterans Council, the American Legion, and other veterans' organizations in the County of Hawaii, to conduct a feasibility study on the establishment of a veterans facility on the Island of Hawaii.

Your Committee has received testimony in favor of this resolution. Veterans on neighbor islands currently have no common facilities where they can meet to discuss topics of common interest and entertain visiting veterans and their families.

Your Committee finds that the Department of Defense is not the appropriate agency to conduct the feasibility study, and has therefore agreed to amend this resolution by changing the designated agency to the Legislative Reference Bureau.

Your Committee further finds that veterans on all of the neighbor islands have need for veterans' facilities. Therefore, your Committee has amended this resolution by: (1) amending the scope of the requested feasibility study to include not only the Island of Hawaii but all neighbor islands; (2) deleting the third "WHEREAS" clause which is a specific reference to veterans on the Big Island; (3) changing the title of the resolution to read: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO INVESTIGATE THE FEASIBILITY OF ESTABLISHING VETERANS FACILITIES ON THE

NEIGHBOR ISLANDS"; and (4) changing all references to the County or Island of Hawaii to the neighbor islands.

Your Committee on Public Assistance and Human Services concurs with the intent and purpose of H.R. No. 627, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 627, H.D. 1.

Signed by all members of the Committee.

SCRep. 1108 Public Assistance and Human Services on H.R. No. 534

The purpose of this resolution is to request the Department of Social Services and Housing to accumulate and document data on the long-term care needs of Medicaid recipients projected through 1991, including (1) the number of aged and disabled persons receiving Medicaid benefits in fiscal year 1981; (2) the number of paid staff providing services to this patient group; (3) an inventory of existing public and private resources for the care of the aged and disabled; (4) a discussion of the gaps in resources and how they can be filled; and (5) projected increases in the number of the aged and disabled (receiving Medicaid benefits) who will need to be served through 1991 and related projected increases in staff needs.

Your Committee finds that the costs to the State in providing institutional care for aged and disabled individuals is rapidly increasing. While institutional care is both necessary and appropriate for some individuals, the provision of home health, housekeeping, chore, and adult day care services may offer a less costly alternative for many aged and disabled persons who could remain at home if adequate health and social services are made more widely available.

Your Committee finds that information as to the projected numbers of aged and disabled individuals who would require financial assistance and health and social services, as well as any current and projected gaps in available resources, would greatly assist the Legislature in future decision-making relating to the provision of additionally needed institutional and non-institutional services.

The resolution, as received by your Committee, addresses only patients receiving Medicaid benefits (Medicaid beneficiaries) and does not take into consideration the larger numbers of elderly persons who are not currently receiving Medicaid benefits but who would also need or qualify for home health and social services (non-beneficiaries). Your Committee has accordingly amended this resolution by requesting a projection of the numbers of poor elderly persons not receiving Medicaid, as well as those who are receiving Medicaid benefits.

Your Committee has also amended the resolution so that the Directors of the Department of Health and the Executive Office on Aging will also be transmitted copies of this resolution.

Your Committee on Public Assistance and Human Services concurs with the intent and purpose of H.R. No. 534, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 534, H.D. 1.

Signed by all members of the Committee.

SCRep. 1109 Public Assistance and Human Services and Public Employment and Government Operations on H.R. No. 515

The purpose of this resolution, as received by your Committees, is to request the Commission on the Handicapped to review the various State and county administrative policies and procedures, including applicable statutes, ordinances, and regulations, which relate to the provision of parking for the handicapped at State and county buildings and facilities, in order to recommend a more uniform or standardized statewide policy.

Your Committees find that there are currently a number of inconsistencies in the administration and enforcement of State and county policies and procedures relating to the provision of parking spaces for the handicapped. These varying policies and procedures are confusing and impose an unnecessary burden on the handicapped who must often submit applications to various agencies in order to qualify for special parking. Your Committees believe that the standardization of administrative policies and procedures and the issuance of a single statewide identification decal would be of great convenience to the handicapped and their attendants.

Your Committees have amended the resolution by including a review of any fines imposed by the State and counties for violations with respect to parking for the handicapped, in addition to the requested review of applicable statutes, ordinances, and regulations.

Your Committees on Public Assistance and Human Services and Public Employment and Government Operations concur with the intent and purpose of H.R. No. 515, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 515, H.D. 1.

Signed by all members of the Committees.

SCRep. 1110 Public Assistance and Human Services and Youth and Elderly Affairs
on H.R. No. 653

The purpose of this resolution is to request the Department of Social Services and Housing and the Executive Office on Aging to jointly conduct a study on the feasibility of disregarding the social security adjustment of July 1980 for determining eligibility for Medicaid. The study is to include, but not be limited to: (1) the projected cost of disregarding the social security adjustment of July 1980; (2) an estimate of the direct expenditures for health services of persons adversely affected by the cost-of-living adjustment during the fiscal year beginning July 1, 1980; (3) state legislation required to disregard the social security adjustment of July 1980, if such action is allowed under federal laws and regulations; and (4) suggested alternatives to disregarding the social security adjustment of July 1980 if disregarding this adjustment is not feasible.

Your Committees have received testimony in favor of this resolution. Your Committees find that the 14.3% Social Security cost-of-living adjustment of July 1980, by raising the incomes of the elderly, has reduced or curtailed the eligibility of many persons for social service benefits such as Medicaid, Food Stamps, and Section 8 housing. Some elderly persons have experienced extreme hardship as a result. Your Committees therefore believe that the feasibility of disregarding this Social Security adjustment for determining Medicaid eligibility should be examined as a means of alleviating the present hardship on elderly persons.

Your Committees find that the Department of Social Services and Housing is currently awaiting a definitive ruling from Federal Medicaid officials as to whether states may disregard the Social Security cost-of-living increase for Medicaid eligibility. The requested study will therefore be contingent upon a final ruling by the Federal officials as to whether the cost-of-living increase can be disregarded for Medicaid eligibility purposes. Your Committees have therefore amended this resolution by including in the scope of the study an examination of the ramifications and cost of disregarding a retroactive Social Security adjustment.

Your Committees on Public Assistance and Human Services and Youth and Elderly Affairs concur with the intent and purpose of H.R. No. 653, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 653, H.D. 1.

Signed by all members of the Committees.

SCRep. 1111 Public Assistance and Human Services and Education on H.R. No. 608

The purpose of this resolution is to request the Department of Education to evaluate and determine the success and applicability of Project RISE (Resourceful Individuals Seeking Education) to the traditional secondary school curriculum. The Department is to work closely with Ms. Shirley Libarios, coordinator of Project RISE at Aiea High School, to gain further knowledge about the program and insights into the special coordination and implementation procedures required by such an innovative program. If the Department finds the program is effective in promoting inter-personal and inter-group skills, the Department should submit plans for implementing a pilot project for such a program in selected secondary schools.

Your Committees have received testimony in favor of this resolution. Project RISE at Aiea High School currently serves approximately 300 seniors who experience various social and cultural problems which have affected their performance in and attitudes toward school. Project RISE has been in existence at Aiea High School for ten years and has helped students return to the educational mainstream by intervening into the school system and pooling accessible community resources.

Your Committees have amended this resolution by requesting the Board of Education instead of the Department of Education to evaluate and determine the success and applicability of Project RISE into the secondary school curriculum. Your Committees find that the Board is a more appropriate agency to conduct such an evaluation. Your Committees have further amended this resolution by adding another "BE IT RESOLVED" clause which requests the Board of Education to consider designating Project RISE at Aiea High School as the center for in-service training and retraining of teachers regarding the needs of disadvantaged students as part of a program to implement projects such as Project RISE in selected secondary schools.

Your Committees on Public Assistance and Human Services and Education concur with the intent and purpose of H.R. No. 608, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 608, H.D. 1.

Signed by all members of the Committees.

SCRep. 1112 Public Assistance and Human Services and Education on H.C.R. No. 227

The purpose of this concurrent resolution is to request the Department of Education to evaluate and determine the success and applicability of Project RISE (Resourceful Individuals Seeking Education) to the traditional secondary school curriculum. The Department is to work closely with Ms. Shirley Libarios, coordinator of Project RISE at Aiea High School, to gain further knowledge about the program and insights into the special coordination and implementation procedures required by such an innovative program. If the Department finds the program is effective in promoting inter-personal and inter-group skills, the Department should submit plans for implementing a pilot project for such a program in selected secondary schools.

Your Committees have received testimony in favor of this concurrent resolution. Project RISE at Aiea High School currently serves approximately 300 seniors who experience various social and cultural problems which have affected their performance in and attitudes toward school. Project RISE has been in existence at Aiea High School for ten years and has helped students return to the educational mainstream by intervening into the school system and pooling accessible community resources.

Your Committees have amended this concurrent resolution by requesting the Board of Education instead of the Department of Education to evaluate and determine the success and applicability of Project RISE into the secondary school curriculum. Your Committees find that the Board is a more appropriate agency to conduct such an evaluation. Your Committees have further amended this concurrent resolution by adding another "BE IT RESOLVED" clause which requests the Board of Education to consider designating Project RISE at Aiea High School as the center for in-service training and retraining of teachers regarding the needs of disadvantaged students as part of a program to implement projects such as Project RISE in selected secondary schools.

Your Committees on Public Assistance and Human Services and Education concur with the intent and purpose of H.C.R. No. 227, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 227, H.D. 1.

Signed by all members of the Committees.

SCRep. 1113 Energy, Ecology and Environmental Protection on H.R. No. 583

The purpose of this house resolution is to request that the President of the United States and the United States Congress reconsider the decision to drastically reduce funds for alternate energy research and development projects and to reinstate funding for these energy projects.

Your Committee finds that the State is vitally concerned about the proposed federal budget for 1982 which drastically reduces funding for renewable energy resources by 68 per cent. Hawaii remains particularly concerned because of its extremely vulnerable energy situation. The State must depend on imported oil to meet over 90 per cent of its energy needs.

Your Committee also finds that available within the State is an abundance of indigenous

renewable energy resources which can serve as viable alternatives for imported oil. While there may be sufficient local interest and support to provide the momentum necessary to commercialize some of these alternate energy resources, continued federal support is essential to ensure full commercialization and to expedite development of other alternate energy resources.

Your Committee is in agreement, therefore, that reinstatement of funds to the federal budget for alternate energy research and development projects remain of vital interest to the State.

Your Committee on Energy, Ecology and Environmental Protection concurs with the intent and purpose of H.R. No. 583 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1114 Health on H.R. No. 513

The purpose of this resolution is to request the Congress of the United States to continue its support of Community Mental Health Centers.

Your Committee finds that the federal government currently extends funding to help operate community mental health centers and these clinics provide necessary medical services of high quality at a cost which persons with low or fixed income can afford and that the existence of these centers helps reduce the need for hospitalization.

Your Committee further finds that community mental health centers contribute to the local economy by creating opportunities for employment by patronizing local suppliers and hospitals and by using the services of the private medical community.

Your Committee on Health concurs with the intent and purpose of H.R. 513 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1115 Health on H.R. No. 531

The purpose of this resolution is to designate May, 1981 as Mental Health Month in Hawaii.

Your Committee believes that such a proclamation would promote increased public awareness of the important relationship between mental health and good health in general, and would also help to call attention to the need for the continued development and strengthening of essential mental health services for all residents of the State.

Your Committee has amended this resolution by adding the words "of Representatives" after the word "House" in the first "Be It Resolved" clause and by making a number of other minor non-substantive changes.

Your Committee on Health concurs with the intent and purpose of H.R. No. 531, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 531, H.D. 1.

Signed by all members of the Committee.

SCRep. 1116 Transportation on H.R. No. 631

The purpose of this resolution is to request the State Department of Transportation to examine the feasibility of terminating the proposed widening of Kahekili Highway into four lanes in the area adjacent to the Heeia-Meadowland Development.

Your Committee heard testimony that the fact that Kahekili Highway is a two lane highway causes problems in certain areas such as the Temple Valley Shopping Center and Ahuimanu intersections. It was discussed that left turn lanes in these areas might alleviate traffic congestion without expanding the entire highway. The Department of Transportation testified in favor of this resolution and agreed to consider alternatives in the study.

Your Committee finds that an examination is needed to determine the feasibility of terminating the proposed widening of Kahekili Highway in the area adjacent to the proposed Heeia-Meadowland Development, as there may be other possible alternatives to alleviating traffic congestion. Your Committee amended this resolution by adding a "whereas" clause referring to suggested alternatives which might aid in alleviating traffic congestion along Kahekili Highway.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 630, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 630, H.D. 1.

Signed by all members of the Committee except Representatives Dods and Anderson.

SCRep. 1117 Public Assistance and Human Services; Youth and Elderly Affairs; and Health on H.R. No. 574

The purpose of this resolution is to request that Hawaii's Congressional delegation monitor the hearings on the Administration budget and support all efforts to maintain or increase current levels of federal appropriations for social, health, and human services.

Your Committees find that the Administration's proposed budget cuts are premised on the assumption that appropriations for social, health, and human services are inefficiently expended by the states. Your Committees find, however, that Hawaii has made, and will continue to make, every effort to curb waste and abuse, and that reductions in federal appropriations will most certainly result in reductions in the level and quality of services currently available to truly needy residents of Hawaii.

Although in accord with the intent of this resolution, your Committees do not feel that the Congressional delegation should be requested to indiscriminately oppose all decreases in federal appropriations for human services. Your Committees recognize that appropriation requests will continue to soar as a function of inflation, and that increases in some areas must necessarily mean decreases in others. In light of these economic realities, your Committees are instead requesting that the Congressional delegation support the funding of programs and benefits that effectively address health and social needs, particularly pressing or high priority needs (as distinguished from such needs of a lower priority).

Your Committees have accordingly amended the first "BE IT RESOLVED" clause of the resolution to read: "BE IT RESOLVED by the House of Representatives of the Eleventh Legislature of the State of Hawaii, Regular Session of 1981, that Hawaii's Congressional Delegation be requested to closely monitor the hearings on the administration budget and support all efforts to maintain the rate of federal spending or to increase appropriations for social, health and human services when such services effectively address health and social needs;" (Emphasis added.)

Your Committees have also amended the title of the resolution by adding the words "WHICH EFFECTIVELY ADDRESS HEALTH AND SOCIAL NEEDS" (at the end of the title) in order to more appropriately reflect the revised intent and purpose of this resolution.

Your Committees on Public Assistance and Human Services, Youth and Elderly Affairs, and Health concur with the intent and purpose of H.R. No. 574 and recommend its adoption in the form attached hereto as H.R. No. 574, H.D. 1.

Signed by all members of the Committees.

SCRep. 1118 Public Assistance and Human Services on H.C.R. No. 198

The purpose of this concurrent resolution is to request Hawaii's Congressional delegation to initiate an investigation and review of the practices and procedures of the Honolulu district office of the Immigration and Naturalization Service, and to initiate appropriate corrective action.

Testimony presented by the State Immigrant Services Center indicates that immigrants face a number of immediate problems at the port of entry to the United States. Such problems are not confined to limited command of the English language and lack of communication skills, but also include unnecessary and inappropriate questioning by immigration officials and lack of sensitivity toward the entrants' cultural, social, and religious

traditions. Your Committee agrees that a review of the operations of the Honolulu district office of the U.S. Immigration and Naturalization Service would greatly assist in identifying and correcting any discriminatory practices toward foreign entrants to Hawaii.

Your Committee has amended this concurrent resolution by changing the title to request that an evaluation, instead of an investigation, be made of the operations of the Honolulu district office of the U.S. Immigration and Naturalization service. Your Committee has also amended the "BE IT RESOLVED" clauses by: (1) deleting the words "and Senate" in order to avoid redundancy since the United States Congress includes both Houses; (2) designating the Federal Advisory Committee on Immigration and Naturalization Service as the agency which is to perform the evaluation; and (3) specifying that appropriate corrective action be initiated if necessary.

Your Committee on Public Assistance and Human Services concurs with the intent and purpose of H.C.R. No. 198, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 198, H.D. 1.

Signed by all members of the Committee.

SCRep. 1119 Water, Land Use, Development and Hawaiian Affairs on H.R. No. 538

The purpose of this Resolution is to request the National Oceanic and Atmospheric Administration (NOAA) to continue funding of Kahului's Weather Service Office (WSO) on Maui.

This weather service office furnishes valuable weather services for a variety of people in the State and particularly for the County of Maui. Their responsibilities include: (1) aviation weather briefings to pilots, preparing national and international flight plans; (2) providing a storm-warning system; (3) providing a limited marine advisory and warning system; (4) providing a special marine warning bulletin; and (5) is the only station in Hawaii providing recorded recreational forecasts.

Your Committee finds that this station is only one of the thirty-eight WSO's which will be closed if the federal budget reductions are finally approved. While NOAA has made provisions for these duties to be assumed by other people (the storm and marine warning function transferred to the Honolulu WSO and the pilot briefings to be handled by FAA personnel at the Kahului airport), the fishermen and various segments of the public seeking recreational forecasts would have to acquire this information by either calling the Honolulu office or depending on periodic broadcast on the local radio. While in theory, this shifting of duties will adequately cover the functions of the WSO on Maui, in fact, the Honolulu District Office is not for certain how adequate the coverage will be after this shift of responsibilities.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 538, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1120 Water, Land Use, Development and Hawaiian Affairs; Energy,
Ecology and Environmental Protection; and Ocean and Marine
Resources on H.R. No. 582

The purpose of this Resolution is to request that the United States Congress reinstate all funds in the Federal budget for the National Coastal Zone Management (CZM) Program.

Your Committees find that the Hawaii CZM Program is in its third year of implementation and is making significant and visible progress in the use, protection, and development of Hawaii's coastal resource. Since the program began, there have been many programs started, some of which are: Ocean Management Planning Program, Cultural Resources Mapping Project; DLNR Fisheries Management and Volunteer Enforcement Programs, DOT Enforcement, Pacific Basin Development Council CZM Coordination and others. Many of the programs were undertaken in large part based on the CZMA being reauthorized by Congress last year for an additional five years at \$85 million per year through the CZM Improvement Act of 1980. In reauthorizing the program, Congress rejected the recommendation of the Carter Administration that Federal CZM funding be phased out over time.

Your Committees additionally find that the drastic cutting of the CZM 306 budget as proposed will jeopardize all of Hawaii's on-going programs and those future 5-year work programs. In this regard, present efforts being made towards protecting significant natural resources; managing coastal development; increasing recreational access; protecting historic, cultural, and aesthetic coastal resources; and improving governmental decision-making will be affected and may have to be entirely or partially abandoned. Also, the jobs of over 50 individuals throughout the State are now entirely or partially supported by CZM funds.

Although it is expected that \$150,000 will be appropriated in this year's State budget, DPED will be unable to use this to operate our Hawaii CZM Program since such monies can only be allotted to match Federal Funds. Also, Chapter 205A, Hawaii Revised Statutes, will still have to be carried out without the benefit of either Federal or State financial assistance. This could result in various types of court challenges.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and Energy, Ecology and Environmental Protection and Ocean and Marine Resources concur with the intent and purpose of H.R. 582, and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1121 Water, Land Use, Development and Hawaiian Affairs; Energy,
Ecology and Environmental Protection; and Ocean and Marine
Resources on H.C.R. No. 218

The purpose of this Resolution is to request that the United States Congress reinstate all funds in the Federal budget for the National Coastal Zone Management (CZM) Program.

Your Committees find that the Hawaii CZM Program is in its third year of implementation and is making significant and visible progress in the use, protection, and development of Hawaii's coastal resource. Since the program began, there have been many programs started, some of which are: Ocean Management Planning Program, Cultural Resources Mapping Project; DLNR Fisheries Management and Volunteer Enforcement Programs, DOT Enforcement, Pacific Basin Development Council CZM Coordination and others. Many of the programs were undertaken in large part based on the CZMA being reauthorized by Congress last year for an additional five years at \$85 million per year through the CZM Improvement Act of 1980. In reauthorizing the program, Congress rejected the recommendation of the Carter Administration that Federal CZM funding be phased out over time.

Your Committees additionally find that the drastic cutting of the CZM 306 budget as proposed will jeopardize all of Hawaii's on-going programs and those future 5-year work programs. In this regard, present efforts being made towards protecting significant natural resources; managing coastal development; increasing recreational access; protecting historic, cultural, and aesthetic coastal resources; and improving governmental decision-making will be affected and may have to be entirely or partially abandoned. Also, the jobs of over 50 individuals throughout the State are now entirely or partially supported by CZM funds.

Although it is expected that \$150,000 will be appropriated in this year's State budget, DPED will be unable to use this to operate our Hawaii CZM Program since such monies can only be allotted to match Federal Funds. Also, Chapter 205A, Hawaii Revised Statutes, will still have to be carried out without the benefit of either Federal or State financial assistance. This could result in various types of court challenges.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and Energy, Ecology and Environmental Protection and Ocean and Marine Resources concur with the intent and purpose of H.C.R. No. 218 and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1122 Housing on H.R. No. 598

The purpose of this resolution is to request a federal grant of \$10 million to provide rental subsidies in order to implement the rental housing revenue bond program established by Act 291, Session Laws of Hawaii 1980.

Your Committee earlier this session heard testimony on House Bill No. 641, which

is now awaiting the Governor's signature. This bill further refines Act 291 by establishing a rental assistance fund to receive federal subsidies, private grants or contributions, or state appropriations. Your Committee originally recommended an appropriation of \$12 million from State general revenues for the rental assistance fund; however, this appropriation was later deleted as the Constitutional limit on state spending would probably be exceeded if this amount were appropriated.

Your Committee received favorable testimony on this resolution from the Hawaii Housing Authority, the City and County Department of Housing and Community Development and the Governor's Special Assistant on Housing. Your Committee is optimistic that this request for a housing assistance grant will be favorably received in Washington as the Administration has expressed intentions to curtail existing housing programs and replace them with housing block grants instead. The Governor's Special Assistant on Housing has already received encouragement from the Office of Management and Budget as the Rental Assistance Fund established by H.B. No. 641, H.D. 2, S.D. 2 is unique in that any subsidies are fully recoverable.

Your Committee has amended the resolution by deleting the term "community development block grant" and substituting "housing assistance grant." Your Committee does not intend that the grant requested by this resolution be confused with the already established Community Development Block Grant program administered by the counties. Other nonsubstantive amendments were made which do not affect the resolution's intent.

Your Committee on Housing concurs with the intent and purpose of H.R. No. 598, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 598, H.D. 1.

Signed by all members of the Committee except Representative Kunimura.

SCRep. 1123 Housing on H.C.R. No. 225

The purpose of this concurrent resolution is to request a federal grant of \$10 million to provide rental subsidies in order to implement the rental housing revenue bond program established by Act 291, Session Laws of Hawaii 1980.

Your Committee earlier this session heard testimony on House Bill No. 641, which is now awaiting the Governor's signature. This bill further refines Act 291 by establishing a rental assistance fund to receive federal subsidies, private grants or contributions, or state appropriations. Your Committee originally recommended an appropriation of \$12 million from State general revenues for the rental assistance fund; however, this appropriation was later deleted as the Constitutional limit on state spending would probably be exceeded if this amount were appropriated.

Your Committee received favorable testimony on this concurrent resolution from the Hawaii Housing Authority, the City and County Department of Housing and Community Development and the Governor's Special Assistant on Housing. Your Committee is optimistic that this request for a housing assistance grant will be favorably received in Washington as the Administration has expressed intentions to curtail existing housing programs and replace them with housing block grants instead. The Governor's Special Assistant on Housing has already received encouragement from the Office of Management and Budget as the Rental Assistance Fund established by H.B. No. 641, H.D. 2, S.D. 2 is unique in that any subsidies are fully recoverable.

Your Committee has amended the concurrent resolution by deleting the term "community development block grant" and substituting "housing assistance grant." Your Committee does not intend that the grant requested by this concurrent resolution be confused with the already established Community Development Block Grant program administered by the counties. Other nonsubstantive amendments were made which do not affect the concurrent resolution's intent.

Your Committee on Housing concurs with the intent and purpose of H.C.R. No. 225, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 225, H.D. 1.

Signed by all members of the Committee except Representative Kunimura.

SCRep. 1124 Employment Opportunities and Labor Relations on H.R. No. 615

The purpose of this resolution is to address the need to continue the State Comprehensive Employment and Training (SCET) program, a component of the State Program for the Unemployed.

This resolution further addresses a profound concern that in excess of 800 CETA participants will be laid off due to federal cutbacks, and at least 50% of these individuals are welfare eligible and will return to public assistance if they fail to find employment.

The SCET program was created in 1975 as a supplement to CETA, as a measure to combat and reduce the impact of the high level of unemployment.

The Committee is concerned by a mass layoff which would result from a discontinuance of the state public employment program. The Committee would prefer a gradual phasedown to a point where the numbers of unemployed can be more readily absorbed into the labor force without creating an adverse effect as a result of a mass layoff.

Your Committee on Employment Opportunities and Labor Relations concurs with the intent and purpose of H.R. No. 615 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1125 Employment Opportunities and Labor Relations on H.C.R. No. 230

The purpose of this concurrent resolution is to address the need to continue the State Comprehensive Employment and Training (SCET) program, a component of the State Program for the Unemployed.

This concurrent resolution further addresses a profound concern that in excess of 800 CETA participants will be laid off due to federal cutbacks, and at least 50% of these individuals are welfare eligible and will return to public assistance if they fail to find employment.

The SCET program was created in 1975 as a supplement to CETA, as a measure to combat and reduce the impact of the high level of unemployment.

The Committee is concerned by a mass layoff which would result from a discontinuance of the state public employment program. The Committee would prefer a gradual phasedown to a point where the numbers of unemployed can be more readily absorbed into the labor force without creating an adverse effect as a result of a mass layoff.

Your Committee on Employment Opportunities and Labor Relations concurs with the intent and purpose of H.C.R. No. 230 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1126 Employment Opportunities and Labor Relations on H.R. No. 550 (Majority)

The purpose of this resolution is to urge the members of Hawaii's Congressional Delegation to work together to oppose elimination or reduction of Federal funding for programs which benefit Hawaii's working people.

Your Committee finds that many useful programs have been developed to assist Hawaii's people to prepare for, obtain, and retain jobs which are financially and personally rewarding, to provide economic protection for periods of temporary unemployment, and to eliminate the causes of prolonged or "hardcore" unemployment. These programs return their costs many times over by helping "taxtakers" become taxpayers and by providing countercyclical support for the economy. The effectiveness or existence of these and other worker-oriented programs, such as occupational safety and health and equal employment opportunity, is threatened by indiscriminate Federal budget cuts based on dubious economic theories.

Your Committee on Employment Opportunities and Labor Relations concur with the intent and purpose of H.R. No. 550 and recommends its adoption.

Signed by all members of the Committee except Representatives Kiyabu, Takitani and Marumoto.
(Representative Anderson did not concur.)

SCRep. 1127 Employment Opportunities and Labor Relations on H.C.R. No. 209
(Majority)

The purpose of this concurrent resolution is to urge the members of Hawaii's Congressional Delegation to work together to oppose elimination or reduction of Federal funding for programs which benefit Hawaii's working people.

Your Committee finds that many useful programs have been developed to assist Hawaii's people to prepare for, obtain, and retain jobs which are financially and personally rewarding, to provide economic protection for periods of temporary unemployment, and to eliminate the causes of prolonged or "hardcore" unemployment. These programs return their costs many times over by helping "taxtakers" become taxpayers and by providing countercyclical support for the economy. The effectiveness or existence of these and other worker-oriented programs, such as occupational safety and health and equal employment opportunity, is threatened by indiscriminate Federal budget cuts based on dubious economic theories.

Your Committee on Employment Opportunities and Labor Relations concur with the intent and purpose of H.C.R. No. 209 and recommends its adoption.

Signed by all members of the Committee except Representatives Kiyabu,
Takitani and Marumoto.
(Representative Anderson did not concur.)

SCRep. 1128 Finance on H.C.R. No. 159

The purpose of this concurrent resolution is to have the Statistical Analysis Center develop a long-range implementation plan for a comprehensive criminal justice information system.

The resolution also requests that a board be created with representatives from various criminal justice agencies of the State and counties, and that a report be submitted to the legislature twenty days prior to the Regular Session of 1982.

Presently, there are a number of criminal justice information systems; all of which operate somewhat independently from each other and without any clear direction of much exchange of available information among and between the agencies.

Your committee recognizes the urgent need to establish a central criminal justice information center for the purposes of (1) coordinating all of the components of the criminal justice system and (2) assisting the criminal law agencies to swiftly prosecute criminal cases.

The purpose of the comprehensive data system is to also eliminate the duplication which now exists, and provide the direction and information upon which timely and informed decisions can be made.

Your Committee has amended this resolution to update language and to make non-substantive style changes.

Your Committee on Finance concurs with the intent and purpose of H.C.R. No. 159, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 159, H.D. 2.

Signed by all members of the Committee.

SCRep. 1129 Finance on H.C.R. No. 147

The purpose of this resolution is to request a study, by the Department of Land and Natural Resources, of the possibility of acquiring the Big Beach area of Makena, Maui as a state park.

Your Committee has amended this resolution to include input from private landowners and to allow consideration of part or complete acquisition.

Your Committee on Finance is in accord with the intent and purpose of H.C.R. No. 147, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 147, H.D. 1.

Signed by all members of the Committee.

SCRep. 1130 Finance on H.R. No. 288

The purpose of this house resolution is to request the department of land and natural resources to evaluate the fuel potential of all planted forest stands and to identify, and where possible, remove any obstacles to the use of this potential fuel.

Your Committee agrees that there is great interest in Hawaii regarding the potential of biomass including forest timber resources as an alternative energy source. Located throughout the State are a number of sugar mills capable of utilizing bagasse and wood fuels to cogenerate electricity and process steam. Approximately thirty-five to forty per cent of the electric needs of the Big Island are presently met by surplus power from the sugar plantations. Our planted forest stands represent an energy source that can provide the State with a readily available and viable alternate resource to scarce imported fuels.

Hawaii's few remaining native forest areas should be exempted from possible use as biomass fuel. The protection of planted forests which have been grown specifically for watershed conservation, erosion control, or wildlife habitat was also strongly encouraged. Your Committee concurs with these recommendations.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 288, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1131 Finance on H.R. No. 281

The purpose of this resolution is to request a feasibility study for the construction and administration of a juvenile detention and/or youth correctional facility on the island of Hawaii.

Your Committee has amended this resolution to designate the judiciary as lead agency for the study and to correct an error in spelling.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 281, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 281, H.D. 1.

Signed by all members of the Committee.

SCRep. 1132 Finance on H.R. No. 337

The purpose of this resolution is to have the Department of Social Services and Housing review its current policies relating to and fixing the rates of compensation which are paid to inmates confined in State correctional facilities for work or work-related training. The study will also cover the adequacy of the current compensation or pay rates, the advisability and necessity of adjusting or increasing the current pay rates, and any statutory amendments which may be necessary to effectuate such increases, additional funding which may be required to implement any adjustments or increases or any other relevant issues or problems which should be addressed in connection with the review.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 337 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1133 Finance on H.R. No. 346

The purpose of this resolution is to request the Council on Housing and Construction Industry to review the guidelines for the development program of affordable housing set forth in this resolution.

For many years the construction industry has been advocating many of the principles for affordable housing stated in this resolution such as the appropriate zoning of sufficient land areas, incentive and support mechanisms, faster permit processing, and more

flexible codes and regulations. The Council on Housing and Construction Industry, composed of members from government and the private sector, is best qualified to review these principles.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 346, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1134 Finance on H.R. No. 362 (Majority)

The purpose of this resolution is to request the Office of Tourism to work with the Visitor Industry Education Council, the Hawaii Visitors Bureau, the Hawaii Hotel Association and the Department of Education toward the coordination and expansion of programs designed to educate residents on the role of tourism in Hawaii.

Your Committee agrees it is important for local residents to understand their contribution toward the visitors' experience in Hawaii and the visitors' contribution to the State.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 362, H.D. 1, and recommends its adoption.

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

SCRep. 1135 Finance on H.R. No. 374

The purpose of this resolution is to commend the Department of Social Services and Housing and Kulani Correctional Facility for their existing livestock program and future plans to re-establish a truck farm program and to use Kulani Correctional Facility as a guide for examining the feasibility of implementing similar livestock and agricultural programs throughout the statewide correctional system.

Your Committee supports the findings of the Committee on Corrections and Rehabilitation expressed in House Standing Committee Report No. 895.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 374 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1136 Finance on H.R. No. 389

The purpose of this house resolution is to request the department of health to establish, as soon as possible, the solid waste management plan and hazardous waste program required under the federal Resources Conservation and Recovery Act (RCRA) of 1976 and to report on such establishment before the Regular Session of 1982.

Your Committee finds that RCRA mandates the State to establish two programs which are required to conform to guidelines and standards adopted by the Environmental Protection Agency. The plans are important to the continued well-being of Hawaii's population and environment, where hazardous wastes are involved. The department of health, the state agency responsible for waste management programs, has not as yet established either plan.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 389 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1137 Finance on H.R. No. 418

The purpose of this resolution is to request the department of social services and housing, in cooperation with the department of health, to submit a progress report on the planning and implementation of the long-term care channeling demonstration project.

The department of social services and housing (DSSH) was recently awarded a long-term care channeling demonstration project grant by the U.S. department of health and human services. The demonstration project is intended to monitor individuals needing long-term care and provide them with the appropriate level of care, in terms of social and medical needs, by coordinating the use of required services. The project also addresses the extent to which channeling is a more cost-effective alternative to the current system of long-term care delivery in the State, maximizes the efficient use of existing long-term care resources, identifies any barriers to providing appropriate levels and types of services to the frail elderly in the community, and identifies other alternatives which may postpone premature and inappropriate institutionalization.

In conjunction with the DSSH project, the department of health is reviewing the utilization and demand for existing long-term care facilities, federal and state statutes relating to long-term care regulations, and methods of reimbursement to identify any impediments to appropriate placement or development of appropriate facilities. Close cooperation between the two departments is essential to the successful planning, implementation, and evaluation of the long-term care channeling demonstration project. Legislative review of the planning process and any preliminary findings may provide vital information as to the statewide need for the development of a comprehensive system of long-term care services and for any statutory amendments to achieve such a comprehensive program for long-term care services.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 418, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1138 Finance on H.R. No. 414

The purpose of this resolution is to request the Department of Social Services and Housing and the Department of Health, in consultation with their respective boards, to make joint recommendations for coordinating and improving home care services in order to ensure that the full range of necessary health, social, and related services are made available to persons who are not seriously ill and who could reside in their own homes.

Your Committee finds that many persons are inappropriately institutionalized in long-term care facilities. By providing home care services to such persons who are not seriously ill, their health and general well-being would be better served, more beds in nursing homes would be made available for other individuals in greater need of institutional care, and the cost of home care services would be less than institutional care.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 414 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1139 Finance on H.R. No. 266 (Majority)

The purpose of this resolution is to request the department of planning and economic development to study the cost-benefit of Hawaii Visitor Bureau's non-Honolulu offices, and assess telecommunications to replace or reduce the on-site functions of these offices.

Your Committee agrees that Hawaii Visitors Bureau field offices should be assessed such that maximum benefits are derived, or funds redirected toward other necessary activities.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 266 and recommends its adoption.

Signed by all members of the Committee.
(Representatives Levin and Lacy did not concur.)

SCRep. 1140 Finance on H.R. No. 38

The purpose of this resolution is to request the board of education to report on its alternative education programs.

In the 1978 Regular Session, the Hawaii State House of Representatives adopted H.R. No. 547-78 which directed the department of education (DOE) to develop and implement a comprehensive system for alternative education programs to aid students identified as potential dropouts, school discipline problems, and socially alienated. In the Hawaii Crime Commission's 1980 report Violence and Vandalism in the Public Schools of Hawaii, it was found that several school principals lack alternative education programs at their schools and have therefore been reluctant to impose suspensions exceeding 10 days for students needing such discipline because, under DOE Rule 21, students suspended for more than 10 days must be provided with an alternative education program. In addition, there now exists a large number of alternative education programs employing various methods of service delivery and various alternative education curricula. These programs were initiated by various means with funds from various sources and are distributed among the areas in the State not necessarily in accordance with the distribution of needs for alternative education services.

Your Committee agrees there is a great need for the board of education to comprehensively review the relevant features of the alternative education program. To provide a more equitable distribution of resources, the board should consider the reallocation of available staff and resources of the program, if necessary, towards the delivery of more coordinated and effective services.

The board of education has expressed its deep interest in alternative education programs by assigning them priority status in its 1981-1983 biennial budget request.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 38, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1141 Finance on H.R. No. 359

The purpose of this resolution is to request the Department of Labor and Industrial Relations to amend its rules relating to Boiler and Elevator Safety Law by requiring all elevators to be equipped with emergency power sources.

Your Committee is informed that all elevators are not equipped with emergency power sources and that emergency signaling devices would therefore be inoperable in elevators not so equipped in the event of a power failure. Your Committee is aware that the availability of power sources for emergency signaling devices may contribute toward the safety and welfare of the public.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 359, H.D. 1 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1142 Finance on H.R. No. 566

The purpose of this Resolution is to request that the Department of Land and Natural Resources and the Board of Land and Natural Resources expeditiously develop a major waterfront park on the Fort Armstrong-Kewalo Peninsula.

Your Committee finds that since 1975, the State Legislature has supported and appropriated funds for the development of a major new park in the Fort Armstrong-Kewalo Peninsula area. In 1978, the House adopted H.R. No. 540, H.D. 2, and the Senate adopted S.R. No. 384, which Resolutions outlined the boundaries of the proposed park and requested the park be developed as expeditiously as possible. On September 30, 1978, groundbreaking ceremony was held for this park but since that time, there has been little visible progress.

Since that time, the need for a major new park in urban Honolulu has not diminished but indeed has grown greater and all agencies testifying support the development of this park.

Your Committee on Finance concurs with the purpose and intent of H.R. No. 566, H.D. 1 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1143 Finance on H.R. No. 47

The purpose of this resolution is to request a review and identify the federal statutes and regulations regarding Medicaid reimbursement and payments which hamper the promotion of less costly and more appropriate alternatives to long-term institutional care; and to recommend, if feasible, a state system of reimbursement and payment which would more effectively promote such alternative health care services.

Your Committee finds that the cost of providing institutional care under the Medicaid program has increased substantially and that the inappropriate placement of individuals in long-term care facilities who require lesser services is a major contributing factor. Although community-based alternatives to long-term institutional care may be more cost-effective and have other beneficial effects, current federal statutes and regulations concerning Medicaid may impede their development because of a lack of proper reimbursement or payment mechanisms to providers of health care services under the Medicaid program.

Your Committee has amended this Resolution to request the Legislative Reference Bureau to undertake the review project by changing the title and body accordingly.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 47, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 47, H.D. 1.

Signed by all members of the Committee.

SCRep. 1144 Finance on H.R. No. 132

The purpose of this resolution is to request a study and reevaluation of the Hawaii Correctional Master Plan. The study is to review the effectiveness in meeting problems, presenting solutions for current and future conditions, the availability of facilities both now and in the future, funding which may reasonably be expected, and an identification and determination of concepts in the Hawaii Correctional Master Plan which have not been or only partially implemented.

Your Committee has amended this resolution to request that the Office of the Legislative Reference Bureau undertake this study.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 132, H.D. 1 as amended herein, and recommends its adoption in the form attached hereto as H.R. 132, H.D. 2.

Signed by all members of the Committee.

SCRep. 1145 Finance on S.B. No. 1114

The purpose of this bill is to conform the holidays for firefighters to those granted to other state employees.

Your Committee finds that section 80-4, Hawaii Revised Statutes, provides that fire-fighting members of the fire departments shall receive twice their regular compensation for working on state holidays. In listing the state holidays, Veterans' Day is designated as the fourth Monday in October. However, Act 220, Session Laws of Hawaii 1976, designates November 11 as Veterans' Day. Act 11, Session Laws of Hawaii 1980, provides that special election days are not considered state holidays. Other changes relating to holidays have been made in section 8-1, Hawaii Revised Statutes. This bill proposes to amend section 80-4, Hawaii Revised Statutes, to conform to the listing of official state holidays in such section 8-1.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1114, S.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1146 Finance on S.B. No. 1096

The purpose of this bill is to provide for the addition of a third circuit court judge for the island of Hawaii.

Your Committee finds that the caseload in the third circuit has increased to a point where the addition of a third judge is justified.

Your Committee expressed its approval of a third judge for the third circuit in its report on the companion House measure, H.B. No. 630, H.D. 1, in House Standing Committee Report No. 715.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1096, S.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1147 Finance on S.B. No. 354 (Majority)

The purpose of this bill is to remove the present prohibition against the sale of prophylactics, or condoms, in vending machines by repealing sections 321-112 to 321-114, Hawaii Revised Statutes, and to allow such sales, except on the premises of any school in the State. The bill further requires that a vendor obtains a permit from the Department of Health.

Your Committee agrees that prophylactics are highly effective in preventing venereal disease and unwanted pregnancies. Although condoms are openly available for purchase at pharmacies throughout the State, the limited hours of business of such establishments, the lack of privacy in purchasing prophylactics, and embarrassment in dealing directly with a clerk or pharmacist are major deterrents to more beneficial and widespread use, especially by young adults.

Thirty-two states currently permit prophylactics sales in vending machines. There is evidence that such sales significantly assist in decreasing the incidence of venereal disease, teenage pregnancies, illegitimate births, and abortions.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 354, S.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee except Representative Fukunaga.
(Representative Nakasato did not concur.)

SCRep. 1148 Finance on S.B. No. 567

The purpose of this bill is to designate the University of Hawaii community college employment training office as the expending body of all drivers' education fund underwriters' fees derived from motorcycles or similar vehicles for the operation of a drivers' education program for operators of motorcycles or similar vehicles.

Under present law, the Department of Transportation is designated as the agency that collects and disburses said fees for the operation of the drivers' education program.

Your Committee agrees that the community college employment training office is the best equipped facility to conduct the actual training program and your Committee therefore approves the intent of the bill to authorize the collection and disbursement of fees by the employment training office.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 567, S.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1149 Finance on S.B. No. 1472

The purpose of this bill is to provide for payment of \$100 per claim to be paid to each member of the medical claim conciliation panel for each claim processed payable when the decision of the panel is submitted. This fee would be in addition to other travel

and living expenses that might be incurred.

This bill appropriates \$50,000 for the purpose for the medical claim conciliation panel.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1472, S.D. 2, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1150 Employment Opportunities and Labor Relations on H.R. No. 613

The purpose of this Resolution is to respectfully request that the President and the Congress of the United States reconsider the decision to phase out the CETA public service employment program and to extend and continue to fund the program until such time that the nationwide unemployment rate is improved.

The Comprehensive Employment and Training Act (CETA) offers those in our communities who are least advantaged an opportunity for a beginning towards gainful employment and a contributing role in society.

The recent budget cuts to the public service employment program in Hawaii have been substantial. Not only will the program be terminated this year, but further reductions are planned in youth and other program areas. These reductions represent a real loss of opportunities of employment mobility for many, as well as a loss in needed public services.

The cuts have not been based upon analysis but made in the name of reducing expenditures with the hope of controlling inflation. Among the many grave issues which face our nation, the employment problems of some of our people rank high and certainly are as important as are inflation and other issues.

The Resolution has been amended to correct a misspelling.

Your Committee on Employment Opportunities and Labor Relations concurs with the intent and purpose of H.R. No. 613, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 613, H.D. 1.

Signed by all members of the Committee.

SCRep. 1151 Employment Opportunities and Labor Relations on H.C.R. No. 228

The purpose of this concurrent resolution is to respectfully request that the President and the Congress of the United States reconsider the decision to phase out the CETA public service employment program and to extend and continue to fund the program until such time that the nationwide unemployment rate is improved.

The Comprehensive Employment and Training Act (CETA) offers those in our communities who are least advantaged an opportunity for a beginning towards gainful employment and a contributing role in society.

The recent budget cuts to the public service employment program in Hawaii have been substantial. Not only will the program be terminated this year, but further reductions are planned in youth and other program areas. These reductions represent a real loss of opportunities of employment mobility for many, as well as a loss in needed public services.

The cuts have not been based upon analysis but made in the name of reducing expenditures with the hope of controlling inflation. Among the many grave issues which face our nation, the employment problems of some of our people rank high and certainly are as important as are inflation and other issues.

Your Committee on Employment Opportunities and Labor Relations concurs with the intent and purpose of H.C.R. No. 228 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1152 Youth and Elderly Affairs on H.R. No. 548

The purpose of this resolution is to request the appropriate House standing committee to conduct an interim study on H.B. No. 225.

Your Committee held a hearing on H.B. No. 225, relating to health insurance for the elderly during the Regular Session of 1981. However, your Committee felt that the information presented at the hearing was insufficient to answer many concerns. Thus, your Committee finds that an interim study is needed to address these concerns.

Your Committee on Youth and Elderly Affairs is in accord with the intent and purpose of H.R. No. 548 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee except Representatives Kobayashi and Kunimura.

SCRep. 1153 Public Assistance and Human Services on S.C.R. No. 56

The purpose of this concurrent resolution is to encourage farmers, processors, distributors, wholesalers, and retailers of food products to donate their surplus food products to charitable, religious and non-profit organizations.

Your Committee finds that many low-income families are having a difficult time in maintaining an adequate nutritional diet when confronted with trade-off decisions regarding the purchasing power of the dollar on other basic necessities such as shelter, utilities, clothing, medical care, and transportation. Therefore, your Committee finds that it is important to encourage farmers, processors, distributors, wholesalers, and retailers of food products to donate surplus food products to needy people living in our community.

Your Committee on Public Assistance and Human Services concurs with the intent and purpose of S.C.R. No. 56 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1154 Energy, Ecology and Environmental Protection and Transportation on H.R. No. 644 (Majority)

The purpose of this house resolution is to request that the President of the United States reconsider and rescind the decision to suspend the establishment of additional automobile fuel efficiency standards after 1985.

Your Committees find that the federal administration recently revealed its intentions to revitalize the ailing automobile industry by relaxing or eliminating a number of air pollution and car safety regulations. While there exists a need to help our domestic automobile industry, there is strong concern about the decision to suspend fuel efficiency standards upon termination of present regulations in 1985.

Your Committees are in agreement that automobiles utilize a substantial portion of our nation's fossil fuel supplies. In view of our nation's goal to conserve energy and become more energy self-sufficient, your Committees find that the decision to suspend automobile fuel efficiency standards after 1985 would be detrimental to our nation's conservation efforts.

Your Committees on Energy, Ecology and Environmental Protection and Transportation concur with the intent and purpose of H.R. No. 644 and recommend its adoption.

Signed by all members of the Committees except Representative Dods.
(Representative Anderson did not concur.)

SCRep. 1155 Employment Opportunities and Labor Relations and Health on H.R. No. 616

This resolution requests the U.S. Congress to exempt the Hawaii Prepaid Health Care Act from the preemption provision of the federal Employee Retirement Income Security Act (ERISA) and request that the Hawaii congressional delegation continue their efforts to obtain the exemption through legislation.

The State Department of Labor and Industrial Relations with the assistance of the State Legislature and Hawaii's congressional delegation, was instrumental in the introduction of federal legislation to exempt the Prepaid Health Care Act from ERISA application. To date, because of political considerations, efforts have been unsuccessful. The latest report received was that the legislation would have passed the last Congress were it not for attempts to amend ERISA in other areas.

Your Committees feel passage of this resolution would enhance Hawaii's argument that our prepaid health care law is unique and should be permitted to be enforced. Federal legislation exempting Hawaii from ERISA is extremely important as the State Department of Labor and Industrial Relations is receiving indications from certain employers in the State that they are considering challenging the constitutionality of our law.

Your Committees on Employment Opportunities and Labor Relations and Health concur with the intent and purpose of H.R. No. 616 and recommend its adoption.

Signed by all members of the Committees except Representatives Kunimura and Wong.

SCRep. 1156 Employment Opportunities and Labor Relations and Youth and Elderly Affairs on H.R. No. 646

The purpose of this resolution is to respectfully request that the President and the Congress of the United States reconsider the decision to phase out the CETA Title IV (Youth Programs) and Title VIII (Young Adult Conservation Corps.) and to support the extension of the programs.

The Comprehensive Employment and Training Act (CETA) offers those in our communities who are least advantaged an opportunity for a beginning towards gainful employment and a contributing role in society.

With the likelihood of a recession in late 1981, the already tight job market here in Hawaii, and the expected first time entry of a large number of young people into the labor force, local youths will have a difficult time finding jobs in the coming years. Despite this, in recent months the federal government has announced its intention to phase out the funding for the CETA youth program by September 30, 1981. The curtailment of the program will affect almost 6,000 youths throughout the State of Hawaii and compound the difficulties of youths seeking jobs.

Your Committees on Employment Opportunities and Labor Relations and Youth and Elderly Affairs concur with the intent and purpose of H.R. No. 646 and recommend its adoption.

Signed by all members of the Committees except Representatives Dods, Kobayashi, Kunimura and Takitani.

SCRep. 1157 Employment Opportunities and Labor Relations; Tourism; and Transportation on H.C.R. No. 236

The purpose of this concurrent resolution is to respectfully request that:

1. The Hawaii Visitors Bureau, the Hawaii Hotel Association, the various tour organizations in the State, and The Chamber of Commerce of Hawaii give full consideration to the concerns in this resolution with a view toward enhancing the Big Island's visitor industry and related meetings market; and
2. The Civil Aeronautics Board (CAB) deny the request for the discontinuance of the common fare program affecting domestic airlines serving the State of Hawaii and establish a common rate system similar in structure to the common fare system for eastbound agricultural and other commercial cargo applicable to all domestic airlines serving the State of Hawaii; and
3. The Hawaii State Department of Planning and Economic Development accelerate programs of the Department to help alleviate the depressed economy of the Big Island; and
4. The Hawaii Visitors Bureau to furnish copies of this Resolution to the

various tour organizations and travel agencies in the State of Hawaii.

The following indicators illustrate the depressed economic condition of the County of Hawaii:

- (1) The County had the highest official unemployment rate of any county in the State during 1980;
- (2) The County had the sharpest percentage drop in the number of westbound visitors of any county in the State during 1980;
- (3) The County had the lowest hotel occupancy rate of any county in the State during 1980; and
- (4) The County had the lowest per capita income of any county in the State during 1979 based on official statistics of the United States Bureau of Labor Statistics;

This situation impacts the State as a whole through a decrease in tax revenues from Hawaii County and an increase in unemployment insurance payments paid into that county.

Your Committees find that a growth in visitor arrivals will boost the visitor industry and due to the probable attendant increase in the number of airplanes both domestic and interisland landing at General Lyman Field in Hilo, there should be an improvement in commercial cargo capacity both in terms of the ability to accommodate more outgoing eastbound cargo and more flights out of Hilo. Improved commercial cargo capacity will vastly enhance the various nursery products industries and the fresh vegetable products industries which require air transportation to markets in the United States and Canada. It is therefore imperative that the common fare program be continued. Indeed the establishment of a common rate system similar in structure to the common fare system for eastbound agricultural and other commercial cargo applicable to all domestic airlines serving the State would be additionally helpful.

Your Committees on Employment Opportunities and Labor Relations and Tourism and Transportation concur with the intent and purpose of H.C.R. No. 236 and recommend its adoption.

Signed by all members of the Committees except Representatives Dods and Takitani.

SCRep. 1158 Employment Opportunities and Labor Relations; Tourism; and
Transportation on H.R. No. 658

The purpose of this resolution is to respectfully request that:

1. The Hawaii Visitors Bureau, the Hawaii Hotel Association, the various tour organizations in the State, and The Chamber of Commerce of Hawaii give full consideration to the concerns in this resolution with a view toward enhancing the Big Island's visitor industry and related meetings market; and
2. The Civil Aeronautics Board (CAB) deny the request for the discontinuance of the common fare program affecting domestic airlines serving the State of Hawaii and establish a common rate system similar in structure to the common fare system for eastbound agricultural and other commercial cargo applicable to all domestic airlines serving the State of Hawaii; and
3. The Hawaii State Department of Planning and Economic Development accelerate programs of the Department to help alleviate the depressed economy of the Big Island; and
4. The Hawaii Visitors Bureau to furnish copies of this Resolution to the various tour organizations and travel agencies in the State of Hawaii.

The following indicators illustrate the depressed economic condition of the County of Hawaii:

- (1) The County had the highest official unemployment rate of any county in

the State during 1980;

- (2) The County had the sharpest percentage drop in the number of westbound visitors of any county in the State during 1980;
- (3) The County had the lowest hotel occupancy rate of any county in the State during 1980; and
- (4) The County had the lowest per capita income of any county in the State during 1979 based on official statistics of the United States Bureau of Labor Statistics;

This situation impacts the State as a whole through a decrease in tax revenues from Hawaii County and an increase in unemployment insurance payments paid into that county.

Your Committees find that a growth in visitor arrivals will boost the visitor industry and due to the probable attendant increase in the number of airplanes both domestic and interisland landing at General Lyman Field in Hilo, there should be an improvement in commercial cargo capacity both in terms of the ability to accommodate more outgoing eastbound cargo and more flights out of Hilo. Improved commercial cargo capacity will vastly enhance the various nursery products industries and the fresh vegetable products industries which require air transportation to markets in the United States and Canada. It is therefore imperative that the common fare program be continued. Indeed the establishment of a common rate system similar in structure to the common fare system for eastbound agricultural and other commercial cargo applicable to all domestic airlines serving the State would be additionally helpful.

Your Committees on Employment Opportunities and Labor Relations and Tourism and Transportation concur with the intent and purpose of H.R. No. 658 and recommend its adoption.

Signed by all members of the Committees except Representatives
Dods and Takitani.

SCRep. 1159 Public Assistance and Human Services on S.C.R. No. 57

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to conduct a survey of the "Good Samaritan" statutes of other states.

Your Committee finds that although Hawaii does have "Good Samaritan" statutes (see sections 663-1.5 and 267-8, Hawaii Revised Statutes), these generally relate to the providing of emergency care for accidents and injuries rather than to the limiting of liability in connection with donated surplus foods. The enactment of a "surplus-food-products Good Samaritan" law, similar to legislation enacted in a few other states limiting the liability for any illness or injury which may result from the ingestion of donated surplus food products, may better encourage the donation of such products to non-profit organizations who, in turn, would distribute the food to eligible, needy residents of the State.

Your Committee finds, however, that it would be more appropriate for the Legislative Reference Bureau to conduct a study, rather than a survey, of the applicable "Good Samaritan" laws of other states, including an analysis of the legal issues and ramifications if such a statute is enacted in Hawaii.

Your Committee has accordingly amended this concurrent resolution to reflect this revised intent and purpose in the following major ways: (1) by amending the title to read "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY OF OTHER STATES' 'GOOD SAMARITAN' STATUTES RELATING TO LIABILITY FROM THE DONATION OF SURPLUS GOOD PRODUCTS"; (2) by amending the "WHEREAS" clauses to conform to the revised purpose of the concurrent resolution; (3) by amending the first "BE IT RESOLVED" clause to request that a study, rather than a survey, be conducted of the "Good Samaritan" statutes of other states with respect to the donation of surplus food products and any liability which may result from such donated foods, including but not limited to an analysis of the legal issues and ramifications should such a statute be enacted in Hawaii and recommended legislation for the State; and (4) by specifying that a report of findings and recommendations of the Legislative Reference Bureau be submitted to the Legislature twenty days prior to the convening of the Regular Session of 1982.

Your Committee has also made a number of minor, non-substantive amendments to the concurrent resolution for purposes of clarity.

Your Committee on Public Assistance and Human Services concurs with the intent and purpose of S.C.R. No. 57, 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. 57, S.D. 1, H.D. 1.

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

SCRep. 1160 Finance on H.R. No. 509

The purpose of this resolution is to request the University of Hawaii to study the subject of ethnic groups underrepresented in the student population of the University system, to develop recommendations for reducing underrepresentation, and to report to the Legislature twenty days before the convening of the Regular Session of 1982.

Your Committee agrees that certain matters should be considered in the course of the study: (1) the need to adjust statistical data for underrepresentation of local ethnic groups to account for the fact that the student population includes mainland and foreign students; (2) the need to develop a reasonable measure of underrepresentation so purely random fluctuations do not distort the actual situation; and (3) the need to seek at the ethnic mix of applicants to the University of Hawaii to determine if groups underrepresented in the student body also are underrepresented in the applicant pool.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 509 and recommends its adoption.

Signed by all members of the Committee except Representative Fukunaga.

SCRep. 1161 Public Employment and Government Operations and Health on
H.R. No. 581

The purpose of this resolution is to allow the use of desired specifications rather than minimum specifications in the purchasing of certain complex types of medical and laboratory equipment, to allow manufacturers of such equipment to solve equipment needs without unnecessary restriction.

Your Committees on Public Employment/Government Operations and Health find that awarding contracts based on minimum specifications may delay the replacement of equipment or even the completion of a construction project.

Your Committees find that the object of advertising for bids based on minimum specifications is to secure fair competition and prevent favoritism and undue extravagance. However, the possibility of obtaining equipment with undesirable features, poor logistical support, poor maintenance records, or poor operational procedures must also be highly considered.

Your Committees find there is a need to review existing statutes and regulations to determine whether the purchase of complicated and expensive medical and laboratory equipment can be accomplished through publishing of desired specifications.

Your Committees are in accord with the intent and purpose of H.R. 581 and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committees.

SCRep. 1162 Transportation on H.R. No. 401

The purpose of this Resolution is to request the State Department of Transportation to give careful attention to the pivotal role of Kawaihae Harbor to the growth of West Hawaii and to request that the Department give a full report to the Legislature on plans for development and implementation of improvements to Kawaihae Harbor.

Your Committee heard testimony that it is difficult for the residents of West Hawaii to plan growth in the region without firm data and information regarding the timetable for the growth of and improvements to Kawaihae Harbor.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 401 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Dods and Andrews.

SCRep. 1163 Transportation on H.R. No. 336

The purpose of this Resolution is to request the Department of Transportation to investigate the need for storage facilities for small boats and canoes and to suggest means for providing such facilities in the Kona area.

Your Committee finds that such storage facilities would reduce the high cost of boating activities, particularly the added cost of transporting boats long distances on land. Such a large, complex facility could also be used to house other cultural and recreational activities.

The Committee on Transportation has amended this Resolution to broaden the scope of the Department of Transportation's investigation from just Kona to the entire Island of Hawaii.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 336 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Dods and Andrews.

SCRep. 1164 Water, Land Use, Development and Hawaiian Affairs on H.R. No. 629

The purpose of this Resolution is to request the examination of the effects of droughts on the Island of Hawaii and the formulation of plans to alleviate the effects of such droughts.

Your Committee finds that the periodic droughts on the Island of Hawaii causes serious problems imperiling the health, safety and welfare of the people in the affected areas as well as the ranching, farming and business enterprises in those areas. A coordinated examination of and formulation of long term plans to overcome the effects of such droughts makes such sense. This Resolution proposes such examination and long range planning.

Your Committee has amended the Resolution to specify that the Department of Land and Natural Resources take the lead in this effort and that the other listed agencies and groups participate and cooperate in this very important project. It is the intent of this Resolution that the role of each agency, or group, named in the Resolution be clearly defined, and the timing and extent of its participation clearly delineated, so that the resources of the state and county could be efficiently and effectively channeled to benefit the affected areas. In addition, the State Departments of Agriculture and Health have been named as participating members in the examination and planning effort.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 629, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 629, H.D. 1.

Signed by all members of the Committee.

SCRep. 1165 Water, Land Use, Development and Hawaiian Affairs on H.R. No. 539

The purpose of this Resolution is to request that the Department of Land and Natural Resources submit a report to the Legislature, prior to the convening of the 1982 Regular Session, on the status of the registration of historic sites in Hawaii.

Your Committee finds that even though laws were passed to assure preservation of historic sites that because of a technicality in the law many of the previously registered sites in the State had to be removed from the Register. In order for the Legislature to assure continued preservation of historic sites the Legislature must have a report showing a complete listing of the registered, re-registered and unregistered sites.

Your Committee on Water, Land Use Development and Hawaiian Affairs concurs with

the intent and purpose of H.R. No. 539 and recommends it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1166 Water, Land Use, Development and Hawaiian Affairs on H.R. No. 609

The purpose of this Resolution is to have the appropriate House committees, during the interim, conduct a review of the feasibility of establishing a public land banking program for Hawaii.

Your Committee finds that Article XI, Section 4, of the State Constitution (1978) empowers the State to engage in land banking to control future growth, development and land use within the State. The major considerations in establishing this program include (1) the establishment of standards and criteria under which the land is to be acquired; (2) the identification of an effective administrative structure; (3) identification of the most effective means of financing acquisition; (4) clarification of land banking and the acquisition for such purposes, as distinguished from land acquisition for immediate public need for a particular public use; and (5) a consideration of the desired direction and scope of Hawaii's future growth and development in relation to the acquisition of land for land banking purposes.

Your Committee further finds there is complex legal, social, economic, and other ramifications of establishing a comprehensive land banking program through law, therefore it is essential to review different laws, programs, and other information which can provide useful guidance in establishing a land banking program in Hawaii.

Your Committee on Water, Land Use Development, and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 609 and recommends it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 1167 Water, Land Use, Development and Hawaiian Affairs; Energy,
Ecology and Environmental Protection; and Agriculture on
H.R. No. 572

The purpose of this Resolution is to strongly encourage the Departments of Agriculture and Land and Natural Resources to enter into an agreement, as soon as possible, with the National Park Service for the use of the greenhouse and staff assistance at the Volcanoes National Park, in order to expediate the research needed to control the Banana Poka vine.

Your Committees find that the Banana Poka is a tough, prolific vine which has already and continues to destroy valuable trees. The most viable way to control the growth is through the use of biological methods. Since no one is certain which organisms can best be used for control, and because of the growth at relatively high elevations the greenhouse facility located at the Volcanoes National Park is an ideal place for studies to be conducted.

Your Committees further find that the National Park Service of the U. S. Department of Interior has offered, facilities, use of personnel, if necessary, and low cost living accommodations at the site and that the Departments of Agriculture and Land and Natural Resources should take advantage of this offer. Both Departments testified and concur that entering into an agreement with the National Park Service would be the most expeditious method to study and control the Banana Poka.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and Energy, Ecology and Environmental Protection and Agriculture concur with the intent and purpose of H.R. No. 572 and recommend it be referred to the Committee on Finance.

Signed by all members of the Committees.

SCRep. 1168 Employment Opportunities and Labor Relations and Youth and
Elderly Affairs on H.C.R. No. 234

The purpose of this concurrent resolution is to respectfully request that the President and the Congress of the United States reconsider the decision to phase out the CETA

Title IV (Youth Programs) and Title VIII (Young Adult Conservation Corps.) and to support the extension of the programs.

The Comprehensive Employment and Training Act (CETA) offers those in our communities who are least advantaged an opportunity for a beginning towards gainful employment and a contributing role in society.

With the likelihood of a recession in late 1981, the already tight job market here in Hawaii, and the expected first time entry of a large number of young people into the labor force, local youths will have a difficult time finding jobs in the coming years. Despite this, in recent months the federal government has announced its intention to phase out the funding for the CETA youth program by September 30, 1981. The curtailment of the program will affect almost 6,000 youths throughout the State of Hawaii and compound the difficulties of youths seeking jobs.

Your Committees on Employment Opportunities and Labor Relations and Youth and Elderly Affairs concurs with the intent and purpose of H.C.R. No. 234 and recommend its adoption.

Signed by all members of the Committees except Representatives Dods, Kobayashi, Kunimura, Takitani and Tungpalan.

SCRep. 1169 Employment Opportunities and Labor Relations and Health on
H.C.R. No. 239

This concurrent resolution requests the U.S. Congress to exempt the Hawaii Prepaid Health Care Act from the preemption provision of the federal Employee Retirement Income Security Act (ERISA) and request that the Hawaii congressional delegation continue their efforts to obtain the exemption through legislation.

The State Department of Labor and Industrial Relations with the assistance of the State Legislature and Hawaii's congressional delegation, was instrumental in the introduction of federal legislation to exempt the Prepaid Health Care Act from ERISA application. To date, because of political considerations, efforts have been unsuccessful. The latest report received was that the legislation would have passed the last Congress were it not for attempts to amend ERISA in other areas.

Your Committees feel passage of this concurrent resolution would enhance Hawaii's argument that our prepaid health care law is unique and should be permitted to be enforced. Federal legislation exempting Hawaii from ERISA is extremely important as the State Department of Labor and Industrial Relations is receiving indications from certain employers in the State that they are considering challenging the constitutionality of our law.

Your Committees on Employment Opportunities and Labor Relations and Health concur with the intent and purpose of H.C.R. No. 239 and recommend its adoption.

Signed by all members of the Committees except Representatives Dods, Kobayashi, Kunimura, Takitani, Tungpalan and Anderson.

SCRep. 1170 Housing on H.R. No. 571

The purpose of this resolution is to request private developers to showcase affordable housing units during the 25th Anniversary Parade of Homes.

Your Committee finds that the Building Industry Association of Hawaii and the Hawaii Association of Realtors, who sponsor the annual Parade of Homes, have, in recent years, tried to encourage the showing of affordable housing units in the Parade. Your Committee desires that the Legislature express its wholehearted support and further encouragement of these efforts through this resolution.

Your Committee on Housing concurs with the intent and purpose of H.R. No. 571 and recommends its adoption.

Signed by all members of the Committee except Representative Kunimura.

SCRep. 1171 Water, Land Use, Development and Hawaiian Affairs and Ocean and Marine Resources on S.C.R. No. 31

The purpose of this concurrent resolution is to recognize the economic, strategic, and political importance of the Pacific Basin.

Your Committees received testimony which reviewed the development of the U.S. Pacific Basin Territories and supported the further development of relations with nations in the Pacific Basin. Your Committees are in agreement that the United States Congress and the national administration should recognize the importance of the Pacific Basin and take appropriate measures to strengthen the position of the United States in this area.

Your Committees on Water, Land Use Development and Hawaiian Affairs and Ocean and Marine Resources are in accord with the intent and purpose of S.C.R. No. 31 and recommends its adoption.

Signed by all members of the Committees.

SCRep. 1172 Water, Land Use, Development and Hawaiian Affairs on H.C.R. No. 171

The purpose of this Resolution is to request the United States Congress to delegate to the Legislature of the State of Hawaii the power to alter the blood quantum requirement for one to be a "native Hawaiian" for the purpose of the Hawaiian Homes Commission Act.

Your Committee finds that the Constitution of the State of Hawaii and present statutes require any amendment to the Hawaiian Homes Commission Act may be amended by the State Legislature only with the consent of the United States Congress. Your Committee feels that the Legislature of the State of Hawaii has been and is deeply concerned with the problems and needs of the native Hawaiians. In order to respond quickly and effectively to these problems and needs the State Legislature should have the authority to alter the blood quantum requirement for one to be a "native Hawaiian" for the purposes of the Hawaiian Homes Commission Act.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 171 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1173 Water, Land Use, Development and Hawaiian Affairs on H.R. No. 377

The purpose of this Resolution is to request the United States Congress to delegate to the Legislature of the State of Hawaii the power to alter the blood quantum requirement for one to be a "native Hawaiian" for the purpose of the Hawaiian Homes Commission Act.

Your Committee finds that the Constitution of the State of Hawaii and present statutes require any amendment to the Hawaiian Homes Commission Act may be amended by the State Legislature only with the consent of the United States Congress. Your Committee feels that the Legislature of the State of Hawaii has been and is deeply concerned with the problems and needs of the native Hawaiians. In order to respond quickly and effectively to these problems and needs the State Legislature should have the authority to alter the blood quantum requirement for one to be a "native Hawaiian" for the purposes of the Hawaiian Homes Commission Act.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 171 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1174 Energy, Ecology and Environmental Protection and Water, Land Use, Development and Hawaiian Affairs on H.R. No. 573

The purpose of this house resolution is to declare the firm support of the House of Representatives for the HPOWER concept and to request that the City and County of Honolulu seek a suitable alternate site for the HPOWER project.

Your Committees find that the development of alternate energy resources remains of primary interest and concern to the State which must depend on imported oil to meet over ninety per cent of Hawaii's energy needs. Spiraling prices for imported oil coupled with the political instability of the major oil producing nations have served to spotlight Hawaii's extremely vulnerable energy situation.

Your Committees find that the Honolulu Program of Waste Energy Recovery (HPOWER) plant, capable of generating electricity by burning garbage and other solid wastes, appears to be a viable alternate energy resource which will help reduce our dependence on imported oil. By burning hundreds of tons of trash daily, the plant will also alleviate Oahu's critical garbage disposal problem.

The multi-million dollar HPOWER plant has been proposed for construction on the Amfac-owned site adjacent to the sugar mill in Waipahu. Because of strong opposition to the project by Waipahu residents and some government officials, it appears that construction of the HPOWER plant in Waipahu will not be approved.

Your Committees find that opposition to the project is primarily directed toward the proposed location of the plant in a residential area rather than toward the general concept of HPOWER. Your Committees are in agreement, therefore, that the HPOWER project would receive favorable support from public officials and the community if the plant were constructed at a suitable alternate site.

Your Committees have amended H.R. No. 573 by revising paragraph five, page two to read as follows:

"BE IT FURTHER RESOLVED that the City*and County of Honolulu is requested to seek suitable alternate sites for the HPOWER project, assess their environmental, economic, and social impact in comparison to the proposed Waipahu site, take necessary action to implement the HPOWER project at the site yielding the greatest benefit to the citizens of the City and County of Honolulu, and to consider those actions necessary to ameliorate the project's impact wherever located; and"

H.R. No. 573, paragraph five, page two originally read as follows:

"BE IT FURTHER RESOLVED that the City and County of Honolulu is requested to seek a suitable alternate site for the HPOWER project, preferably in an industrial area; and"

The Department of Planning and Economic Development testified that it would be premature and ill-advised to discard the proposed Waipahu HPOWER site without first assessing the implications of other alternate sites. The department recommended that economic, social, and environmental factors be assessed for each proposed site and compared to the Waipahu site.

Your Committees are in agreement that a comparative assessment will allow for a more thorough and comprehensive review and will help ensure a more informed and judicious decision-making process. Your Committees, therefore, concur with this recommended amendment.

Your Committees on Energy, Ecology and Environmental Protection and Water, Land Use Development and Hawaiian Affairs concur with the intent and purpose of H.R. No. 573, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 573, H.D. 1.

Signed by all members of the Committees.

SCRep. 1175 Energy, Ecology and Environmental Protection and Judiciary on
H.R. No. 43

The purpose of this house resolution is to request appropriate house committees to consider the constitutional provisions relating to property rights in reviewing various solar access legislation for enactment into law.

Your Committees find that the use of solar energy systems represents a viable and economically feasible alternative to conventional energy sources. Solar energy systems are readily adaptable to existing residential and commercial buildings and their use should be encouraged. Legal obstacles, however, threaten to discourage the development of such systems.

Recent court rulings indicate that owners of solar energy systems have no assurance under law that they can continue to receive sunlight coming across neighboring properties even if that sunlight is essential for efficient operation of their solar systems. Legislation to assure solar access is needed, therefore, to promote the continued development of solar systems in Hawaii.

While legislative action may provide some assurance of solar access, the legislation may also work to deny individuals owning the neighboring properties from the full and most profitable use of their land.

Your Committees are in agreement, therefore, that any attempt to assure solar access by legislative mandate must take into consideration the constitutional provisions which are intended to protect individuals from having their property taken without compensation or due process of law.

Your Committees on Energy, Ecology and Environmental Protection and Judiciary concur with the intent and purpose of H.R. No. 43 and recommend its adoption.

Signed by all members of the Committees except Representatives Morioka and Sakamoto.

SCRep. 1176 Energy, Ecology and Environmental Protection and Judiciary on
H.C.R. No. 13

The purpose of this concurrent resolution is to request appropriate House and Senate committees to consider the constitutional provisions relating to property rights in reviewing various solar access legislation for enactment into law.

Your Committees are in agreement that the use of solar energy systems represents a viable and economically feasible alternative to conventional energy sources. Solar energy systems are readily adaptable to existing residential and commercial buildings and their use should be encouraged. Legal obstacles, however, threaten to discourage the development of such systems.

Recent court rulings indicate that owners of solar energy systems have no assurance under law that they can continue to receive sunlight coming across neighboring properties even if that sunlight is essential for efficient operation of their solar systems. Legislation to assure solar access is needed, therefore, to promote the continued development of solar systems in Hawaii.

While legislative action may provide some assurance of solar access, the legislation may also work to deny individuals owning the neighboring properties from the full and most profitable use of their land.

Your Committees are in agreement, therefore, that any attempt to assure solar access by legislative mandate must take into consideration the constitutional provisions which are intended to protect individuals from having their property taken without compensation or due process of law.

Your Committees on Energy, Ecology and Environmental Protection and Judiciary concur with the intent and purpose of H.C.R. No. 13 and recommend its adoption.

Signed by all members of the Committees except Representatives Morioka and Sakamoto.

SCRep. 1177 Health on H.R. No. 680

The purpose of this house resolution is to request that the Department of Health direct medical facilities and physicians to disclose medical records to DES patients and that the Department of Health conduct educational programs for health professionals, informing them of the techniques used for early detection of DES related diseases.

Your Committee finds that though the patient's right to medical records is provided for in State statutes, access to these records is of particular importance to DES patients and their children to establish accurate medical histories which are critical for effective treatment and monitoring of DES related conditions. This resolution requests the Department of Health to remind medical facilities and physicians of their statutory responsibilities, specifically when prior use of DES is suspected.

Further, medical awareness of the consequences of DES exposure and the special and non-routine medical techniques necessary for the detection of DES related conditions is an essential element to ameliorating the high-risk cancer potential among DES patients and their children. Educational programs and seminars for physicians, nurse practitioners, and related health professionals is encouraged by this resolution.

Your Committee has made many typographic and non-substantive changes to the language of the resolution and has amended the resolution to include the Hawaii Medical Association, the Hawaii Chapter of the American Cancer Society, and the Institute for Cancer Research, with the Department of Health, to conduct educational programs. Your Committee has also amended the resolution to provide that a report on the status of these educational programs be made twenty days prior to the convening of the Regular Session of 1982.

Your Committee on Health concurs with the intent and purpose of H.R. 680, as amended herein, and recommends that its adoption in the form attached hereto as H.R. No. 680, H.D. 1.

Signed by all members of the Committee.

SCRep. 1178 Youth and Elderly Affairs and Health on H.R. No. 606

The purpose of this resolution is to request a study which would determine whether any duplication in health screening services exist between the State, its counties, and private community health agencies.

In scheduled hearings held during the Eleventh Legislative Session, your Committees received testimony from a number of private agencies, whose programs receive State funding, relating to health screening services provided to elderly individuals. It appears that some of these health screening services are also provided by the State Department of Health or the county area agencies on aging, resulting in a duplication of energies and costs which could be directed toward other needs.

Your Committees believe that there is an urgent need to determine the extent of this duplication and to find out if there is a need for greater coordination of such services among the State, its counties, and private community health agencies. Your Committees agree that the Executive Office on Aging should conduct this study for the attention of the 1982 State Legislature and that the state Department of Health, each county area agency on aging, and the private community health agencies shall cooperate and provide assistance to this agency in this endeavor.

Because the Committees' concern focused directly upon the provision of health screening services for the elderly community as opposed to the provision of these services for the community in general, the title of this resolution has been corrected to include the phrase, "for the elderly", changing the title from "House Resolution Requesting a Study to Determine Whether Any Duplication in Health Screening Services Exist Between the State, its Counties, and the Private Community Health Agencies" to "House Resolution Requesting a Study to Determine Whether Any Duplication in Health Screening Services for the Elderly Exist Between the State, its Counties, and the Private Community Health Agencies".

Also, your Committees have amended the resolution to include a provision directing the Executive Office on Aging to look into the effectiveness of these health screening programs in health care maintenance and the prevention of serious illness and other health problems among the elderly. Your Committees believe that it is important that information regarding the quality of outreach, medical attention, and follow-up procedures be examined before any legislative action is taken which may adversely affect the availability of health screening programs in the elderly community.

Your Committees on Youth and Elderly Affairs and Health concur with the intent and purpose of H.R. No. 606, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 606, H.D. 1.

Signed by all members of the Committees except Representatives Kunimura, Nakamura and Toguchi.

SCRep. 1179 Youth and Elderly Affairs and Corrections and Rehabilitation on
H.R. No. 632

The purpose of this resolution is to request that the Department of Social Services

and Housing and the Family Court report on the problem of placement services and related care for low, medium, and high-risk juveniles, and to recommend legislation which would ensure the prompt and effective delivery of such services to youth.

Your Committees find that both the Department of Social Services and Housing and the Family Court have jurisdiction over such placement services, however, areas of responsibilities between the two agencies have not been clearly defined, resulting in the shuttling of juveniles between foster homes administered by DSSH and detention facilities administered by Family Court.

It is believed by members of the House Committees of Youth and Elderly Affairs and Corrections and Rehabilitation that more information is needed to evaluate this problem before remedial action can be implemented.

While it is agreed by both agencies and your Committees that the Family Court should be designated as the single agency to assume jurisdiction over all juveniles needing supervision, it is believed by all parties concerned that the Office of Children and Youth can provide valuable assistance and consultation on this matter. The Office of Children and Youth has been providing assistance to the Department of Social Services and the Family Court in discussions about alternatives to resolve current differences. Your Committees are in agreement that the Office of Children and Youth should continue as an active participant in this matter and have amended this resolution to include this agency.

Your Committees on Youth and Elderly Affairs and Corrections and Rehabilitation concur with the intent and purpose of H.R. No. 632, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 632, H.D. 1.

Signed by all members of the Committees except Representatives
Kawakami, Nakamura, Segawa, Medeiros and Wong.

SCRep. 1180 Youth and Elderly Affairs and Public Assistance and Human Services
on H.R. No. 607

The purpose of this resolution is to request the Department of Social Services and Housing to develop a plan for the effective placement of children who need foster care, and to request that this plan be submitted twenty days prior to the convening of the Regular Session of 1982.

Because the foster care program is very important in providing temporary homes for children who need them, and because recent studies indicate a need for improvement of the foster care program, your Committees desire that the program be studied, reworked, and restructured as seen fit by the Department of Social Services and Housing.

Your Committees received favorable testimony on this resolution from the Department of Social Services and Housing.

Your Committees on Youth and Elderly Affairs and Public Assistance and Human Services are in accord with the intent and purpose of H.R. No. 607, and recommend that it be referred to the Committee on Finance.

Signed by all members of the Committees except Representatives
Nakamura, Segawa and Wong.

SCRep. 1181 Youth and Elderly Affairs on H.R. No. 597

The purpose of this resolution is to request that an interim committee be established in the House of Representatives to recommend policies that will provide a basis for decision-making pertaining to state funding for private agencies serving elderly persons, age 65 and over.

It also requests that this interim committee study the present funding practices of private agencies which serve the senior citizen community.

Your Committee finds that such a policy is both timely and necessary as the number of programs serving the elderly has rapidly increased while federal funds have gradually decreased. To date, there is no established policy to guide the State in how it should make decisions regarding program funding.

Elderly is defined in this resolution as persons age 65 years or over. Title III of the Older Americans Act, however, currently provides Federal funding for programs serving elderly persons 60 years of age or older. Members of the Committee on Youth and Elderly Affairs feel that there will be less confusion in the implementation of the interim committee's objectives if language in this resolution corresponds with Title III of the Older Americans Act. Therefore, your Committee has amended this resolution to define elderly as persons 60 years of age or older, and not 65 years or older.

Your Committee on Youth and Elderly Affairs concurs with the intent and purpose of H.R. 597, as amended herein, and recommends that it be referred to the Committee on Legislative Management, in the form attached hereto as H.R. No. 597, H.D. 1.

Signed by all members of the Committee except Representatives Kunimura, Nakamura, Segawa, Toguchi and Wong.

SCRep. 1182 Health on H.R. No. 660 (Majority)

The purpose of this resolution is to request the Department of Health to study the feasibility of establishing and administering a permanent multidisciplinary program to serve the many people suffering from arthritis in the State.

Your Committee finds that arthritis is a group of over sixty different diseases affecting a large percentage of the population in Hawaii and requiring medical expenditures of billions of dollars nationwide for treatment and prevention of crippling.

A multi-disciplinary approach to the problems of arthritis patients has been developed by the Arthritis Center which has been assisted for the past four years with financial aid from the State.

A permanent arthritis program established and administered by the State to provide services and allow continuity in the provision of those services would benefit many arthritis patients.

Your Committee on Health is in accord with the intent and purpose of H.R. 660 and recommends that it be referred to the Committee on Finance.

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

SCRep. 1183 Agriculture on S.C.R. No. 40

The purpose of this Senate Concurrent Resolution is to request a concerted effort by federal and state officials and agencies to eliminate federal regulations which adversely affect interstate and international marketing of meat and poultry products.

Present federal regulations prohibit the exportation of processed meat from state-inspected facilities to other states or territories of the Union, or out of the United States. These regulations impose a major impediment to the marketing and sales efforts of meat and poultry producers in the State of Hawaii, not to mention the expressed belief that these regulations unfairly infringe upon the generally accepted practices in commerce. Inasmuch as the state inspections conducted in the last fourteen years have been certified as being equal to federal inspections, the regulation prohibiting state-inspected products from interstate and international trade unnecessarily hampers economic trade and the health of these industries.

Your Committee agrees with the rapidly emerging national feeling that there is an overabundance of cumbersome and unnecessary federal regulations which adversely impact upon state and local governments and the meat and poultry industries therein.

Your Committee on Agriculture concurs with the intent and purpose of S.C.R. No. 40 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1184 Consumer Protection and Commerce and Health on H.R. No. 533

The purpose of this resolution is to request the Board of Nursing to analyze the reasons for the critical shortage of registered nurses and recommend measures to remedy the

problem.

Your Committees find that the data available which relates to the nursing shortage is fragmented and much of it does not apply specifically to Hawaii. In addition, there is a need to consider measures or programs to assist graduates of foreign nursing schools to qualify as registered nurses in greater numbers in the State.

Your Committees find that there is a need for a statewide task force consisting of representatives from the public and private sector to gather information and develop solutions to the problem of insufficient nurses in the State.

The resolution has been amended to expand the study to include mainland and locally educated, as well as foreign educated nurses who are unable to pass the State nursing examination in order to determine whether the number of qualifying nurses in Hawaii can be increased.

Your Committees on Consumer Protection/Commerce and Health are in accord with the intent and purpose of H.R. 533 as amended, and recommend its adoption in the form attached hereto as H.R. 533, H.D. 1.

Signed by all members of the Committees.

SCRep. 1185 Finance on H.R. No. 456

The purpose of this resolution is to request the Legislative Reference Bureau to study and report on the legal ramifications of "Good Samaritan" laws in other states.

"Good Samaritan" legislation, similar to legislation enacted in other states, would encourage the donation of surplus food products to worthy non-profit organizations. A study of other state's "Good Samaritan" laws would be helpful in formulating such a law for the State of Hawaii.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 456, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1186 Finance on H.R. No. 465

The purpose of this house resolution is to request that the Department of Agriculture work in conjunction with the Department of Health and other public and private organizations to monitor current DBCP studies and to submit a report of their findings and recommendations to the Legislature prior to the Regular Session of 1982.

Dibromochloropropane (DBCP), an agricultural pesticide, has been banned by the federal Environmental Protection Agency (EPA). An exemption, however, has been granted for its use in Hawaii by our local pineapple industry.

The Department of Health has reported trace amounts of DBCP in at least three domestic use wells in Central Oahu. Consequently, the continued use of DBCP may result in contamination of our groundwater supply and thus pose a serious hazard to the public health of our community.

The Pesticide Hazard Assessment Project (PHAP) at the University of Hawaii is presently conducting studies of workers and families using those wells found to contain trace amounts of DBCP. The PHAP is also working cooperatively with the National Institute of Occupational Safety and Health (NIOSH) to monitor those agricultural workers and families exposed to DBCP during this current use season. Because of the potentially serious hazard posed by this pesticide, close monitoring and review of these on-going studies by the Departments of Agriculture and Health are warranted.

The Department of Health currently provides on-going monitoring of our drinking water system including the monitoring of DBCP. The department expressed some concern, however, that its monitoring efforts may be jeopardized because of personnel vacancies, although all efforts should be made to ensure a full complement of program staff to provide the monitoring necessary to ensure the availability of safe, uncontaminated drinking water throughout the State.

The PHAP indicated that its current DBCP study should be completed by the end of 1981. However, project funding cuts by the EPA could result in delays to the study. Additional cuts by that federal agency could seriously jeopardize completion of the study. Consequently, the EPA should be encouraged to reinstate those funds necessary for the PHAP to complete its study and to provide the on-going pesticides monitoring necessary to protect the health and welfare of our citizens.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 465 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1187 Finance on H.R. No. 518

The purpose of this resolution is to request the Department of Accounting and General Services (DAGS) to review the current process of initiating, prioritizing and funding capital improvement project (CIP) requests for the public schools.

Your Committee finds that there are persistent questions among members of the community and the Legislature relating to the process of initiating, prioritizing, and funding CIP projects, such as: (1) what the existing process consists of and what roles various agencies and individuals now play and should play in this process; (2) whether the present applicable policies, rules, procedures, guidelines, and criteria followed by the DOE in managing CIP project requests adequately and appropriately address the true needs of the public schools; and (3) what are and should be the means by which the Legislature can help to ensure that the needs of the public schools for CIP projects are met.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 518 and recommends its adoption.

Signed by all members of the Committee except Representative Marumoto.

SCRep. 1188 Finance on H.R. No. 510

The purpose of this resolution is to request the agencies named in the title of this resolution to conduct a joint study of agricultural education in public programs to the end of developing a better articulated and more effective and efficient system of public agricultural education programs.

Your Committee agrees with the finding expressed in House Standing Committee Report 1006.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 510, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1189 Finance on H.R. No. 428

The purpose of this resolution is to request the Department of Education to develop relocation plans and other options for achieving optimal use of office space within existing state-owned facilities.

The Department has been engaged in relocating various operations into available school facilities since 1976. In view of the sharp rent increases in the Department's leased facilities over the past years, e.g. at the Queen Emma Building offices of the Department, and due to the decline in enrollment in several school districts, the Department should develop a plan for the maximum use of surplus classrooms and other available public facilities. A progress report from the Department for the 1982 Regular Session, which explores the consolidation of schools and support facilities, relocation, and other options, is therefore requested to ensure that the cost of the Department's leased facilities is minimized and that a more orderly and rational system of providing for offices and school space needs is achieved.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 428 and recommends its adoption.

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

SCRep. 1190 Finance on H.R. No. 580

The purpose of this resolution is to request the Department of Education to report on measures taken to resolve the issues relating to the job sharing program.

In the March, 1981 Legislative Auditor's report entitled Job Sharing Pilot Project in the Department of Education: Final Evaluation, the Legislative Auditor identifies the following program issues and recommends they be studied and resolved before the job sharing program is made permanent:

1. The removal of certain eligibility restrictions imposed by Act 150, Session Laws of Hawaii 1978, to allow for increased participation in the job sharing program;
2. The status of job sharers with respect to collective bargaining coverage;
3. The provision of retirement incentives for near retirees to encourage their participation in the job sharing program;
4. The position retention rights of tenured, certificated DOE personnel if they are allowed to pair as job sharers;
5. How workload can be divided more equitably and compensation provided accordingly;
6. Provision of the duty-free lunch and preparation periods;
7. The assignment, compensation, and arrangement of substitute teaching when it is performing by job sharers; and
8. The conditions under which new hires might be granted probation and tenure.

Your Committee agrees that the pilot project should be extended an additional two academic years to enable the Legislature to consider more fully the issues and concerns cited above before possibly establishing job sharing as a permanent program in the Department of Education.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 580, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representative Marumoto.

SCRep. 1191 Finance on S.C.R. No. 29

The purpose of this concurrent resolution is to urge the Governor to (1) make Hawaii a party to the Western Regional Low-Level Radioactive Waste Committee, (2) submit an annual report to the Legislature describing the progress of the negotiations conducted under the auspices of the committee, and (3) submit any proposed interstate compact for low-level radioactive waste disposal to the Legislature.

The current practice of low-level radioactive waste disposal is to store such wastes in the state for a short time and then send them to the mainland for permanent disposal. These disposal sites now utilized by Hawaii and other western states may no longer be available after June 1, 1981. In view of this probable closure, regional interstate compacts governing low-level radioactive waste disposal have been encouraged by the federal government as a possible solution to this problem. A number of western states have formed a working group to facilitate the negotiation of such compacts. Since building a low-level radioactive waste disposal facility in Hawaii is not feasible, the Governor should make Hawaii a party to this working group.

Your Committee on Finance concurs with the intent and purpose of S.C.R. No. 29, S.D. 1, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representative Marumoto.

SCRep. 1192 Finance on H.R. No. 564

The purpose of this resolution is to request the Department of Health to study the continuation of community cancer control activities.

The Community Cancer Program of the Cancer Center of Hawaii is a five-year demonstration program of cancer control, encompassing prevention, diagnosis, treatment and management, rehabilitation and continuing care of cancer for Hawaii's citizens.

This program is one of six across the country, funded by the National Cancer Institute at a level of more than one million dollars per year, and is one of only three of which has been continued through the end of a five-year contract. The program is entering its last year of funding.

Participants in the community include thirteen senior citizen centers and one hundred sixty-nine organizations which have volunteered their services and expertise to the Community Cancer Program of Hawaii which includes education and outreach regarding control and prevention of various types of cancer.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 564 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1193 Finance on H.R. No. 528

The purpose of this resolution is to request a study of more equitably distributing off-ratio teachers to the elementary and secondary levels to strengthen programs for gifted and talented students, in particular, the Advanced Placement Program at secondary schools; to encourage the expansion of this program to other public schools so that all qualified public school students in the State will have the opportunity to participate in the program for the gifted and talented; and to take appropriate action, if at all possible, to effectuate such more equitable distribution prior to and in time for the Fall 1981 school schedule.

The contributions of existing off-ratio personnel for programs such as the Special Motivation Program, Intensive Basic Skills and Alternative Learning Centers are positive and beneficial to students. These off-ratio teachers have allowed for smaller class sizes without depending on other teachers in the school to absorb additional students into their regular classrooms. Some elementary schools have also been fortunate to utilize off-ratio personnel to start programs for gifted and talented students. Programs for gifted and talented students at the secondary level, in particular the Advanced Placement Program, currently have no off-ratio personnel allocation. To strengthen the successful Advanced Placement Program and other programs for gifted and talented students at the secondary level, the feasibility of more equitably distributing off-ratio teachers deserves special study.

Your Committee on Finance concurs with the intent and purpose of H.R. No 528, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1194 Finance on H.R. No. 627

The purpose of this resolution is to request a feasibility study on the establishment of a veterans facility on the neighbor islands.

Veterans on neighbor islands currently have no common facilities where they can meet to discuss topics of common interest and entertain visiting veterans and their families. Your Committee agrees there is good reason for this study.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 627, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representative Fukunaga.

SCRep. 1195 Finance on H.R. No. 656

The purpose of this resolution is to request the Governor's Agriculture Coordinating Committee (GACC) to coordinate the performance of a study of the future of Hawaii's pineapple industry--the GACC to be assisted in the study by a number of State and county agencies and by the voluntary cooperation and assistance of the Hawaii pineapple industry.

Your Committee agrees that such a coordinated study of the future of the pineapple industry in Hawaii is advisable in view of the overall decline of the industry in this State and the growth of, and related competition from, pineapple production in foreign countries.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 656, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1196 Finance on H.R. No. 551

The purpose of this Resolution is to request the Department of Planning and Economic Development, Department of Agriculture, and Department of Land and Natural Resources to project the amounts of land necessary for agriculture, conservation, and urban uses for the projected population in the year 2000.

This project would attempt to identify all needs as follows: (1) By determining the amount and location of land necessary for agriculture use to achieve self-sufficiency in those agricultural products for which self-sufficiency is realistic for the projected population of the year 2000; (2) By determining the amount and location of land necessary for conservations to preserve watersheds and water sources and maintaining sufficient open space for recreation need; and (3) By considering the remainder to be available for urban use.

This Resolution also places the burdens of making these determinations on the various departments and requires that the Department of Planning and Economic Development act as lead agency and charges them with providing all required assistance and submitting a report of its findings and recommendations to the Legislature at least twenty days prior to convening of the Regular Session of 1982.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 551, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1197 Finance on H.R. No. 458

The purpose of this resolution is to activate the state advisory committee on day care services.

A state day care advisory committee met regularly between 1975 and 1978 for the purpose of updating and rewriting day care standards. However, it has not met since then. There is a critical need to reconvene the committee so that it may provide consumer and professional input on the various child care bills introduced for legislative consideration and on the comprehensive rules and regulations currently being developed by the DSSH.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 458, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1198 Finance on H.R. No. 557

The purpose of this Resolution is to request a review of policies on safety inspections of school buses and independent random safety inspections of school buses to insure that the buses comply with safety regulations.

Currently some or all school bus safety inspections are performed by motor vehicle inspection stations and there is no check by a public agency to insure that school buses which pass safety inspections are in compliance with the pertinent safety regulations. The Department of Transportation presently lacks manpower and funding to inspect all school buses.

Your Committee agrees that random safety inspections by a public agency might be sufficient to promote maximum safety in the operation of school buses.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 557, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1199 Finance on H.R. No. 535

The purpose of this resolution is to request the University of Hawaii to continue and expand the After-Hours Gerontology Program which places graduate students in housing projects to assist elderly residents and to report to the Legislature prior to the 1982 Regular Session.

Your Committee agrees that the After-Hours Gerontology Program benefits elderly residents in housing projects by making available needed services and assistance while simultaneously providing benefits to participating graduate students.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 535, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1200 Water, Land Use, Development and Hawaiian Affairs on H.R. No. 657

The purpose of this resolution is to request that the Department of Land and Natural Resources coordinate the development of a management and protection strategy for the cultural, natural and recreational resources of North Kohala with the North Kohala Community Association.

Your Committee finds that there is an effort now being made to develop a management and protection strategy and that the effort is being coordinated with the community association mentioned above.

Your Committee also finds that such a management strategy should also include the Kona District. Kona is also blessed with cultural, natural, and recreational resources and such a management strategy is equally necessary.

Your Committee has therefore amended the resolution by:

1. Amending the title of resolution to include Kona and Kona community groups in the management strategy effort.
2. Added "Kona" in the first "whereas" paragraph.
3. Inserted a new "whereas" paragraph to include Kona in the discussion.
4. Added "Kona community groups" as people with which the Department of Land and Natural Resources should coordinate the strategy development effort.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H. R. No. 657, as amended herein, and recommends its adoption in the amended form attached hereto as H.R. No. 657, H.D. 1.

Signed by all members of the Committee except Representatives Monahan and Narvaes.

SCRep. 1201 Transportation on H.R. No. 659

The purpose of this Resolution is to request the Army Corps of Engineers to study the feasibility of establishing a small boat refuge harbor at Laupahoehoe Point.

Your Committee finds that there is a need for a small boat refuge harbor along the Hamakua Coast of the Big Island in order to protect small boats, particularly fishing boats, from storms. Your Committee also finds that Laupahoehoe Point may be an appropriate location for a small boat refuge harbor but feels that further study may be necessary in order to determine the feasibility of such a harbor at Laupahoehoe.

Your Committee on Transportation concurs with the intent and purpose of H.R. 659 and recommends its adoption.

Signed by all members of the Committee except Representatives Dods and Andrews.

SCRep. 1202 Agriculture and Health on H.R. No. 579

The purpose of this resolution is to request the Department of Agriculture's Division of Milk Control and the Department of Health to investigate the implications and feasibility of selling raw milk in the State of Hawaii.

Your Committees find that although studies have been conducted in the past to determine the feasibility of selling raw milk in the State, there is renewed interest in the sale and marketing of the product and a feasibility study at this time is necessary to re-evaluate the factors prohibiting the sale of raw milk.

Your Committees find that particular attention should be paid to marketing considerations such as the need for clear labeling and the determination of safe shelf life of the product.

The resolution has been amended to include public health and marketing as well as administrative implications in the study.

The resolution has also been amended to reflect the Committees' concern that the Division of Milk Control of the Department of Agriculture, in cooperation with the Department of Health, conduct the study since the former agency already regulates the sale and distribution of milk.

Your Committees on Agriculture and Health concur with the intent and purpose of H.R. No. 579, as amended herein, and recommend that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 579, H.D. 1.

Signed by all members of the Committees except Representative Morioka.

SCRep. 1203 Corrections and Rehabilitation and Health on H.R. No. 671

The purpose of this resolution is to have the Department of Social Services and Housing and the Hawaii Medical Association conduct a study of the deficiencies in the medical care system in all correctional facilities. The study will cover a cost effectiveness assessment of potential alternatives, budget, and management related recommendations to bring Hawaii's correctional facilities up to the standards set forth by the American Medical Association.

Your Committees on Corrections and Rehabilitation and Health concurs with the intent and purpose of H.R. No. 671 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committees except Representatives Kunimura and Lacy.

SCRep. 1204 Finance on H.R. No. 26

The purpose of this resolution is to request a study on the regulation of condominium conversion.

Your Committee finds that House Resolution 23 adopted by the House of Representatives,

Regular Session of 1980, requested the Hawaii Housing Authority (HHA) to conduct a study on condominium conversions. However, the HHA has not yet begun the study because of staffing and financial constraints, nor does the Authority intend to conduct the study without funding by the Legislature. Your Committee believes that the problems posed by the conversion of rental units to condominiums merit serious study, if not by the HHA then by another body.

The resolution requests the Legislative Reference Bureau to conduct the study.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 26, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1205 Agriculture and Health on H.R. No. 661

The purpose of this resolution is to request the Director of Health to seek federal certification of the Department of Health's milk testing laboratories in both Honolulu and Hilo to test and certify locally produced milk for interstate sales.

Your Committees find that there is a federally certified milk testing laboratory in Honolulu and that the Hilo milk testing laboratory has provisional certification which will become full certification in August 1981 upon completion of annual split-milk sampling tests, which are required for federal certification. Furthermore, the Laboratory Quality Assurance Branch of the Food and Drug Administration has recently adopted a policy of providing split milk samples for such testing to only one laboratory in each state every year, and it is required that both the Honolulu and Hilo laboratories each participate in the split milk sampling test each year in order to be federally certified.

In view of the foregoing, your Committees have amended this resolution to provide that the purpose of the resolution, as amended, also requests the Quality Assurance Branch of the Food and Drug Administration to make an exception in its policy of sending split milk samples to only one laboratory in each state, and that it send such samples to both the Honolulu and Hilo milk testing laboratories in Hawaii.

Your Committees on Agriculture and Health concur with the intent and purpose of H.R. No. 661, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 661, H.D. 1.

Signed by all members of the Committees except Representative Morioka.

SCRep. 1206 Agriculture and Health on H.R. No. 662

The purpose of this resolution is to request the department of health to arrange for federal certification of at least one public health officer to perform necessary federal certification of the state's milk testing laboratories pursuant to state and federal requirements.

Your Committees find that changes in federal regulations have made it necessary for the state of Hawaii to have a federally certified milk laboratory certification officer; that this requires a training trip to Cincinnati, Ohio; and that this trip has been scheduled for August 1981, by the director of laboratories.

Your Committees find that this requirement is more costly than authorizing the federal officer who regularly inspects the Honolulu milk testing laboratory to also inspect those located on the other islands in the State.

Your Committees have amended the resolution to request the Hawaii Congressional delegation to study the availability of the federally certified officer to perform all certification inspections in the State.

Your Committees on Agriculture and Health concur with the intent and purpose of H.R. No. 662 as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 662, H.D. 1.

Signed by all members of the Committees except Representative Morioka.

SCRep. 1207 Finance on H.R. No. 581

The purpose of this resolution is to allow the use of desired specifications rather than minimum specifications in the purchasing of certain complex types of medical and laboratory equipment, to allow manufacturers of such equipment to solve equipment needs without unnecessary restriction.

Your Committee finds that awarding contracts based on minimum specifications may delay the replacement of equipment or even the completion of a construction project.

The object of advertising for bids based on minimum specifications is to secure fair competition and prevent favoritism and undue extravagance. However, the possibility of obtaining equipment with undesirable features, poor logistical support, poor maintenance records, or poor operational procedures must also be highly considered.

Your Committee agrees that there is a need to review existing statutes and regulations to determine whether the purchase of complicated and expensive medical and laboratory equipment can be accomplished through publishing of desired specifications.

Your Committee on Finance is in accord with the intent and purpose of H.R. 581 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1208 Finance on H.R. No. 632

The purpose of this resolution is to request that the Department of Social Services and Housing and the Family Court report on the problem of placement services and related care for low, medium, and high-risk juveniles, and to recommend legislation which would ensure the prompt and effective delivery of such services to youth.

Although both the Department of Social Services (DSSH) and the Family Court have jurisdiction over such placement services, areas of responsibilities between the two agencies have not been clearly defined, resulting in the shuttling of juveniles between foster homes administered by DSSH and detention facilities administered by Family Court. Your Committee believes that more information is needed to evaluate this problem before remedial action can be implemented.

While it is agreed that the Family Court should be designated as the single agency to assume jurisdiction over all juveniles needing supervision, it is believed that the Office of Children and Youth can provide valuable assistance and consultation on this matter. The Office of Children and Youth has been providing assistance to DSSH and the Family Court in discussions about alternatives to resolve current differences. Your Committee agrees that the Office of Children and Youth should be an active participant in this matter.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 632, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1209 Finance on H.R. No. 606

The purpose of this resolution is to request a study which would determine whether any duplication in health screening services exist for the elderly between the State, its counties, and private community health agencies.

It appears that some health screening services provided to elderly individuals are provided by the State Department of Health or the county area agencies on aging, resulting in a duplication of energies and costs which could be directed toward other needs.

There is an urgent need to determine the extent of this duplication and to find out if there is a need for greater coordination of such services among the State, its counties, and private community health agencies. Your Committee agrees that the Executive Office on Aging should conduct this study for the attention of the 1982 State Legislature and that the State Department of Health, each county area agency on aging, and the private community health agencies shall cooperate and provide assistance to this agency in this endeavor.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 606, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1210 Water, Land Use, Development and Hawaiian Affairs on H.R. No. 480

The purpose of this resolution is to request the Board of Land and Natural Resources to lease certain privately owned lands in Waipio Valley, Hawaii.

Your Committee finds that Waipio Valley is of economic importance to the agricultural economy of the state, especially in the taro producing segment of the industry. The Valley's status as a taro producing area should be preserved.

In addition to its economic significance Waipio is a major environmental asset because of its open spaces and lush greenery. This is an asset that should be preserved.

Your Committee also finds that the purpose of the resolution is in consonance with the State Constitution, Article XI and the Hawaii State Planning Act.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 480 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Morioka.

SCRep. 1211 Judiciary and Water, Land Use, Development and Hawaiian Affairs
on H.R. No. 328 (Majority)

The purpose of this resolution is to review the 1979 study conducted by the Honolulu Police Department on the feasibility of establishing a horse mounted police patrol.

Your Committees recognize the importance of creating a horse mounted police patrol. Such a patrol will constitute visible deterrence to crime and provide access to beach areas and public parks that conventional methods of motorized patrol cannot otherwise reach.

Your Committees recognize that the creation of a horse mounted police patrol is within the province of the city and county of Honolulu and the other counties. Accordingly, your Committees have amended the resolution to request a review of the feasibility study by the Hawaii Crime Commission in conjunction with a request to the City and County of Honolulu to seriously consider the implementation of a horse mounted patrol as a pilot project.

Your Committees on Judiciary and Water, Land Use, Development and Hawaiian Affairs are in accord with the intent and purpose of H.R. No. 328, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 328, H.D. 1.

Signed by all members of the Committees except Representative Waihee.
(Representatives Baker, Blair, Dods, Sakamoto, Takamine and
Taniguchi did not concur.)

SCRep. 1212 Finance on H.R. No. 517

The purpose of this resolution is to request the Department of Health to study the feasibility of establishing and administering a permanent program of financial assistance for the care and treatment of persons suffering from hemophilia in the State.

Although hemophilia, a hereditary genetic disease characterized by delayed blood clotting, cannot be cured, medical technology has made possible the effective treatment of the disease through frequent transfusions of blood and plasma concentrate. Such transfusions, however, are extremely costly and impose a heavy financial burden on individuals who are afflicted with the disease and their families. Medical expenses average \$7,000 per year per patient, of which health insurance covers but a small portion. Further, this estimate does not include the costs incurred from additional transfusions necessitated by surgery, accidental injury, or other medical complications.

Over the past several years, the Hawaii State Legislature has provided financial assistance through grants-in-aid to the Hemophilia Foundation of Hawaii to help offset the catastrophic costs of treatment of the disease. Such assistance has enabled hemophiliacs to lead more normal independent lives, become self-supporting, and develop to their potential despite the limitations imposed by the disease. Your Committee believes, however, that a permanent program of financial assistance that is established and administered by the State may more adequately help hemophiliacs to purchase the expensive plasma concentrate they require and may also be a more cost-effective alternative.

A preliminary study is necessary to determine the costs to the State if a permanent program of financial assistance is provided to hemophiliacs, the appropriate eligibility criteria, and how the program would be administered.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 517, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Nakasato and Lacy.

SCRep. 1213 Finance on S.B. No. 1286

The purpose of this bill is to allow the Board of Trustees of the State of Hawaii's retirement system to enter into an agreement with large stock or bond brokerage firms or similar financial institutions for the purpose of lending its securities.

To protect the system from any loss, the following loan conditions are proposed for the Board and borrowers:

1. The borrower shall deliver collateral in the form of cash, letters of credit, bonds, interest-bearing notes, and obligations of the U.S. Government in an amount not less than 102 percent, and
2. The market value of the loaned securities shall be monitored daily, and the borrower shall immediately deposit additional collateral should the amount fall under 102 percent.

In addition, the term of the loan shall not exceed one year, and the Board may use or invest the collateral and retain any income and profits earned on the collateral for the benefit of the system.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1286, S.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.