

SCRep. 1125-88 Finance on S.B. No. 3392

The purpose of this bill, as received by your Committee, is to clarify the administration of grant appropriations to the Hawaii Wing, Civil Air Patrol (CAP) and to make appropriations for the CAP.

This bill provides for an annual grant appropriation and defines the parameters of grant expenditures and the purposes of CAP. However, in this matter your Committee emphasizes that the Department of Transportation is the agency responsible for the operating budget and capital improvement projects of CAP.

Your Committee amended this bill by deleting subsection (f) in section 1 of this bill relating to the agreement between the Department of Defense and the Director of CAP, dated June 4, 1981. Also deleted were sections 2 and 3, relating to appropriations for equipment and capital improvement projects proposed for fiscal year 1988-1989. Section 6 was also amended by deleting all references to sections 2 and 3 which would take effect on July 1, 1988. The remaining sections and subsections were renumbered respectively.

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

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 3392, 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. 3392, S.D. 2, H.D. 2.

Signed by all members of the Committee

SCRep. 1126-88 Finance on S.B. No. 3204

The purpose of this bill is to establish an Environmental Emergency Response Revolving Fund within the Department of Health to provide the Department with funds and the authority to immediately respond to environmental emergencies and accidents.

Your Committee finds the problems of responding to chemical spills, hazardous waste releases, and the unlawful disposal of hazardous materials in a swift and timely manner are issues of concern for many states throughout the country.

Representatives of the petroleum industry expressed their concern with the term, "Hazardous Substance", as defined in this bill. Your Committee concurs with the concerns expressed and feels the remedy for the release of petroleum products are currently mandated by a number of local and federal laws.

Your Committee believes the Department of Health should work closely with the petroleum industry during the rulemaking process to ensure the rules, when promulgated, do not hamper nor negate the remedies currently available for handling the release of petroleum products.

Your Committee has amended this bill by providing the sum of \$150,000 to be paid into the revolving fund and \$50,000 for a single full-time position and the necessary fiscal resources to implement the super fund.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 3204, 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. 3204, S.D. 2, H.D. 2.

Signed by all members of the Committee.

SCRep. 1127-88 Finance on S.B. No. 3413

The purpose of this bill is to explore exchanging public lands better suited for homesteading for existing Hawaiian homes commission lands, and to set up a process for determining which lands would be suitable for exchange when state leases expire in the coming years.

The bill also directs the Legislative Auditor to identify trust lands used by state and county agencies for little or no compensation, to assess the value of the use since statehood, and to report its findings to the 1990 Legislature.

Your Committee has amended this bill by replacing the provision that the DLNR shall submit a written report to the Legislative Auditor with a provision that the Department of Land and Natural Resources (DLNR) shall provide a copy of the State's public lands inventory report to the Legislative Auditor. The Legislative Auditor will analyze DLNR's report together with the report submitted by the Department of Hawaiian Home Lands. The findings shall be reported to the Governor, Hawaiian Homes Commission, the Legislature and the Department of Hawaiian Home Lands. The bill was also amended to include the DLNR and the Department of Hawaiian Home Lands as agencies which shall receive the findings of the Legislative Auditor.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 3413, 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. 3413, S.D. 1, H.D. 2.

Signed by all members of the Committee.

SCRep. 1128-88 Finance on S.B. No. 2011

The purpose of this bill is to extend the services of the Community Long-Term Care/Nursing Home Without Walls program to those persons who do not qualify for Medicaid, yet cannot afford those same services from private sector providers, by amending Act 192 of the 1983 Session Laws of Hawaii.

Presently, there is a "gap group" of elderly and chronically ill and disabled persons who do not qualify for Medicaid because their income and/or resources are slightly above the qualifying threshold. The passage of this bill will allow this group of individuals to share in the cost of services according to a sliding fee scale based on income, assets, and family size.

Your Committee has removed the appropriation paragraph from Section 1 of the bill and placed it in a separate section. The sum of \$1 has been inserted so a more accurate estimate of the costs can be determined at a later date.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2011, S.D. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2011, S.D. 2, H.D. 1.

Signed by all members of the Committee.

SCRep. 1129-88 Finance on S.B. No. 2468

The purpose of this bill is to authorize the issuance of special purpose revenue bonds and refunding special purpose revenue bonds up to the amount of \$165,410,000 to assist electric utilities in obtaining lower interest rate bond financing for capital improvement projects.

The allocations would be made as follows: Hawaiian Electric Company, \$97,410,000; Hawaiian Electric Light Company, \$24,000,000; Kauai Electric, \$34,000,000; and Maui Electric Company, \$10,000,000. Any project financed by the bonds would require Public Utilities Commission approval, and no funds may be used for nuclear fuel generating units.

Your Committee finds that this bill will lower interest costs to the electric utilities which will be reflected in lower costs of capital which ultimately benefits electricity consumers.

Your Committee amended section 2 of this bill by providing that, effective January 1, 1990, four prerequisites must be satisfied before issuance of the remaining amount of the special purpose revenue bonds. Secondly, the term "integrated resource plan" was defined for purposes of clarity. Lastly, the Public Utilities Commission will be required to adopt rules concerning the integrated resource plan pursuant to chapter 91.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2468, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2468, S.D. 1, H.D. 1.

Signed by all members of the Committee.

SCRep. 1130-88 Finance on S.B. No. 2888

The purpose of this bill is to appropriate funds to implement an action alliance among the instructional, research, and extension programs of the College of Agriculture at the University of Hawaii at Hilo, the College of Tropical Agriculture and Human Resources, University of Hawaii at Manoa, and the research and extension programs of the Hawaii Institute of Tropical Agriculture and Human Resources. An appropriation of \$100,000 would be used to create one new position, to finance and support student and faculty exchanges, and to split faculty appointments to strengthen the instructional programs of the different colleges.

The President of the University of Hawaii testified that the action alliance between the two campuses culminates an intensive, collaborative discussion that has been held over the past year.

Your Committee has amended this bill by requiring that the University of Hawaii submit a status report on the action alliance to the Governor and the Legislature within ten days after the convening of the Regular Session of 1989.

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

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2888, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2888, S.D. 1, H.D. 1.

Signed by all members of the Committee.

SCRep. 1131-88 Finance on S.B. No. 2973

The purpose of this bill is to appropriate \$4,000,000 to City & County of Honolulu to assist the residents of Manoa's eastern hillside with the problems caused by shifting soils.

Your Committee received testimony from the City Councilperson representing Manoa's eastern hillside and from concerned residents of the area in support of this bill.

Your Committee has amended section 2 of the bill to specify the types of repairs this money may be used for such as repair of water lines, provisions for drainage for surface and subsurface water, and provisions of ground stabilization for both public and private lands on Manoa's eastern hillside.

Your Committee believes although the appropriation of \$4,000,000 is made to the City and County of Honolulu, the State of Hawaii should not be liable for the repairs done by the City.

Your Committee recommends to the City and County of Honolulu that, in the future, it carefully review the issuance of building permits for hillside properties to avoid problems similar to that of the Manoa eastern hillside.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2973, 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. 2973, S.D. 2, H.D. 2.

Signed by all members of the Committee.

SCRep. 1132-88 Finance on S.B. No. 3175

The purpose of this bill is to provide the Director of Finance with greater flexibility in the banking of public funds and to improve the rate of return thereon consistent with the safety of such deposits.

Your Committee believes language in the bill which provides that the Director "consider the beneficial effects to the State of using depositories within the State" does not impose a mandatory requirement on the Director to invest the state moneys in local depositories if there are beneficial effects to the State.

Your Committee has amended this bill by adding a provision limiting the amount of moneys which may be deposited in any single depository in the State to not more than 60 per cent of aggregate moneys on deposit and available for deposit in the State treasury. A provision was added to provide that if the yield offered by any one depository in the State is greater than the yield offered by other depositories in the State, then, consistent with the safety and liquidity of such moneys, more than 60 per cent of aggregate moneys on deposit and available for deposit in the State treasury may be deposited in the depository offering the higher yield. This bill was also amended by deleting the word "twice" from Section 38-3(9) to reflect the existing collateral requirements.

Your Committee has added a severability clause to this bill at the request of the Department of Budget and Finance.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 3175, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3175, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1133-88 Finance on S.B. No. 3018

The purpose of this bill is to establish and fund a classification/compensation appeals board for educational officers, and to provide additional benefits for educational officers who are given special assignments that increase their responsibilities.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 3018, S.D. 1, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1134-88 Finance on S.B. No. 3219 (Majority)

The purpose of this bill is to permit bidding in a modified form for the purchase of medical diagnostic and therapeutic equipment for the County/State Hospitals Division of the Department of Health (DOH), subject to approval by the Department of Accounting and General Services (DAGS). This bill further provides that the modified bidding procedure is for a five-year trial period and requires DOH and DAGS to submit reports to the Legislature.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 3219, S.D. 1, H.D. 1, and recommends that it pass Third Reading.

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

SCRep. 1135-88 Finance on S.B. No. 2063

The purpose of this bill is to increase from \$50 to \$1001 the maximum amount of public moneys available from the Hawaii Election Campaign Fund (HECF) to candidates for certain offices, including those of State Senator, State Representative, City Council member, Prosecuting Attorney, and Board of Education member.

Your Committee finds that candidates for public offices have infrequently utilized the HECF, in which over \$1.6 million has accumulated over the years. To increase utilization of the HECF and to encourage compliance with voluntary campaign spending limits, this bill increases the amount of money available to candidates for certain offices during a trial period ending on December 31, 1990.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2063, S.D. 2, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1136-88 Finance on S.B. No. 3264

The purpose of this bill is to finance various capital improvement projects throughout the State.

Each session, the Legislature passes a capital improvement projects bill that consists entirely of construction projects selected by individual legislators. The result is that a wide range of worthwhile projects throughout the State are included in the bill. This year, however, your Committee finds that a new, more focused approach is warranted. First of all, your Committee believes that the State can no longer afford the luxury of being caretakers of the present; we must become aggressive and creative shapers of the future. This belief is consistent with the overall theme that the House has committed itself to this session: "Investing in our Future." Secondly, your Committee finds that the State currently is blessed with an extraordinary budget surplus that represents a one-time opportunity that must be seized now if we are to control our future. For these reasons, your Committee has appropriated additional funds to finance important capital improvement projects that are consistent with this overall theme. Recognizing the urgency of this need, your Committee also recommends that many of these projects be financed with cash in the current fiscal year as well as the upcoming fiscal year.

Your Committee believes that education is the fulcrum that will allow us the leverage to lift our islands into the future. If additional resources are available today, our schools must be given priority in the appropriation of those funds. Your Committee also notes that the dreams that will form the fabric of tomorrow's reality will be cut from the cloth sewn in the true imaginariums of our schools--the libraries which open up new worlds of wonder to young readers. Therefore, this bill provides funds in the current fiscal year for the construction and renovation of facilities to improve the learning environment in our schools and to further develop those public and school libraries that are today's centers of the Age of Information.

While efforts are made to improve our primary and secondary schools, the University of Hawaii must be provided with the resources to assume its rightful position at the cutting edge of the knowledge that will usher in the twenty-first century. In the current fiscal year, this bill provides funding for new facilities for the study of architecture, Hawaiian, Asian, and Pacific Studies, and agricultural sciences.

Your Committee also is inspired by the vision of a reawakened Honolulu Waterfront that beckons residents and visitors to a new center of trade, culture, and recreation in the Pacific. To accelerate the time frame for waterfront development, this bill provides funds in the current fiscal year for the Kakaako Community Development District and the Kakaako Waterfront Park. The completion of this phase of the Kakaako redevelopment infrastructure will lay the groundwork for the implementation of the more comprehensive plan for the entire waterfront area which is in the process of development.

Finally, your Committee believes that government must be more responsive so that the future can be shaped by the needs and wishes of our citizens. Therefore, funds in fiscal year 1988 have been provided for pressing needs in public school, highway, and park improvements, or more appropriately, "Community Input Projects." Recommendations for these projects have been submitted by legislators, based on proposals from those who are closest to the specific concerns of their communities.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 3264, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3264, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Cavasso.

SCRep. 1137-88 Finance on S.B. No. 2024

The purpose of this bill is to define a state ocean resources management policy including establishment of a state Ocean Resources Management Program.

The bill also provides for a Hawaii Ocean and Marine Resources Council to advise and assist the Governor and Legislature on the use, development, and management of Hawaii's ocean resources, and the development of a Hawaii Ocean Resources Management Plan.

Your Committee amended this bill to include activities management with resources and to further clarify what interests shall be represented by the five voting council members. Your Committee also amended this bill by replacing the appropriation of \$250,000 with \$1 so that a more accurate amount can be determined at a later date.

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

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2024, 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. 2024, S.D. 1, H.D. 2.

Signed by all members of the Committee.

SCRep. 1138-88 Consumer Protection and Commerce on S.B. No. 2782

The purpose of this bill is to correct technical errors and omissions in the Insurance Code (Acts 347, 348 and 349, Session Laws of Hawaii 1987) and to correct section references to the Insurance Code found in other chapters of the Hawaii Revised Statutes (HRS).

Your Committee has amended this bill to ensure that certain amendments to existing insurance laws made by the Legislature in the 1987 session are not repealed by virtue of the effective date of Act 347, Session Laws of Hawaii, 1987. Your Committee by this amendment does not mean to impart any legislative intent with respect to the lack or existence of any private cause of action under Act 97, Session Laws of Hawaii, 1987. Language in any other committee report addressing that issue is specifically withdrawn. Language in any other bill passed out of your Committee this session is not to be construed to be a statement of intent as to whether or not a private cause of action was created under Act 97, Session Laws of Hawaii, 1987.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 2782, S.D. 1, as amended herein, and recommends that it pass Second Reading, in the form attached hereto as S.B. No. 2782, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Peters.

SCRep. 1139-88 Consumer Protection and Commerce on S.B. No. 2792

The purpose of this bill is to reorganize the section on definitions, replace the term "supervision" of construction with "observation" of construction, delete the requirement for the presence of an officer to constitute a quorum, recodify the section on qualifications, provide for applicants holding both masters and bachelors degrees in engineering or landscape architecture to qualify with one less year of experience, provide for the acceptance of applicants with masters degrees in engineering, provide for the acceptance of applicants who have completed an arts and science curriculum, maintain consistency in language for accepting applicants with masters degrees in architecture by using the same proposed provision for landscape architects, change the qualifying number of years from two to three for architect applicants, provide for the acceptance of applicants who have completed a four-year architectural program, provide for the endorsement of land surveyors, and establish provisions for the filing of a new application after the reinstatement period. The bill also adds a provision to the land surveyor qualifications which would allow for the acceptance of applicants who have completed an arts and science curriculum of four years or more. This bill also has technical changes which have no substantive effect.

Your Committee received testimony from the Board of registration of professional engineers, architects, surveyors and landscape architects in support of this administration bill.

Your Committee has amended this bill to add to the bill provisions to change the exiting law under which certain work on privately owned or controlled structures is exempt from the requirement of an architect's or engineer's seal or stamp. The bill now changes the criteria from a dollar value to an exemption based primarily on square footage. This bill will now deal with the problem that, over a period of time, exempt work has involved smaller and smaller structures due to the effects of inflation. In addition, the bill now specifies the limitation of the structural engineer's responsibility regarding the stamping or sealing of plans.

Your Committee believes that this bill, as amended, considers the health, safety and welfare of the general public and provides fair and just treatment of the design professionals. Your Committee also intends not to require permits for interior design work which does not affect the structural elements of a building.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 2792, S.D. 1, as amended herein, and recommends that it pass Second Reading, in the form attached hereto as S.B. No. 2792, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Peters.

SCRep. 1140-88 Consumer Protection and Commerce on S.B. No. 2362

The purpose of this bill is to provide further incentives to electric utilities to seek the development and use of nonfossil fuel sources of electric energy.

This bill provides a mechanism for interim rate increases to cover the cost of capacity payments to such sources, criteria for such increases, and a provision for public hearings at the discretion of the Public Utilities Commission (PUC).

Under current law and practice, electric utilities are not permitted to recover firm capacity payments actually being made to non-utility energy producers until the electric utility's next rate case. This bill would provide the PUC the discretion to allow the electric utility to recover the firm capacity payments on an interim basis until the electric utility's

next rate case. This interim rate relief would properly compensate the electric utilities and would encourage the development and maintenance of non-fossil fuel sources for the generation of electricity.

Your Committee received testimony favorable to this bill from the Department of Commerce and Consumer Affairs, the Department of Business and Economic Development, the Public Utilities Commission, Hawaiian Electric Company, Hilo Coast Processing Company, United Cane Planters Cooperative and Kauai Electric. The Public Utilities Commission also suggested that the PUC be requested to make a finding that the terms and conditions of the contract between the utility and the nonfossil fuel energy supplier are just and reasonable and that the PUC be able to consider the impact of the increase on customers' bills.

Your Committee agrees with those suggestions and has amended this bill accordingly.

It is the Committee's understanding that capacity costs may be recovered at least in part through rates charged to customers of utility services and therefore that the recovery amount received by a utility fluctuates over time with changes in kilowatthour sales. It is the Committee's intention that the Public Utilities Commission employ appropriate accounting mechanisms and require such periodic rate adjustments as may be needed to ensure that the amount recovered by a utility through its capacity charges to customers does not exceed its actual expenditures.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 2362, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2362, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1141-88 Consumer Protection and Commerce on S.B. No. 2276

The purpose of this bill is to prohibit the sale of milk or milk products which are labeled "Island Fresh" unless they were at least 90% produced in this State.

Your Committee received testimony against this bill from the Board of Agriculture, the Hawaii Food Manufacturers Association, and Arturo's. The Hawaii Milk Marketing Cooperative testified in favor of the bill and Koolau Brewery testified that the bill was better than nothing but should preferably address the problem across the entire food industry rather than identifying a single product.

Your Committee has amended this bill to include raw agricultural commodities which were not 100% produced in this State. Your Committee recognizes that a number of food products processed or manufactured here do contain ingredients which are produced elsewhere. This bill is not intended to affect on those food products.

Your Committee has also amended this bill to allow the use of the term "made in Hawaii" only for products having 51% or greater of their wholesale value added by manufacture, assembly or fabrication within the State.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 2276, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2276, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Peters.

SCRep. 1142-88 Consumer Protection and Commerce on S.B. No. 3037

The purpose of this bill is to require motor vehicle mechanic apprentice/trainees and motor vehicle mechanic helpers to be registered with the Motor Vehicle Repair Industry Board in the Department of Commerce and Consumer Affairs.

The bill also provides that the apprentice or helper must work under the direct supervision of a registered motor vehicle repair dealer or motor vehicle mechanic who shall be responsible for the work done by the apprentice or helper. Additionally, under this bill the Motor Vehicle Repair Industry Board would be required to adopt rules establishing procedures and qualifications for registration of apprentices and helpers.

Your Committee received testimony in opposition to this bill from the Department of Commerce and Consumer Affairs to the effect that more time was needed to identify problem areas in discussions with the industry. Your Committee also received testimony that the present law is unclear as to the supervision of apprentice/trainees and helpers.

In light of these concerns your Committee has amended this bill to eliminate all of the provisions except those requiring supervision of apprentice/trainees and helpers.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 3037, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3037, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Peters.

SCRep. 1143-88 Consumer Protection and Commerce on S.B. No. 2003

The purpose of this bill is to remove Chapter 468K, which regulates travel agencies, from the sunset law schedule.

Your Committee heard testimony from the Department of Commerce and Consumer Affairs to the effect that there are merits to continuing the sunset review schedule for Chapter 468K, Hawaii Revised Statutes. The Department believes that more time is needed to evaluate the effectiveness of the statute in protecting the public, particularly the travel agency recovery fund.

Your Committee agrees and has amended this bill to insert Chapter 468K back into the sunset review schedule with a new repeal date of December 31, 1990.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 2003, as amended herein, and recommends that it pass Second Reading, in the form attached hereto as S.B. No. 2003, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1144-88 Consumer Protection and Commerce on S.B. No. 2801

The purpose of this bill is to establish regulation of the motor vehicle rental industry in Hawaii.

This bill would add a new chapter to license and otherwise regulate the motor vehicle rental industry. The bill would require the filing of annual statements with the Director of Commerce and Consumer Affairs. Rental agreements would also have to be filed with the Director at least thirty days before their effective date. Each rental agreement containing a collision damage waiver shall be written in plain language and shall prominently disclose the terms of the CDW, any restrictions on the CDW printed in large type, a statement of the charge per day and total charge for the term of the agreement, a notice which briefly explains the CDW, and the statement that the CDW is not mandatory.

The bill also requires filing with the Director of CDW rates and supplementary rate information and requires that the rates shall not be excessive or unfairly discriminating and shall be subject to the approval of the Director. The bill would also establish requirements for advertising, oral or written statements, posting and pamphleting of CDW rates, and acknowledgment by the consumer.

The bill would also prohibit deposits or advance charges against the credit card of the consumer for damage to the rental vehicle. Additionally, no payment can be charged for any damage until agreed to or determined by law.

The bill also requires notice and posting of Hawaii's seat belt and drunk driving laws.

The bill prohibits any practices constituting a violation of HRS Chapter 480 and lists per se violations. The bill also provides for civil penalties for violations.

Your Committee heard voluminous testimony on a House bill very similar to this bill, H.B. No. 2036, and on this bill, your Committee received testimony from Car and Truck Renting and Leasing Association and the Department of Commerce and Consumer Affairs. Both of these organizations have engaged in extensive discussion and negotiation since the original hearing before this Committee on this subject matter.

Both the Department and CATRALA testified in favor of this bill if amended to conform with the original House bill, which reflected their discussions and negotiations. Your Committee has so amended this bill.

The amendments to this bill included the elimination of the licensing requirement. Certain definitions were made more specific. The annual statement requirement was eliminated. The provision requiring the Director to approve rental agreements has been eliminated but rental agreements would still be filed with the Director before use. The requirements of rental agreements containing a CDW have been modified. The filing and approval of CDW rates have been eliminated. The requirements for advertising, oral or written statements, posting and pamphleting have been modified, as have the requirements for acknowledgement by the lessee.

Additionally, the amendments to this bill require that the daily and periodic rental cost shall include the amount of each charge, other than the general excise tax, to the consumer which is required as a condition of rental. All additional mandatory charges are prohibited.

The per se violations of section 480-2, Hawaii Revised Statutes, have been modified. An exception to the posting requirement have been granted to commercial leases which prohibits all posting and which is in force on January 1, 1989, the amended effective date of this bill.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 2801, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2801, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Peters, Shito and Jones.

SCRep. 1145-88 Consumer Protection and Commerce and Judiciary on S.B. No. 2788

The purpose of this bill is to strengthen the law on cemeteries.

In general this bill clarifies bonding requirements for cemeteries and pre-need funeral authority licensees; provides for a conditional licensure status in bonding situations; includes cemetery authority licenses with the surrender of a license section; and creates a new section regarding transfer of a license.

Presently under section 441-2(a), HRS, each cemetery or pre-need funeral authority is required to file a bond with the Department of Commerce and Consumer Affairs. However, the subsection does not cover a cemetery authority which can sell property for interment, collect a perpetual care fee which is set aside in trust, and sell pre-need services and merchandise relating to interment. This bill includes cemetery authority within the scope of subsection (a) to ensure that the customer is provided the same form of insurance when purchasing any pre-need services or merchandise.

Presently with the cancellation of a bond the licensee faces immediate suspension and possible termination of its license. This impacts customers directly because the licensee is prohibited from providing the services or merchandise contracted for, even though able to, since the licensee does not have a valid license. Under subsections 441-22(d) and (e) of this bill, a limited and conditional license allows the licensee to honor its contracts with customers, limits further liability until the bond issue is resolved, allows use of the trust moneys to continue operations of the cemetery while still protecting the trust for the customers, and provides time to resolve the bonding issue.

Imposing a fine under subsection 441-22(e) for failure to abide by the terms of a limited and conditional license reinforces to the licensees that while this alternative allows them to remain in business, compliance with the terms shall be abided by for the protection of the customer.

This bill further amends section 441-22, HRS, to add subsection (f) which sets forth a time limit to a limited and conditional license status; adds subsection (g) which sets forth what the licensee is prohibited from doing once the license is terminated and to require notification to the trustee of the license status; and adds subsection (h) which sets forth filing an alternative form of security.

The bill also creates a new section to set forth that a licensee who wishes to transfer the business shall do so by voluntarily surrendering the license and by ensuring that the customers are either refunded their money or that the new entity intending to take over the business meet the standards and requirements of this chapter.

Your Committees have made certain technical, nonsubstantive amendments for the purpose of style and clarity.

Your Committees on Consumer Protection and Commerce and Judiciary are in accord with the intent and purpose of S.B. No. 2788, S.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2788, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representatives Shito and Jones.

SCRep. 1146-88 Consumer Protection and Commerce on S.B. No. 2065

The purpose of this bill is to update Section 26H-4, Hawaii Revised Statutes, which specifies the repeal dates of every regulatory board and commission in the State.

Specifically, this bill will add Chapter 466J relating to the Board of Radiologic Technology and Sections 321-13 to 321-15 relating to midwives, laboratory directors, laboratory technologists, laboratory supervisors, laboratory technicians, tattoo artists, electrologists, and sanitarians to the Hawaii Regulatory Licensing Reform Act. The bill will also extend for one year the repeal dates of every regulatory board and commission that is currently scheduled to be repealed between December 31, 1989 and December 3, 1993. This bill would give the Legislative Auditor authority to evaluate the Board of Radiologic Technology and the other programs, submit an evaluation report to the Legislature prior to the repeal date, and make recommendations for improving policies, procedures, and practices.

Your Committee received testimony favorable to this bill from the Department of Commerce and Consumer Affairs.

Your Committee has amended this bill to include the provisions of S.B. No. 2114 and adjusted the repeal dates to make all of the provisions consistent.

Specifically, this bill will now add Chapter 446 relating to debt adjusters to be repealed effective December 31, 1993. The bill also now adds Sections 445-21 to -38 relating to auctions, Section 445-131 to -136 relating to pawnbrokers, Sections 445-171 to -172 relating to secondhand dealers, and Sections 445-231 to -235 relating to scrap dealers, to be repealed effective December 31, 1993.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 2065, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2065, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Peters.

SCRep. 1147-88 Consumer Protection and Commerce on S.B. No. 2064

The purpose of this bill is to substitute the term "condominium property regime" for "horizontal property regime" throughout the laws of this State. Condominiums are a common and well established means of holding property in Hawaii, and the term is very familiar to the general public. However, the law which authorizes and regulates

condominiums in this State is entitled "Horizontal Property Regimes", a term which is not particularly well-known to the general public.

To the extent possible, legal terms should be modified where feasible to make them consistent with terms and concepts which are generally understood. This is particularly appropriate with regard to the term "horizontal property regime", which is not even defined in the law. Accordingly, your Committee finds that a change in terminology to include the much more commonly understood term "condominium" will not have any undue adverse effects.

It is not the intent of this bill to affect the validity of any pre-existing contracts, mortgages, leases, or other documents which contain the term "horizontal property regime".

This bill would affect the following sections in the HRS: 237-24; 237D-1; 421H-5; 484-3; 514A-1; 514A-3; 514A-6; 514A-16; 514A-20; 514A-21; 514A-45; 514A-83; 514A-84.5; 514A-94; 514E-9; 521-38; 521-52; and 521-71.

Your Committee received supporting testimony from the Department of Commerce and Consumer Affairs, the Hawaii Council of Associations of Apartment Owners, the Hawaii Independent Condo and Coop Owners and the Hawaii Association of Realtors and finds that the term "condominium" is well understood and commonly used among real estate licensees and consumers. Your Committee further finds that the Real Estate Commission regularly uses the term in its communications with the public, real estate licensees, developers, and government agencies, and that the National Conference of Commissioners on Uniform State Laws has adopted the term in its model acts relating to apartment developments.

Your Committee has amended this bill to provide that condominium projects with at least 100 units shall have a nine-member board of directors unless sixty-five percent of the apartment owners vote otherwise. This provision is accomplished through an amendment to Section 514A-82, Hawaii Revised Statutes, and would have prospective application.

Your Committee has also amended this bill to move a clearly procedural provision, being the last sentence of Section 514A-82(a)(13), into subsection (b) of Section 514A-82. Subsection (b) has both prospective and retrospective application. Your Committee has also made amendments to this bill which will produce certain technical, nonsubstantive amendments, to Section 514A-82 HRS, for purposes of style and clarity.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 2064, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2064, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Peters.

SCRep. 1148-88 Consumer Protection and Commerce on S.B. No. 2398

The purpose of this bill is to strengthen the new car warranty law.

Currently, Section 490:2-313.1(b) of the Hawaii Revised Statutes provides that if the motor vehicle does not conform to the express warranty, the manufacturer shall replace the motor vehicle or refund the full purchase price, less a reasonable allowance for the consumer's use of the motor vehicle.

Interpretation of this law has led to arbitrary calculations of the amount of reasonable allowance and is a matter for argument which generally results in favorable outcomes for the manufacturer. This bill provides that the allowance shall be calculated up to the date of the first report of the non-conformity and that taxes (on the purchase price) paid by the consumer shall be included in the calculation of the refund.

Your Committee heard testimony from the Department of Commerce and Consumer Affairs in favor of this bill. The Better Business Bureau testified that certain amendments should be made for clarity. Your Committee has amended the bill to clarify that the refund to the consumer includes costs or charges which might be considered incidental expenses in addition to other amounts specified. To clarify the excise tax results of the refunds provided for in this section, your Committee qualified the term "refunds made" by adding the words "by the manufacturer" since your Committee understands that the manufacturers are the ones, in fact, making the refunds.

Your Committee has also amended this bill to require the director of the department of Commerce and Consumer Affairs to establish and monitor an arbitration program, which is not affiliated with the manufacturer, and which is in substantial compliance with title 16, Code of Federal Regulations, part 203, as modified by Chapter 490. The informal programs presently available through the manufacturer's participation do not all provide the remedies required by the present law. This amendment will also make the arbitration program mandatory for the manufacturer's participation if the consumer agrees to participate and be bound by the arbitration program. This amendment also encourages both parties to refrain from seeking a trial de novo by requiring the award of attorney's fees and costs payable by the party making the demand for trial if that party's position is not improved by twenty-five per cent. This amendment will also provide a mechanism for funding each arbitration through a filing fee to be paid by both the consumer and manufacturer upon initiating a case for arbitration and will further provide for the return of that fee to the prevailing party. The award at arbitration, would not, however, be admissible as evidence in a trial de novo.

Your Committee believes that these amendments will bring Hawaii's "Lemon Law" into conformance with many "second generation" lemon laws throughout the country and will benefit the consumer and manufacturers alike.

Your Committee also amended the effective date of the bill to 90 days after approval.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 2398, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2398, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Peters.

SCRep. 1149-88 Consumer Protection and Commerce on S.B. No. 2253 (Majority)

The purpose of this bill was to require gasoline dealers selling gasoline at any pump whose variator price setting displays price per liter to also post the gallonage price at the top or on the face panel of each pump and separate from any other pump prices.

The bill also authorizes the Director of Measurement Standards to promulgate rules to carry out the purpose of the bill.

Recently, the Department of Agriculture, Division of Measurement Standards, adopted rules requiring that the unit price by which gasoline is sold be displayed through the variator setting (the digital readout of the computer's unit price shown in the lower window of the pump). "Posted" prices, if any, appear in large figures on street signs or the pump island. The Department rules require these signs, if used, shall contain both the gallon and the liter price. This bill would require posting of gallon prices not only on street and island signs, but also on each individual pump which dispenses by the liter. However, the bill quite explicitly refrains from requiring the actual sale of gasoline by the gallon.

Your Committee received testimony from Wallace S. Amioka, representing Aloha Petroleum, Shell Oil, Texaco, and Unocal; Promana Inc.; Lex Brodie; the Chairperson of the Board of Agriculture; and Roy A. Vitousek, representing Chevron U.S.A., and finds that motorists have the right to know how much they are paying for gasoline in terms which will best enable them to make use of such information. In this case, your Committee finds that most motorists are able to understand and get best use of their gasoline dollar if they know the price per gallon.

Your Committee has amended this bill to clarify that in the case where gasoline is sold only by the gallon, the liter price need not also be posted.

While this bill will regulate posting of gallonage prices on every pump and advertisement, your Committee believes that small dealers will be unduly burdened if they are required to recalibrate their variators or replace their pumps in order to show gallonage prices. Your Committee believes that the posting on the pumps could be done by way of sticker or decal on the face of the pump, leaving the variator price in liters.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 2253, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2253, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Peters.
(Representatives Andrews and Yoshimura did not concur.)

SCRep. 1150-88 Consumer Protection and Commerce on S.B. No. 3378

The purpose of this bill is to require insurers to offer coverage for underinsured motor vehicles in motor vehicle insurance policies. Underinsured motorist coverage would then be treated in the same manner that uninsured motorist coverage is presently treated, i.e., to provide protection, through voluntary insurance, for persons who are injured by underinsured motorists whose liability policies are inadequate to pay for personal injuries caused by motor vehicle accidents. This bill has been amended, for convenience and ease of administration, to include the new underinsured motorist coverage provisions in the section dealing with no-fault liability policies. The bill therefore amends Section 431:10c-301 rather than Section 431:10-213 of Act 347, Session Laws of Hawaii, 1987. It should also be pointed out that S.B. 2792, S.B. 1, H.D. 1, which was passed out by your Committee, repeals section 431:10-213, making it improper to amend by this bill in any case.

The bill also requires insurers to offer increased limits of coverage for uninsured and underinsured motor vehicles, equal to the bodily injury liability limits offered and purchased by the insured, up to \$100,000 per person and not less than \$300,000 per accident. Your Committee has deleted this provision in the amended bill and has chosen to maintain present liability limits.

Your Committee received testimony in favor of this bill, but there were concerns expressed that insureds were not being offered underinsured motorist coverage by certain insurers. To alleviate the problem it was suggested that the bill should provide that, unless the named insured rejects the coverage in writing, the additional underinsured motorist coverage will be included in the policy. Your Committee has, accordingly, amended the bill to provide for the written rejection by the insured in the same manner as is presently required for uninsured motorist coverage.

Your Committee has also amended this bill to provide that it shall become effective six months after its enactment.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 3378, S.D. 1, as amended herein and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3378, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

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

SCRep. 1151-88 Consumer Protection and Commerce on S.B. No. 2802

The purpose of this bill is to encourage companies providing essential utility and regulated transport service to Hawaii customers to obtain their services, supplies, and equipment by competitive procurement practices to the greatest extent practicable. Procurements from affiliated interests are to be discouraged unless they are clearly shown to be in furtherance of the interests of the public.

This bill requires any regulated utility company to file a verified copy of any written contract or agreement and a verified summary of any written contract or agreement, with an affiliated interest, together with firm quotations provided by at least two suppliers other than affiliated interests, or a verified statement that quotations could not be obtained without substantial additional expense.

The bill provides that a contract with any affiliated interest shall not be valid or effective unless and until the contract has been received by the Commission. The bill further provides that no affirmative action is required by the Commission.

The bill further provides that for existing contracts or agreements, in any proceeding involving rates or practices of any public utility, any payment or compensation to an affiliated interest may be excluded from the accounts of the public utility unless the public utility establishes the reasonableness of the payment or compensation by clear and convincing evidence.

The bill gives the Commission continuing supervisory control over contracts and agreements, any modifications and amendments, with affiliated interests so far as necessary to protect and promote the public interest. Furthermore every contract or agreement shall be expressly conditioned upon the reserved power of the Commission to take appropriate ratemaking actions in order to protect and promote the public interest. The bill would give the Commission authority to issue a summary order directing the public utility to cease and desist from making any payments or otherwise giving effect to any contract or agreement which has not been received from the Commission's review.

The provisions of this bill would not apply to any transaction of less than \$50,000 but multiple payments under a contract would be added together for the purpose of this limit.

Your Committee received testimony from the Department of Commerce and Consumer Affairs favorable to this bill. The Public Utilities Commission testified that it already had the powers necessary to accomplish the purposes of this bill.

Your Committee also heard testimony from Hawaiian Electric Company and Hawaiian Telephone Company in opposition to this bill. One of the objections raised was that the threshold amount was too low at \$50,000. Your Committee therefore amended this bill by changing this amount to \$300,000.

Your Committee also decided that the "catch all" portions of the definition of "affiliated interests", being paragraphs (6) and (7) on pages two and three were unnecessary and possibly confusing. Your Committee therefore eliminated those provisions.

Your Committee has also substantially rewritten subsection (c) of the bill to provide that additional price quotations need only be provided for capital expenditure contracts. Your Committee understands that service contracts are difficult contracts for which to obtain additional price quotations. Also contracts in existence at the time of a rate proceeding would not be subject to subsequent regulatory review and action as long as the contracts were discoverable and subject to the review of the Commission at the time of the rate proceeding. Your Committee has also added the provision that there shall be no transfer of real property or interest in real property between a public utility and an affiliate without prior approval of the Commission, after a hearing. The public utility must show that the transfer is in the best interest of the public utility and all of its customers.

Your Committee has also amended subsection (f) to provide that the public utility shall have the opportunity to show by clear and convincing evidence that the contract, which had not been received for review by the Commission, is in the best interest of the public utility and all of its customers.

Your Committee has also amended subsection (g) to clarify that limitation, to transactions of \$300,000 or greater, is for a period of a calendar year.

Your Committee has also amended subsection (h) to clarify that this exemption applies to transactions between affiliated Hawaii utilities.

Your Committee has also amended subsection (a) to provide that "affiliated interests" does not include an unending chain of successive ownership of voting securities. Your Committee intends the included chain of successive ownership to only proceed to two levels away from the public utility, for example, of 10% owner of a utility holding company would be covered but not the 10% owner of the 10% owner.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 2802, S.D. 1 as amended herein and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2802, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Peters, Shito and Jones.

The purpose of this bill, as received by your Committee, is to allow collective bargaining agreements to supercede State laws requiring overtime compensation.

Currently, contractors are required to pay laborers and mechanics on State and county public works projects one and one-half the basic hourly wage for work performed on Saturdays, Sundays, holidays, and other overtime. However, this does not provide the flexibility needed for employers to tailor wages to a particular job while insuring fair wages for employees. Therefore, upon further consideration, your Committee has amended this bill by deleting the proposed language and adding language which would require payment of overtime for work performed in excess of forty hours per week.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2273, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2273, S.D. 1, H.D. 1.

Signed by all members of the Committee.

SCRep. 1153-88 Transportation on S.B. No. 3073

The purpose of this bill is to require the Department of Transportation to submit annual written reports to the Legislature.

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

Your Committee finds that the majority of commuters on Oahu travel by automobile, resulting in heavy traffic congestion along the island's major traffic corridors during morning and afternoon peak travel periods. Limits on monetary and natural resources severely restrict the construction of more roadways. A water ferry system connecting Ewa and East Honolulu with the central business district in downtown Honolulu has been found to be a viable alternative to relieving traffic congestion.

Your Committee has amended this bill substantially by deleting section 1 of this bill, which would have required the department to submit annual written reports to the legislature. Your Committee has further amended this bill by adding language that would enable the department to pursue the development of an interisland or intrainland water ferry transportation system.

Your Committee on Transportation is in accord with the intent and purpose of S.B. No. 3073, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3073, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1154-88 Transportation on S.B. No. 2852

The purpose of this bill is to expand the source of funds for the statewide boating program by using revenues from the boating program in addition to general revenue appropriations to pay for the construction of boating facilities.

Under present law, capital improvements for boating facilities including berths, slips, ramps, and related accommodations, may be paid from the boating special fund or from general revenues as authorized by the Legislature. Your Committee finds, however, that general navigation channels, breakwaters, aids to navigation, and other harbor structures are currently funded only through general fund revenues. Your Committee believes that the Department of Transportation should have the option to utilize general revenues or boating special fund revenues to finance general navigation channels, breakwaters, aids to navigation, and other harbor structures. This will give the Department of Transportation the flexibility of constructing boating facilities with fees generated from the boating special fund or from general fund revenues.

Your Committee received testimony in favor of this bill from the State Department of Transportation.

Your Committee finds that the current law which authorizes the impoundment and disposition of vessels does not provide for an administrative hearing for the owner or operator to contest the basis given by the department for the administrative impoundment of the vessel. Lack of an administrative hearing may deprive the owner of full due process of law. Your Committee has therefore amended this bill by adding a section which makes provisions for administrative hearings, thereby providing vessel owners with due process of law.

Your Committee on Transportation is in accord with the intent and purpose of S.B. No. 2852, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2852, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1155-88 Transportation on S.B. No. 2850

The purpose of this bill is to transfer administrative responsibility of the motor vehicle inspection program from the counties to the State Director of Transportation. This bill also gives the department the statutory authority to contract with the counties for the necessary administrative and enforcement services.

Currently, the motor vehicle safety inspection program is administered by the various counties. Because each county council is free to regulate the amount of the fee to be paid for motor vehicle inspections within its county, there exists inequities among the counties over the cost of inspections.

Your Committee received testimony in favor of this bill from the State Department of Transportation, the Department of Finance of the City and County of Honolulu, and the Hawaii Automotive and Retail Gasoline Dealers Association.

Your Committee has amended this bill by deleting motorcycles, motor scooters, and semitrailers and pole trailers having a gross vehicle weight rating of 10,000 pounds or less from Section 1, subsection (b) of this bill.

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

Your Committee on Transportation is in accord with the intent and purpose of S.B. No. 2850, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2850, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1156-88 Transportation on S.B. No. 2842

The purpose of this bill is to encourage compliance with Hawaii's mandatory seatbelt laws by increasing fines for violations set by Section 291-11.6, Hawaii Revised Statutes (HRS) from \$15.00 to \$20.00.

Your Committee recognizes that the use of seatbelts saves lives and would like to encourage more motorists to use them. Your Committee finds that seat belt usage has declined from a statewide high of 72.6 percent to 64.0 percent.

Your Committee received favorable testimony on this bill from the State Department of Transportation, the Honolulu Police Department, and the Hawaii Coalition for Safety Belts.

Your Committee feels that while raising fines from \$15.00 to \$20.00 may encourage many motorists to use seat belts, there will still be motorists who would not feel compelled to comply with the mandatory seat belt use law without further inducement. Your Committee has therefore amended this bill by increasing the fine to \$30.00 for a first violation. For subsequent violations, your Committee has imposed a fine of \$60.00.

Your Committee has also amended this bill by specifying that the provisions of this bill shall apply to any person convicted after its effective date, regardless of when the underlying offense occurred. Your Committee has further amended this bill by deleting section 2.

Your Committee on Transportation is in accord with the intent and purpose of S.B. No. 2842, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2842, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1157-88 Transportation on S.b. No. 2681

The purpose of this bill is to regulate helicopter operations in the State.

Your Committee received testimony on this bill from the State Department of Transportation (DOT); the Planning Department, County of Kauai; the Conservation Council for Hawaii; the State Helicopter and Tour Aircraft Advisory Council; the Hawaii Helicopter Operators Association; and the Sierra Club, Hawaii Chapter.

Your Committee recognizes that any regulation relating to helicopter operations should provide uniform standards throughout the State. Your Committee has amended this bill substantially by requiring the Department of Transportation to adopt a statewide helicopter master plan which shall be formally reviewed every five years.

Your Committee has also amended this bill by specifying that the department shall not make or permit any additions or alterations to helicopter facilities at public airports that are not in conformity with the statewide helicopter master plan.

Your Committee has also amended this bill by establishing an advisory committee within each county for the purpose of advising the director of transportation on matters relating to the statewide helicopter master plan.

Your Committee on Transportation is in accord with the intent and purpose of S.B. No. 2681, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2681, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1158-88 Transportation on S.B. No. 2680

The purpose of this bill is to encourage ridesharing in taxicabs.

Your Committee finds that traffic congestion is a critical problem facing the State. There have been numerous proposals made regarding different methods of alleviating traffic congestion. One strategy that has been suggested entails promoting ridesharing among taxicab passengers.

Your Committee received favorable testimony on this bill from the State Department of Transportation, Hawaii Transportation Association, Charley's Taxi, and the Reason Foundation.

Your Committee has amended the purpose of this bill to authorize the various counties to establish shared ride taxicab service.

Your Committee has also amended this bill by: 1) authorizing the counties to regulate taxicab rates to include, but not be limited to metered and non-metered rates; 2) authorizing the counties to regulate shared taxicab activities by ordinance; and 3) including non-metered taxicabs in the exemptions of Section 271-5, Hawaii Revised Statutes.

Your Committee on Transportation is in accord with the intent and purpose of S.B. No. 2680, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2680, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1159-88 Transportation on S.B. No. 587

The purpose of this bill is to improve the system of bicycle registration and renewal by: 1) requiring bicycles having two tandem wheels that are twenty inches or more in diameter and all mopeds to register on a biennial basis at a cost of \$10; 2) allowing bicycles having two tandem wheels that are twenty inches or less in diameter ("sidewalk bikes") to register without payment of the biennial fee; 3) eliminating the fee for the registration decal; and 4) establishing a charge of \$2 for the issuance of duplicate bicycle and moped tags.

Your Committee received favorable testimony on this bill from the Department of Finance, City and County of Honolulu.

Your Committee finds that the cost of administering the registration of bicycles and mopeds can be reduced by instituting a biennial registration program. Your Committee has therefore amended this bill by decreasing the biennial registration fee to \$6.

Your Committee has also amended this bill to require that owners of sidewalk bikes who want to register such bicycles may do so by paying the biennial fee.

Your Committee has also amended this bill by retaining the fee for the decal, duplicate decal, and the penalty for noncompliance.

Your Committee has further amended this bill by changing the effective date to November 1, 1988.

Your Committee on Transportation is in accord with the intent and purpose of S.B. No. 587, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 587, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1160-88 Transportation and Ocean and Marine Resources on S.B. No. 2840

The purpose of this bill is to give the Department of Transportation the statutory authority to regulate the anchoring, mooring or other placement of houseboats and vessels within the ocean waters and navigable streams of the State outside state harbors. This bill will also authorize the department to charge fees to generate additional revenues to support the additional management and control of these offshore moorings.

Presently, there exists no law which governs the offshore mooring of vessels and houseboats on or within ocean waters and navigable streams outside State harbors. In the interest of boating safety, there must be some mechanism with which to regulate the indiscriminate anchoring and mooring of vessels and houseboats. This bill will provide the department with the statutory authority necessary to remove derelict vessels and houseboats from the waters of the State.

Your Committees received favorable testimony on this bill from the Department of Transportation and a concerned private citizen.

Your Committees have amended this bill to clarify that the anchoring, mooring, or placement of houseboats within State waters shall be regulated by permit.

Your Committees have also amended this bill by excluding pleasure craft or fishing vessels temporarily anchored for a period of less than seventy-two hours from the provisions of this chapter.

Your Committees have further amended this bill to mandate that the anchoring, mooring, or placement of other contrivances shall also be regulated by permit. Language clarifying the definition of contrivance has been added to this bill for enforcement purposes.

Your Committees have further amended this bill to give the department sufficient time to adopt the necessary rules to regulate the anchoring, mooring, or other placement of houseboats and vessels within the ocean waters and navigable streams.

Your Committees have also made a nonsubstantive amendment to this bill for the purpose of form.

Your Committees on Transportation and Ocean and Marine Resources are in accord with the intent and purpose of S.B. No. 2840, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2840, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees.

SCRep. 1161-88 Transportation and Ocean and Marine Resources on S.B. No. 2649

The purpose of this bill is to require the Department of Land and Natural Resources to adopt rules for the regulation of mooring in marine conservation districts.

Your Committees find that mooring in marine conservation districts can have a deleterious effect on marine life.

Your Committees received testimony on this bill from the Department of Land and Natural Resources; members of the Environmental Center, University of Hawaii at Manoa; and a representative of The Ocean Recreation Council of Hawaii.

Your Committees have amended this bill by giving the Department of Land and Natural Resources sole jurisdiction regarding mooring in marine conservation districts.

Your Committees on Transportation and Ocean and Marine Resources are in accord with the intent and purpose of S.B. No. 2649, S.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2649, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees.

SCRep. 1162-88 Transportation and Ocean and Marine Resources on S.B. No. 1265

The purpose of this bill is to: 1) define "parasailing"; 2) require the Department of Transportation to adopt rules designating areas of the waters of the State on or above which persons may engage in parasailing; and 3) to require that no person shall engage in parasailing or operate a motorized vessel towing a person engaged in parasailing on or above waters of the State, except in areas designated by the department.

While parasailing can be an exhilarating, breath-taking experience, your Committees find that without uniform rules governing the use of parasailing equipment, there exists little or no avenue by which to enforce minimum safety requirements.

Your Committees received testimony on this bill from the Department of Transportation.

Your Committees have amended the definition of "parasailing" to make it less constrictive so as not to preclude any methodological or technological innovations which may be applied to this activity in the future.

Your Committees have further amended this bill by requiring all persons engaging in parasailing be fifteen years of age or older.

Your Committees have also amended this bill by making technical, nonsubstantive changes in the interest of clarity.

Your Committees on Transportation and Ocean and Marine Resources are in accord with the intent and purpose of S.B. No. 1265, S.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1265, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees.

SCRep. 1163-88 Transportation and Ocean and Marine Resources on S.B. No. 2848 (Majority)

The purpose of this bill is to reduce the abuse of small boat harbors rules regarding the ownership and transfers of ownership of vessels. This bill proposes to reduce the abuses by providing: 1) that no permittee shall be allowed to moor a leased vessel in a berth excepting corporations or other business entities which have been in continuous commercial operation for a minimum of three years and the terms of the lease are set at fair market value; 2) that a corporation or business entity may transfer its commercial permit or any other permit provided that the corporation or business entity has been in continuous commercial operation for a minimum of three years; and 3) that upon transfer of a commercial permit a fee based upon the passenger carrying capacity of the vessel be paid to the department.

Your Committees received testimony from the Department of Transportation, The Ocean Recreation Council of Hawaii, and a commercial boat operator.

Your Committees have amended this bill by specifying that permittees shall not be allowed to moor leased vessels in berths within state small boat harbors unless the terms of the lease are set at fair market value.

Your Committees have further amended this bill by specifying that the business transfer fee paid by the seller of a corporation or other business entity in possession of a commercial permit or any other permit issued to it by the department shall be equal to the value of the mooring permit.

Your Committees have further amended this bill by reducing the length of time a corporation or business entity need be in continuous commercial operation in order to retain or renew its commercial permit or any other permit issued to it by the department from a minimum of three years to a minimum of one year.

Your Committees on Transportation and Ocean and Marine Resources are in accord with the intent and purpose of S.B. No. 2848, S.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2848, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees.
(Representatives Levin and O'Kieffe did not concur.)

SCRep. 1164-88 Transportation and Intergovernmental Relations on S.B. No. 2644

The purpose of this bill is to give the counties the authority to permit the parking of vehicles on sidewalks in certain geographical areas or on certain highways. This bill also allows the counties to set conditions and time periods under which motor vehicles would be allowed to park on sidewalks. This bill also allows the counties to adopt rules to control use of sidewalk areas to ensure pedestrian safety.

There are many older neighborhoods in the state which were established before present zoning laws went into effect. The streets in these neighborhoods are often narrow, without clearly defined sidewalk areas. The Hawaii Revised Statutes presently define sidewalks as that portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines, intended for the use of pedestrians. Thus, the unimproved shoulder of a roadway would fall under the definition of a sidewalk. Residents of many neighborhoods presently park their vehicles along the unimproved sides of the streets and are often cited by the police for parking on sidewalks.

Your Committees find that present statutes which prohibit parking on sidewalk areas do not take into account those areas with unimproved shoulder areas that are not clearly defined.

Your Committees received favorable testimony on this bill from the Honolulu Police Department and concerned citizens.

Your Committees have amended this bill to allow the Department of Transportation to retain jurisdiction over parking on sidewalks along state highways while giving the counties the authority to regulate by ordinance the parking on sidewalks along county highways.

Your Committees on Transportation and Intergovernmental Relations are in accord with the intent and purpose of S.B. No. 2644, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2644, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees.

SCRep. 1165-88 Transportation and Intergovernmental Relations on S.B. No. 1223

The purpose of this bill is to authorize the issuance of commemorative special license plates to residents of Hawaii who are former prisoners of war, members of the Pearl Harbor Survivors Association, or Medal of Honor Recipients.

Favorable testimony on this bill was received from the Department of Finance, City and County of Honolulu; the Pearl Harbor Survivors Association; and concerned private citizens.

Your Committees have amended this bill substantially. The title of the new section to be added to Chapter 249, Hawaii Revised Statutes (HRS), has been amended to: "Prisoners of war license plates". Your Committees have also amended this bill by requiring the director of finance of each county to offer one set of special commemorative license plates to qualified former prisoners of war, free of charge, to be placed upon a car or truck which is less than 6,500 pounds owned by a former prisoner of war.

This bill has also been amended to set guidelines for the issuance of these special license plates. As amended by your Committees, this bill would allow the transfer of the special license plates to the spouse of a qualified former prisoner of war until such time as the surviving spouse remarries.

This bill has also been amended to set the minimum lettering size of the words "Former Prisoner of War" at 3/4" in height and 3/8" in width.

Your Committees have also amended this bill to stipulate that vehicles which have these special license plates shall be subject to all other provisions of Chapter 249, Hawaii Revised Statutes, except those specifically excluded under the provisions of this bill.

Your Committees have further amended this bill by allowing the director of finance of each respective county to prepare any special forms and adopt rules under Chapter 91 necessary to carry out the purposes of this section. The effective date of this bill has also been amended to allow for the implementation of necessary rules and procedures.

Your Committees on Transportation and Intergovernmental Relations are in accord with the intent and purpose of S.B. No. 1223, S.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1223, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees.

SCRep. 1166-88 Water, Land Use, Development and Hawaiian Affairs on S.B. No. 3229

The purpose of this bill is to remove public trails from the status of public highways, to clarify that public trails are under State jurisdiction unless created by or dedicated to a particular county and to clarify jurisdiction of trails under the Board of Land and Natural Resources.

Your Committee heard favorable testimony from the Department of Land and Natural Resources, from the Kona Old Hawaiian Trails Group and from the Sierra Club.

Your Committee on Water, Land Use, Development and Hawaiian Affairs is in accord with the intent and purpose of S.B. No. 3229, S.D. 1, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee except Representative Pfeil.

SCRep. 1167-88 Consumer Protection and Commerce and Judiciary on S.B. No. 2931

The purpose of this bill is to allow for background checks of prospective security guard employees of condominiums.

This bill would require an applicant to disclose information relating to past psychiatric or psychological problems and unexpunged criminal convictions, if the applicant agrees to the background check. If the applicant agrees, the board of directors of the association of apartment owners or the managing agent of the condominium may verify the criminal history information through the Hawaii Criminal Justice Data Center.

Your Committees received testimony in favor of this bill from the Blue Ribbon Panel, the Condo/Coop Owners Panel and attorney Bruce Dinman. The testimony also suggested that the bill should be amended to indicate that a failure to do the background check and verify it would not, by itself, give rise to liability for the acts and omissions of employees hired. Your Committees have amended this bill accordingly.

Your Committees also received testimony in opposition to this bill from the Department of Health on the basis that the disclosures relating to mental health would have a chilling effect on the willingness of individuals to seek the mental health care they need. Your Committees agree and have eliminated the provisions requiring disclosure of any mental health problems.

Your Committees also received testimony that security guards are not the only employees with access to keys and entry to the units in a condominium. Your Committees have therefore amended this bill to include all condominium employees who have access to keys or entry to the units.

Your Committees on Consumer Protection and Commerce and Judiciary are in accord with the intent and purpose of S.B. No. 2931, S.D. 1, as amended herein, and recommend that it pass Second Reading, in the form attached here to as S.B. No. 2931, S.D. 1, H.D. 1 and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representative Peters.

SCRep. 1168-88 Consumer Protection and Commerce and Judiciary on S.B. No. 2038

The purpose of this bill is to add a new section to the law which gives the liquor commissions broad authority to hire attorneys; allow each county to set the compensation for its liquor commissioner; and repeal: 1) the statutory authority for cabarets to remain open until 4:00 o'clock a.m., notwithstanding liquor commission rules (except for in resort areas, where cabarets will continue to be able to remain open until 4:00 a.m.); 2) the filing fee exemption for various classes of licenses; 3) the nonuniform requirements on the use of county attorneys; and the section on writs of replevin. This bill also moves Section 281-81, Hawaii Revised Statutes, regarding prohibited forms of payment, into Section 281-78(b).

The bill also provides that liquor licenses should not be transferred, except in very limited circumstances.

Your Committee received testimony from the Hawaii Hotel Association that they had no problems with the bill. The HHA also pointed out that, at present, the islands of Hawaii and Maui have no cabarets, and Kauai has two.

Each county uses its own system of land zoning. Therefore, the generic term "resort areas" is used in the bill. For clarification, the areas covered by the generic term are as follows:

1) In the City and County of Honolulu, "resort areas" means: "Hotel Districts" (H-1) as established by Article 7 of Chapter 21 of the Revised Ordinances of Honolulu (1983 edition) (ROH-83) as amended; "Planned Development -Resort" (PD-R) as established by Article 10 of Chapter 21, ROH-83, as amended; and the "Resort Hotel Precincts" and "Resort Commercial Precincts" in the "Waikiki Special Design District" (WSDD) as established by Article 13A of Chapter 21, ROH-83, as amended;

2) In the County of Hawaii, "resort areas" means "Resort-Hotel Districts" established pursuant to Section 25, Article 10 of the Hawaii County Code, as amended;

3) In the County of Kauai, "resort areas" means "Resort Districts" (RR) as established pursuant to Chapter 8, Article 4 of the Revised Code of Ordinances of the County of Kauai, 1976 edition, as amended; and

4) In the County of Maui, "resort areas" means "Resort Commercial District" (B-R) as established pursuant to Chapter 19.22, Maui County Code, as amended.

As these boundaries are expanded or contracted by the respective county, so shall the boundaries of "resort area" be expanded or contracted for purposes of Chapter 281, HRS.

Your Committees received oral testimony from the Liquor Control Administrator of the Liquor Commission of the City and County of Honolulu with respect to the provisions of the bill dealing with transfers. Your Committees have amended this bill by deleting the provisions with respect to transfers as your Committees believe that these provisions unduly interfere with the licensees' businesses and the Committees were not presented with substantial evidence to support such interference.

Your Committees on Consumer Protection and Commerce and Judiciary are in accord with the intent and purpose of S.B. No. 2038, S.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2038, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees.

SCRep. 1169-88 Consumer Protection and Commerce and Judiciary on S.B. No. 3076

The purpose of this bill is to reduce the penal sum of the bond presently required for new car dealers from \$200,000 to \$50,000 and for used car dealers from \$100,000 to \$25,000 and for brokers from \$200,000 to \$10,000.

The present bonding requirements were established by the 1985 Legislature. Previously, they had been set at the amounts which this bill would provide. According to testimony from the Motor Vehicle Industry Board, the bonds were increased to their present limits to protect the consumer from unscrupulous, fraudulent, and deceptive practices which had resulted in consumer losses of approximately \$777,000 in 1984-1985 from just three dealers, two of whom had bonds for \$254,000 and one of whom had a bond of \$10,000.

Your Committees received testimony that all dealers were presently bonded at the currently required levels. Your Committees also received testimony that some of the smaller used motor vehicle dealers were placed at a financial disadvantage by the present high bonding requirements.

Your Committees believe that the present bonding requirements are still necessary to protect the consumer and has thus amended this bill to restore present bonding requirements. However, your Committees have also amended this bill to make the exception, for small used motor vehicle dealers, of seventy-five or fewer vehicles sold per month instead of the present twenty-five.

Your Committees have also made technical non-substantive amendments to this bill for the purpose of style and clarity.

Your Committees on Consumer Protection and Commerce and Judiciary are in accord with the intent and purpose of S.B. No. 3076, S.D. 1, as amended herein, and recommend that it pass Second Reading, in the form attached hereto as S.B. No. 3076, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representative Peters.

SCRep. 1170-88 Judiciary on S.B. No. 2279

The purpose of this bill, as received by your Committee, is to provide that the offense of prostitution is committed by either the offer or the acceptance of an offer to engage in sexual conduct for a fee.

Your Committee has amended the bill by adding a provision requiring that first-time offenders of prostitution be sentenced to mandatory counseling in addition to other penalties. Your Committee finds that such counseling will be beneficial particularly since many prostitutes are known to have substance abuse problems which may, in certain instances, be a major factor in continued prostitution. The other provisions of this bill have been removed.

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

Signed by all members of the Committee.

SCRep. 1171-88 Judiciary on S.B. No. 2722

The purpose of this bill is to amend the deadline for filing nomination papers for a vacant seat on Board of Education whose unexpired term does not end at the next succeeding general election.

Pursuant to Section 12-6, Hawaii Revised Statutes, the nomination filing deadline for a seat on the Board of Education is sixty days prior to the election. However, Section 17-6, Hawaii Revised Statutes, provides that when a vacancy arises thirty days prior to the general election to a seat whose term does not end at the next general election, the Governor makes a temporary appointment, and the position is filled for the balance of the unexpired term at the general election. In this situation, the deadline for filing nomination papers is the thirtieth day prior to the election. This bill will eliminate the deadline discrepancy for filing nomination papers by amending the thirty day deadline to sixty days in Section 17-6. In addition, all other references to thirty days have been changed to sixty days for uniformity.

The Lieutenant Governor and the Board of Education testified in favor of this bill. The Lieutenant Governor indicated that passage of this measure will make this filing deadline consistent with all other filing deadlines, allow more time to have ballots printed, and permit the Lieutenant Governor enough time to honor federal recommendations to mail absentee ballots to voters thirty-five days prior to an election.

Your Committee has amended the bill by inserting the provisions of H.B. No. 2049, which the House passed. The added provisions establish a system of primary and general elections to elect members of the Board of Education, while retaining the nonpartisan character of the elections. This system would reduce the number of candidates in the general election and give the voters a better chance to learn about each candidate's position on educational issues.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2722, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2722, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Peters, Shito, Yoshimura and Jones.

SCRep. 1172-88 Judiciary on S.B. No. 2720

The purpose of this bill is to bring Hawaii law regarding the issue of reapportionment into conformity with federal law.

Accordingly, this bill would amend section 25-2 by deleting language which provides that reapportionment be based on the number of registered voters.

Your Committee is in agreement with recent court findings that the proper basis for reapportionment is the overall population count.

Your Committee received testimony in support of this bill from the Office of the Lieutenant Governor, Common Cause of Hawaii, and the League of Women Voters.

Your Committee has amended the effective date of the bill to provide for the Act to take effect upon the approval by the electorate of the proposed amendment to the Hawaii State Constitution to repeal minimum representation for basic island units and to change the basis used for reapportionment under H.B. No. 3164. The statutory amendments relating to reapportionment and apportionment basis should conform to the constitutional amendments in substance and in the time when they become effective.

Your Committee has made technical, nonsubstantive amendments to the bill to conform it to standard drafting practices.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2720, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2720, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Peters, Shito, Yoshimura and Jones.

SCRep. 1173-88 Judiciary on S.B. No. 2569

The purpose of this bill is to lower the value of money, goods, and services, as the statutory element of the class C felony of credit card fraud, from \$500 to \$300.

Your Committee heard testimony in support of this bill. Testimony indicated that under the bill's provisions, fraudulent use of a credit card to obtain a value exceeding \$300 would constitute a class C felony, which is the same crime charged under law for theft of a value exceeding \$300. Therefore, the bill would establish uniform penalties for the different methods of illegally obtaining money, goods, or service of a value exceeding \$300.

Your Committee has made a technical, nonsubstantive amendment for the purpose of form.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2569, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2569, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1174-88 Judiciary on S.B. No. 2536

The purpose of this bill is to require the court to impanel a special investigative grand jury at the request of the attorney general.

Presently, the Hawaii Revised Statutes contain no reference to the establishment of special investigative grand juries, leaving the impanelling to the discretion of the court. Your Committee recognizes the need to impanel special legislative grand juries at the request of the prosecutorial authority. The courts will retain their judicial authority to review for legality the results of the grand jury's investigation.

Your Committee received testimony from the State Attorney General and prosecutors and police chiefs of the City and County of Honolulu, and the Counties of Kauai, Maui and Hawaii stating that it is inappropriate for the Attorney General to have total discretion in the calling of an investigative grand jury. Your Committee, therefore, amended the bill to add that county prosecutors as well as the attorney general, may request that an investigative grand jury be impanelled.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2536, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2536, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1175-88 Judiciary on S.B. No. 2270

The purpose of this bill is to limit the access to personal records held by the Department of Personnel Services to employee organizations only, prohibit the employee organization from further dissemination of the records accessed, and require notice to the employee whose records are being accessed.

Presently employee organizations are allowed, pursuant to collective bargaining agreements, access to an employee's personal records in order to process or investigate that employee's grievance. This bill's provisions would give employee organizations access to personnel files other than the grievant if such access is relevant to the investigation of any grievance by the employee organization.

Your Committee has amended the bill by adding a provision amending section 92E-13, HRS, to cover access of personal records to an exclusive representative, by request pursuant to a collective bargaining agreement or during negotiations, or as ordered by an arbitrator with jurisdiction to consider a dispute under the terms of a collective bargaining agreement. A provision amending section 92E-13, HRS, more appropriately falls within the subject matter identified by the bill's title. Prior to the latest Senate draft, the bill had originally provided for an amendment to section 92E-13. The bill's provision to add a new section to chapter 89, HRS, has been removed.

Your Committee has also amended the bill by adding the provisions of H.B. No. 2002, H.D. 1, which includes a provision for a Uniform Information Practices Act. This Act would categorize various types of records maintained by governmental agencies and establish standards and criteria for the disclosure of this information to various types of requesting parties while protecting certain individual interests with provisions for certain limits on disclosure of information.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2270, S.D.2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2270, S.D. 2, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1176-88 Judiciary on S.B. No. 2522

The purpose of this bill is to remove the statutory requirement for an owners's duplicate transfer certificate of title to be presented when registering any deed, mortgage, lease, or other voluntary instrument.

Your Committee believes that eliminating the requirement for the owner's duplicate certificate of title will reduce delays and decrease paperwork without adversely affecting the Land Court system.

Your Committee has made certain amendments to the bill which were recommended in the testimony of the Department of Land and Natural Resources. These amendments consisted of deleting Sections 501-137 and 501-221, HRS, which relate primarily to duplicate certificates of title. The bill was also amended by removing the provisions relating to the

requirements of a duplicate certificate of title from Section 501-84, 501-108, 501-218, 501-107, HRS, and by retaining Sections 501-84 and 501-218 as amended. The bill was also amended to the surrender of duplicate certificates.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2522, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2522, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representatives Peters, Shito, Yoshimura and Jones.

SCRep. 1177-88 Judiciary on S.B. No. 3291

The purposes of this bill are to include licensed psychologists among the professionals allowed to provide offender examination services to the Hawaii criminal justice system and to insure that victim-related data can be utilized to establish the defendant's dangerousness when an extended term of imprisonment is considered at sentencing.

Your Committee received testimony in support of the measure from the Hawaii Psychological Association.

Your Committee has amended the bill to correct a drafting error and to make nonsubstantive changes for purposes of style and clarity.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 3291, S.D.1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3291, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1178-88 Judiciary on S.B. No. 2441

The purpose of this bill is to recodify the provisions of the Firearms, Ammunition and Dangerous Weapons Act, Chapter 134, Hawaii Revised Statutes.

Your Committee heard testimony in support of the intent of the bill from the Judiciary, the Police Department of the City and County of Honolulu, and private individuals.

Your Committee amended the bill by substituting its provisions with the content of the House version, H.B. No. 2750. The bill, as amended, makes it clear that dealers are required to register firearms but are not required to have the firearms physically inspected by the Chief of Police. Your Committee retained the provision prohibiting sale of firearms to any person less than 25 years old who has been adjudicated by the family court to have committed a crime of violence or a felony. Your Committee also made technical, nonsubstantive changes for purposes of clarity and style.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2441, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2441, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1179-88 Judiciary on S.B. No. 37

The purpose of this bill, as received by your Committee, is to propose an amendment to the State Constitution to allow recesses to occur at some time or times after bill introduction instead of requiring recess to occur sometime between the twentieth and fortieth days of regular session.

The bill provides that the dates of the mandatory recess will be determined by a concurrent resolution adopted by a majority vote of the members of each house.

Testimony was received in support of this bill from private individuals.

Your Committee has amended this bill by changing the total numbers of days of session recess to six days and by removing the requirement that recess occur after the date by which all bills to be considered in a regular session shall be introduced.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 37, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 37, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1180-88 Judiciary on S.B. No. 2565

The purpose of this bill is to add a new section to Chapter 712, Hawaii Revised Statutes, which makes promoting a controlled substance in, on, or near public or private elementary or secondary schools a Class C felony.

The distribution and use of drugs in and near our schools has been on the increase and is a major concern in our community. This bill will give law enforcement officers the power to conduct investigations of drug dealers who operate in the vicinity of the schools.

Your Committee received testimony in support of this bill from the Attorney General and prosecutors and police chiefs of the City and County of Honolulu and the County's of Kauai, Maui, and Hawaii, the Department of Education and the Department of Health.

Your Committee received testimony that most of the cases brought by the Office of Narcotics Enforcement and currently pending in federal court involve the promotion of controlled substances within the 500-1000 feet range of a school. Your Committee has therefore amended the bill to increase the distance in which promoting of a controlled substance is a Class C felony to within one thousand feet of the schools.

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

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2565, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2565, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1181-88 Judiciary on S.B. No. 2970

The purpose of this bill, as received by your Committee, is to revise and restructure the law pertaining to the abuse of family and household members.

Your Committee heard testimony from various agencies, state and city departments which handle cases of family and household abuse. Testimony provided mixed opinions about the bill and indicated potential problems with specific provisions therein.

Your Committee has amended the bill by substituting its provisions with the content of H.B. No. 2004, H.D. 1, which was passed by the House. The bill, as amended, provides a definition of "abuse" in the Penal Code provision pertaining to family and household abuse. In that Penal Code provision, the bill also changes the evidentiary standard for arrests with or without warrants from "reasonable grounds" to probable cause, the standard mandated by the Hawaii and federal Constitutions. The bill, as amended, also includes a provision instructing the Family Court to establish guidelines for the disposition of criminal cases, including those involving family and household abuse, within its jurisdiction.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2970, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2970, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1182-88 Judiciary on S.B. No. 2021

The purpose of this bill is to propose an amendment to Article XI of the Constitution of the State of Hawaii to add a new section relating to Hawaii's sovereign rights in its exclusive economic zone.

Your Committee has received favorable testimony from the Office of State Planning indicating that the amendment asserts the legal and moral legitimacy of Hawaii's rights and responsibilities to manage its EEZ resources in cooperation with the federal government.

Your Committee has made nonsubstantive, grammatical changes.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2021, S.D. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2021, S.D. 2, H.D. 1.

Signed by all members of the Committee.

SCRep. 1183-88 Judiciary on S.B. No. 2868

The purpose of this bill is to extend the protections from unwanted smoke afforded public employees to those working in organizations receiving state funds under Chapter 42, Hawaii Revised Statutes.

Your Committee finds that organizations receiving purchase of service or grant in aid funds or other state funding are a vital extension of our government service system and that their workers deserve the same considerations as do those working within established government offices.

Your Committee has made a technical, nonsubstantive amendment to the bill for purposes of style and clarity.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2868, 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. 2868, S.D. 1, H.D. 2.

Signed by all members of the Committee.

SCRep. 1184-88 Judiciary on S.B. No. 2869 (Majority)

The purpose of this bill, as received by your Committee, is to prohibit the distribution of free tobacco products and to require private organizations with staffs of more than 10 employees, to adopt a written policy to protect the rights of non-smokers.

The bill also provides for definitions of various tobacco products. These definitions would help to clarify the laws on smoking.

Your Committee has amended the bill by removing the provision requiring private organizations to adopt a written policy to protect the rights of non-smokers.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2869, 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. 2869, S.D. 1, H.D. 2.

Signed by all members of the Committee.
(Representatives Peters, Shito, Yoshimura and Medeiros did not concur.)

SCRep. 1185-88 Judiciary on S.B. No. 3217

The purpose of this bill is to establish criminal penalties for negligent and knowing violations of water pollution control rules, permit conditions, and pretreatment requirements.

Your Committee received testimony in support of this bill from the Department of Health. The Department is currently preparing a redelegation request for the National Pollutant Discharge Elimination System (NPDES) program from the federal Environmental Protection Agency. The NPDES program is a key element and a major source of funds in the State's effort to control water pollution. In order to complete the redelegation request, the State is required to have statutory authority to enforce pretreatment requirements and have criminal penalty requirements which are consistent with the federal Water Quality Act of 1987, Public Law 100-4.

Your Committee has amended the bill by substituting its provisions with the content of the House Version, H.B. No. 3466. The bill, as amended, provides for a schedule of penalties imposed for knowing violations and a schedule of penalties imposed in negligent violations, and therefore, differentiates between negligent and knowing violations.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 3217, 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. 3217, S.D. 1, H.D. 2.

Signed by all members of the Committee.

SCRep. 1186-88 Judiciary on S.B. No. 2336

The purpose of this bill, as received by your Committee, is to direct and authorize the Director of Human Services to implement all provisions of Section 347-13, Hawaii Revised Statutes, and to provide that violation of that section will be a misdemeanor as well as subject to a fine. Section 347-13 sets forth the rights of the physically handicapped to full and equal access to all places and conveyances which are available to the general public.

Your Committee recognizes the significance of the rights of the physically handicapped which are set forth in Section 347-13. Your Committee, however, believes that a civil fine is the appropriate and sufficient sanction for violations of these rights and that generally criminal liability should not be imposed for a regulatory violation unless the violation is based on culpability in its commission. Furthermore, your Committee finds that the implementation of Section 347-13 should be primarily governed by the statute itself, instead of by administrative regulations, and that provisions for implementation should, therefore, be established through the legislative process.

Your Committee has accordingly amended the bill by removing the proposed provision to make a violation of Section 347-13 a misdemeanor and by removing the criminal sanction of imprisonment for such violation. Your Committee has further amended the bill by removing the bill's proposal to have the Director of Human Services establish regulations to implement all provisions of Section 347-13 and has left the original statutory language providing for the Director's rulemaking authority to implement the specific subsection of the statute.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2336, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2336, H.D. 1.

Signed by all members of the Committee.

SCRep. 1187-88 Judiciary on S.B. No. 1541

The purpose of this bill is to establish the statutory provisions governing the donation and recovery of anatomical gifts.

Your Committee heard testimony in support of this bill from the Department of Health, the Healthcare Association of Hawaii, and the Hawaii Lions Eye Bank and Makana Foundation. This bill adopts the provisions of the Uniform Anatomical Gift Act which was drafted by the National Conference of Commissioners on Uniform State Laws. Testimony indicated that the provisions of this bill would facilitate the donation and recovery of organs and tissue for transplantation and would bolster efforts to increase organ and tissue donations, thereby benefitting persons awaiting organ transplants and tissue implants.

Your Committee has amended the bill by amending the definitions of "enucleator" and "technician." The bill was also amended to provide that if a patient responds in the negative, or does not respond, when asked whether he or she is an organ or tissue donor and if the attending physician consents, the designated person shall provide information regarding the option to make or refuse to make an anatomical gift. Your Committee also made technical, nonsubstantive amendments to the bill for purposes of clarity and style.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. S.B. No. 1541, 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. 1541, S.D. 2, H.D. 2.

Signed by all members of the Committee except Representatives Peters, Shito, Yoshimura and Jones.

SCRep. 1188-88 Judiciary on S.B. No. 2579

The purpose of this bill is to mandate restitution to the counties for the cost of blood tests conducted to determine alcoholic content pursuant to section 286-151.

Your Committee finds that the cost of administering blood tests has escalated annually, and that the county police department budgets should be justly compensated by the users of these services rather than the non-users of these services.

Upon further consideration your Committee has amended the bill to provide more flexibility for the courts by making reimbursement discretionary and not mandatory and by substituting the word "reimbursement" for the word "restitution".

Your Committee further finds that drunk driving continues to be a major problem on our highways frequently causing death and injury. In a further effort to help alleviate the problem, your Committee has also amended this bill to add a new chapter establishing regulations and basic standards for certification and use of an ignition interlock system. This system by means of a breath test prevents a person whose blood alcohol is over a specified limit from starting a vehicle.

The bill has also been amended by adding provisions to authorize the court to require a person convicted of driving under the influence of intoxicating liquor to attach an ignition interlock system to the person's car to prevent drunk driving rather than sentencing the person to a mandatory jail term. This amendment is in addition to and not a substitution for the current penalty provision.

Your Committee has also amended this bill by appropriating \$1 or so much thereof as may be necessary to carry out the purposes of this Act.

Your Committee's intention is not to lighten the burden upon those who drive while under the influence of alcohol but rather to treat the underlying cause of the offense.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2579, 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. 2579, S.D. 1, H.D. 2.

Signed by all members of the Committee except Representatives Peters, Shito, Yoshimura and Jones.

SCRep. 1189-88 Labor and Public Employment on S.B. No. 3230

The purpose of this bill is to eliminate the requirement of federal funding in certain temporary projects which exempts personnel from the civil service system. This bill also allows officers and employees assigned to salary ranges 30 and below to be compensated for overtime work.

Section 76-16(12), Hawaii Revised Statutes, provides for the exemption of employees engaged in special, research, or demonstration projects approved by the Governor provided that the projects are federally funded. This bill will remove the requirement of federal funding.

Your Committee received supporting testimony from the State Director of Personnel Services and the Department of Business and Economic Development, and finds that section 76-16(12) was enacted to avoid the special personnel problems associated with temporary projects by enabling the State to hire and terminate the employees of such projects exempt from regular civil service procedures. However, as presently worded, section 76-16(12) covers only federally funded projects and excludes similar or identical State funded projects. Since State funded projects also may be of a special, research, or demonstration nature that are clearly temporary, your Committee finds that coverage of section 76-16(12) should be extended to cover State funded projects. By increasing the salary range for employees excluded from section 80-4, Hawaii Revised Statutes, employees are given incentives for promotions without the possibility of loss overtime wages.

Your Committee has amended the bill to grant permanent employment status for employees in offices which are funded wholly or in part by the Older American Act of 1965, Public Law 89-73.

Under this bill these employees will be converted to permanent status and will not be required to take the civil service examination and shall be entitled to all of the rights, benefits, and privileges (including seniority credit for service in the positions occupied, vacation, and sick leave credits) earned or accrued up to the effective date of this act. This measure is contingent on funds being appropriated for the positions affected.

Your Committee received supporting testimony from various county agencies and finds that the employment of personnel for the care of the elderly has been highly successful. Quoting low employee turnovers, outstanding work attendance and the willingness of employees to provide services beyond the employment requirements.

Upon consideration of the bill and the testimony received, your Committee has amended the bill to extend the provision to include employees who are covered by the Domestic Volunteers Services Act of 1973, Public Law 93-113 and not to limit the coverage to populations of 100,000 - 250,000 but to extend the provision to all counties.

Your Committee on Labor and Public Employment is in accord with the intent and purpose of S.B. 3230, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. 3230, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1190-88 Labor and Public Employment on S.B. No. 2267

The purpose of this bill is to amend Section 89-6 (c), Hawaii Revised Statutes, relating to persons excluded from the public employee collective bargaining.

Your Committee received favorable testimonies from the Department of Personnel Services and HGEA supporting this measure.

Your Committee has amended the bill to exclude secretaries to supervisors who deal with confidential matters affecting employee-employer relations or supervisors who have policy-making responsibilities.

Your Committee on Labor and Public Employment is in accord with the intent and purpose of S.B. No. 2267, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2267, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Jones.

SCRep. 1191-88 Labor and Public Employment on S.B. No. 2819

The purpose of this bill is to combine provisions relating to unlawful suspension, discharge, or discrimination of workers who have suffered injuries which are covered under the Workers' Compensation Law into one chapter for uniformity in enforcement of these laws.

The laws prohibiting unlawful suspension, discharge, or discrimination of workers who are injured on the job are currently being enforced under provisions contained in chapters 378, Hawaii Revised Statutes, on employment practices, which is administered by the enforcement division, and chapter 386, Hawaii Revised Statutes, on workers compensation, which is administered by the disability compensation division. Both divisions are located in the Department of Labor and Industrial Relations.

Your Committee, having heard and considered testimonies in support of the bill, concurs with the combining of the two separate provisions to ensure consistent and uniform application of unlawful suspensions, discharges, or discriminations of workers who are injured on the job.

Your Committee has amended the bill by amending Section 1 of the bill to retain the prohibited practice provisions covered by this bill in chapter 386, Hawaii Revised Statutes, to be administered and enforced by the disability compensation division of the Department of Labor and Industrial Relations. Concurrently, section 3 of the bill was amended to delete the same prohibited practices provisions from chapter 378, Hawaii Revised Statutes.

Your Committee was informed that the enforcement division has a substantial backlog of cases involving prohibited employment practices and that some of the cases have not received the prompt attention that is necessary for effective enforcement of the labor laws, and that it would be more prudent to retain the enforcement of the prohibited practices provisions covered in this bill in the disability compensation division.

Your Committee has also amended Section 3 of the bill to prohibit the listed unlawful employment practices against any employee who has filed a bankruptcy petition. Under current law, the prohibitions is limited to the employee who has filed a Chapter XIII petition in bankruptcy. The amendment extends the prohibition against the employee who files a Chapter VII petition in bankruptcy.

Your Committee on Labor and Public Employment is in accord with the intent and purpose of S.B. No. 2819, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2819, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1192-88 Judiciary and Consumer Protection and Commerce on S.B.No. 2418

The purpose of this bill is to require a recorded release of a mortgage upon full satisfaction of the mortgage and discharge of the related debt and provides for the filing of a court action to obtain such release when requested by any party in interest and not provided within the given time period.

Your Committees heard testimony from the Department of Commerce and Consumer Affairs and the Hawaii League of Savings Institutions. The League's testimony indicated that there may be instances when a mortgagee has a valid reason for believing that a dispute exists about whether a mortgage should be released. In such instances, it would be inappropriate to require the mortgagee to pay the attorney fees and costs incurred in an action to obtain the release of a mortgage.

Your Committees has amended the bill by substituting its provisions with the content of the House version, H.B. No. 2522, H.D. 1, which the House passed. The bill, as amended, omits the awarding of treble damages to the plaintiff of an action to obtain the release of a mortgage. Your Committee has also amended the bill by adding an exception to awarding attorney fees and costs to the plaintiff in an action to obtain the release of a mortgage. This exception is invoked if the court finds that the mortgagee had a reasonable basis in believing that a dispute existed regarding whether the mortgage should have been released.

Your Committees on Judiciary and Consumer Protection and Commerce are in accord with the intent and purpose of S.B. No. 2418, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2418, S.D. 2, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees.

SCRep. 1193-88 Labor and Public Employment and Water, Land Use, Development and Hawaiian Affairs on S.B. No. 3233

The purpose of this bill is to add new definitions for the terms "average number of full-time employees", "full-time employees", and "establishment" to section 209E-2, Hawaii Revised Statutes, which relates to Enterprise Zones. These definitions are intended to emphasize that this program is not intended to benefit those businesses that restructure themselves only for the purpose of enterprise zone eligibility.

Concerns were raised that the definition of "full-time employees" was not clear and might not fulfill the intent of the Legislature to encourage the growth of businesses and economic well-being in areas needing special help from state and county government.

In an effort to address some of these concerns, your Committees have made changes to the definition of "full-time employees". The amended definition conforms with the Department of Labor and Industrial Relations' definition that a "full-time employee" qualify for employee benefits after working twenty hours a week or more each pay period.

Your Committees were informed by representatives of the Department of Business and Economic Development that proposed rules and regulations, which are now in the process of being approved, would further resolve these concerns.

Based on the proposed rules and regulations, once an enterprise zone is approved, those companies wishing to be classified as a "qualified business" would apply with the Department of Business and Economic Development and state, among other things, the number of employees and number of hours those employees worked. This occurs during the base year.

During the qualifying year, the companies would have to state again the number of employees and hours those employees worked, to determine whether they qualify for tax incentives provided in chapter 209E. If the "qualified business" increased the average number of full-time employees employed by at least ten per cent over the base year, then it would qualify for tax incentives.

Your Committees were reassured by the Department that the proposed rules and regulations would ensure that these companies would not manipulate the work hours of their employees to obtain tax breaks.

Your Committees have also made the following amendments to this bill:

1. The word "algebraic" has been deleted from the definition of "average number of full-time employees".
2. Section 209E-11, Hawaii Revised Statutes, has been amended so that qualified businesses would also be exempt from paying general excise taxes on gross proceeds from all services sold. This clarification ensures that qualified businesses selling services, as well as goods, are exempt from general excise tax.
3. The bill has been amended to take effect upon approval.

Your Committees on Labor and Public Employment and Water, Land Use, Development, and Hawaiian Affairs are in accord with the intent and purpose of S.B. No. 3233, S.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 3233, S.D. 2, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees.

SCRep. 1194-88 Labor and Public Employment and Judiciary on S.B. No. 2451

The purpose of this bill is to give statutory authority to the State and counties to recover from a liable third party all payments paid under Section 79-15, Hawaii Revised Statutes, as a consequence resulting from injuries arising in the performance of duty.

Your Committees received supporting testimony from the State Attorney General, the Department of Personnel Services, the County of Honolulu, the County of Hawaii, and the County of Maui.

Your Committees have amended the bill to allow the State and counties to recover from liable third persons in accordance with Section 386-8, Hawaii Revised Statutes. This enables the State, any county, the employee, or public officer to proceed against such third persons to receive restitution for all payments made under Section 79-15, in accordance with Section 386-8.

Your Committees on Labor and Public Employment and Judiciary are in accord with the intent and purpose of S.B. No. 2451, S.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2451, S.D. 2, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representative Jones.

SCRep. 1195-88 Judiciary and Finance on S.B. No. 2326

The purpose of this bill, as received, is to expand the role of the Statewide Information Service by adding new functions as follows:

- (1) Receiving and mediating complaints concerning denial of access to public records;
- (2) Providing advisory opinions for state agencies concerning privacy and public access;
- (3) Assisting state agencies in drafting rules regarding privacy and public access; and
- (4) Assisting individuals to correct inaccuracies in public records and personal records.

Your Committees have amended this bill:

- (1) To establish a Statewide Fair Access Commission; and
- (2) To create a mechanism whereby the State of Hawaii would become a leader in the field of telecommunications and information technology in the Pacific Basin and throughout the world.

Your Committees have amended the bill by adding provisions to establish a Statewide Fair Access Commission to review governmental accessibility and to explore the various means to ensure that all citizens have the opportunity to effectively participate in the process of government.

The Statewide Fair Access Commission would be a temporary commission, administratively attached to the Office of the Governor. The sum of \$500,000 would be appropriated to the Commission to carry out the purposes of the bill.

Your Committees have also amended the bill to provide for the establishment of the Hawaii Information Network Corporation or Hawaii INC. Hawaii INC, a public corporation attached administratively to the Office of the Governor, would have broad authority to encourage the development and growth of the information industry in Hawaii in accordance with sound business principles and practices and to promote and enable access to public data and other information.

The bill has been amended to provide for the creation of one or more advisory councils by the governing body of Hawaii INC to serve in an advisory capacity to Hawaii INC. To ensure the efficacy of Hawaii INC as a public entity, an evaluation would be made by the Legislature three years after Hawaii INC has been in operation.

Your Committees have also amended the State Plan to include objectives and policies of the information industry and priority guidelines to promote the development of the information industry. The sum of \$9,000,000 has also been appropriated to be expended by Hawaii INC to accomplish the purposes of this bill.

Your Committees on Judiciary and Finance are in accord with the intent and purpose of S.B. No. 2326, S.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2326, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representatives M. Ige, Kanoho, Kawakami, Peters, Shito, Yoshimura and Jones.

SCRep. 1196-88 Labor and Public Employment and Finance on S.B. No. 2818 (Majority)

The purposes of this bill, as received by your Committees, are to (1) establish a new state-controlled reserve account intended to supplement the Unemployment Insurance Trust Fund, (2) create an Employment and Worker Training Fund, and (3) reduce collections to the Unemployment Insurance Trust Fund.

Your Committees have amended this bill to incorporate the provisions of H.B. No. 3420, H.D. 2, which established a Worker Training Trust Fund. Under this bill, part of the employers' contributions, which would otherwise go directly to the federal fund, is retained in a state controlled fund that will help to create a skilled work force in Hawaii without increasing employer taxes. The bill proposes to impose a state employment security fund assessment by reducing employers' unemployment insurance taxes and creating a Worker Training Trust Fund from interest earned on such a state security fund.

Your Committees on Labor and Public Employment and Finance are in accord with the intent and purpose of S.B. No. 2818, S.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2818, S.D. 2, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representatives Cavasso and Jones.
(Representative Marumoto did not concur.)

SCRep. 1197-88 Labor and Public Employment and Judiciary on S.B. No. 2822 (Majority)

The purpose of this bill is to amend Section 383-141, H.R.S., to conform to changes in the Hawaii Penal Code relating to felony and misdemeanor theft.

Under the present law, an individual is charged with a Class C felony if the value of UI benefits obtained fraudulently is \$200 or more. This provision was consistent with the Hawaii Penal Code classification of felony theft until Act 314 (S.L.H. 1986) amended its provisions effective January 1, 1987, such that, to be considered a Class C felony, the value of property or services must exceed \$300.

Your Committees is in agreement that the Hawaii Employment Security Law should be amended to remain uniform with the Hawaii Penal Code which governs criminal offenses. If Section 383-141, H.R.S. is not amended, the existing \$200 standard for UI fraud prosecution would apply to only misdemeanor violations.

Your Committees has amended the bill to retain the penalty as a class C felony if the value of the benefit obtained or increased exceeds \$300.

Your Committees on Labor and Public Employment and Judiciary are in accord with the intent and purpose of S.B. 2822, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. 2822, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representative Jones.
(Representative Marumoto did not concur.)

SCRep. 1198-88 Labor and Public Employment on S.B. No. 574

The purpose of this bill is to require the financial disclosure statements of the State Librarian, Administrative Director and Deputy Director of the Courts, and Administrator and Assistant Administrator of the Office of Hawaiian Affairs to be public records and available for public inspection.

Under current law, the financial disclosure statements of department heads and their deputies are public records and available for public inspection. The positions which are subject to this bill are comparable to department heads or deputies. Thus, your Committee finds that the proposal of this bill is justified on the grounds of consistency and equity in the application of state ethics law.

Your Committee received testimony from the Administrative Director of the Courts and the State Ethics Commission supporting the intent and purpose of this bill. However, the State Ethics Commission suggested the bill be amended to include the Deputy State Librarian, a position that has been recently established and compensated at the level of a department deputy director.

Your Committee has amended this bill based on the recommendation of the State Ethics Commission by making the financial disclosure statements of the Deputy State Librarian public records and available for public inspection.

Your Committee on Labor and Public Employment is in accord with the intent and purpose of S.B. No. 574, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 574, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1199-88 Finance on S.B. No. 2298 (Majority)

The purpose of this bill is to appropriate \$10,000,000 to implement the Hawaii Workers' Compensation State Fund pursuant to chapter 386A.

The Hawaii Workers' Compensation State Fund was created in 1985 as part of a package of major amendments to improve and strengthen Hawaii's workers' compensation laws. The primary purpose of the Fund is to sell workers' compensation insurance at the lowest actuarially responsible price. The Fund is also designed to serve as a model for the workers' compensation insurance industry to determine minimum insurance premium rates, and to be competitive with other private workers' compensation insurance carriers.

The Fund would become operational upon receipt of a special appropriation, which this bill is intended to provide.

The testimony presented to your Committee, in part supported the intent of the bill, while in other instances, raised important matters which your Committee painstakingly considered and corrected with noteworthy amendments to the bill.

In addition to these amendments which are explained in this report, your Committee has amended the amount of the appropriation contained in the bill as received from \$10,000,000 to \$1.00.

With the intention of eliminating what appeared to be an errant interpretation that the State could be implicated or be called upon to provide economic relief for any loss caused by any misfeasance or malfeasance of the state fund, your Committee amended several provisions of the bill which appeared to retain a continuing tie-in with the State, even after its initial creation and start-up funding. These provisions include an amendment to Section 386A-1 to rename the fund from "Hawaii Workers' Compensation State Fund" to "State Compensation Insurance Fund." Additional amendments were made throughout the bill because of the change in the name of the fund.

Other amendments designed to eliminate the interpretation that the State could somehow become a responsible party in the operation of the fund, include amendments to Section 386A-2 to state that the fund shall not be an agency of the State; to redesignate the fund as a "nonprofit independent public corporation"; to delete the phrase "legislative appropriations"; to further redefine the fund's assets to include only those properties and money acquired and earned from premium income and investments; and to state unequivocally that neither the Fund's money nor property is money or property of the State.

An amendment to Section 386A-4 provides that the fund's policyholders will be entitled to elect two of the five directors, after the fund has fully paid the loan made to it by this bill, and the interest that has accrued on the loan. In addition, no director shall be an employee, officer, owner, partner or otherwise similarly affiliated with a labor organization or insurance company doing business in the State.

Section 386A-4(g) was further amended to add the word "independent" before "certified public accountant".

Section 386A-12 was amended to provide that the Fund is to receive a special appropriation to start up the Fund, but no other appropriation from the State.

Two new sections were added to Chapter 386A. The first was to make it clear that the Hawaii Insurance Code, which is designed to regulate and to protect Hawaii's insurance buyers and providers, shall be applicable to the Fund to the same extent and degree as the Code is applicable to other providers of workers' compensation insurance. Your committee believes that the regulatory and protective provisions of the Hawaii insurance code serves as the primary obstacle to the state fund's failing to accomplish its exemplary goals.

The other new section provides that private independent insurance agents may sell workers' compensation insurance coverage for the fund in accordance with rules established by the fund.

Your Committee also amended the provision relating to the interest rate to be charged on the State loan by eliminating the reference to preferential treatment, by increasing the rate of interest and by adding a date of reference for determining the rate of interest.

Additionally, the availability of the state loan to the Fund is made conditional upon the establishment of a plan approved by the insurance commissioner to transact workers' compensation insurance in the state.

Upon implementation of the fund, it is your Committee's expressed wish that the fund shall submit annual status reports to the Legislature, not later than twenty days before the convening of the Legislature in regular session, the first such report to be submitted to the Regular Session of the Legislature next following the implementation of the fund.

Your Committee also notes that the fund is to be organized as a nonprofit independent corporation and operate under the same conditions as all other nonprofit corporations. In this connection, the board's explicit responsibility is to set broad policy directions of the fund which are to be implemented by an administrative body with executive authority to carry on the organization's day-to-day operations.

It is your Committee's belief that the original intent of the creation of the Hawaii workers' compensation state fund (now to be called State Compensation Insurance Fund), which was to maintain a viable source of low cost workers' compensation insurance, to serve as a means of determining the minimum cost of providing workers' compensation insurance in Hawaii, and providing a competitive market for workers' compensation insurance, is still significant and worthy of continued pursuit. Your Committee believes that these expressed purposes of Chapter 386A and the protection and regulation implicit in the Hawaii Insurance Code do not intend the establishment of an unregulated monopolistic operation that would be selling workers' compensation insurance policies without competition.

With the amendments made to this bill, your Committee believes that the Fund will be able to operate under ideal competitive conditions and serve to satisfy the legislature's original intent, without endangering the insurance industry and entangling the State in a private enterprise.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2298, 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. 2298, S.D. 1, H.D. 2.

Signed by all members of the Committee except Representative Marumoto.
(Representatives Kanoho, Tajiri, Cavasso and Ribellia did not concur.)

SCRep. 1200-88 Judiciary on S.B. No. 3226

The purpose of this bill is to include natural area reserves among the responsibilities of DLNR for primary wildland fire control and to set up procedures for the temporary appointment of District Fire Wardens.

Your Committee heard testimony from the DLNR and Natural Area Reserves Commission in support of the bill.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 3226, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1201-88 Judiciary on S.B. No. 3248

The purpose of this bill is to establish stringent labeling and quality standards for bottled water to better safeguard public health and protect consumers from deceptively labeled bottled water products.

Your Committee received supporting testimony for the bill from the Department of Health. It states that it enhances their abilities to safeguard the public and protect consumers from deceptively labeled bottled water products.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 3248, S.D. 2, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee except Representative Hagino.

SCRep. 1202-88 Judiciary on S.B. No. 2871

The purpose of this bill is to clarify confidentiality issues surrounding medical information which identifies persons who have been tested for the presence of HIV infection or who may have a condition related to HIV infection. The bill protects the confidentiality of medical records of an HIV infected individual while authorizing the release of sufficient information to third party payors to insure reimbursement of health care providers for services rendered. In addition this bill permits such information to be transmitted from one health care provider to another who is taking over the case or providing initial treatment.

Your Committee received testimony supporting this bill. These testimonies acknowledge the need to protect an individual's right to confidentiality of any HIV testing. They also support the authorization of releasing any medical records to insurance companies or other health care providers in order for the first party health care providers to receive payments and not be burdened with the health care costs. It also allows HIV patients to receive more treatment at another institution. It protects the confidentiality of patients, yet allows for the release of the medical records in certain cases as documented.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2871, S.D. 1, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1203-88 Judiciary on S.B. No. 2448

The purpose of this bill is to give property owners the statutory authority to remove an unauthorized vehicle left after the conspicuous display of a notice posted on the unattended vehicle for a period of 24 hours.

Presently, under the provisions of Section 290-11, Hawaii Revised Statutes, private property owners are not authorized to remove unauthorized vehicles parked on their property unless there is a notice posted on the property which specifically prohibits parking of vehicles on the property without authorization. These notices must also state where the vehicles will be towed and held.

Your Committee received favorable testimony on this bill from the State Department of Transportation and the Department of Finance, City and County of Honolulu, and Hawaii Bankers Association.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2448, S.D. 1, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1204-88 Labor and Public Employment and Judiciary on S.B. No. 2823

The purpose of this bill is to increase penalties in the workers' compensation law to facilitate its compliance.

Your Committees received testimony from the Director of the Department of Labor and Industrial Relations and concurs with his assessment that increased penalties would provide a greater deterrent to avoidance of compliance with the workers' compensation law.

Your Committees on Labor and Public Employment and Judiciary are in accord with the intent and purpose of S.B. 2823, 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 except Representative Jones.

SCRep. 1205-88 Labor and Public Employment on S.B. No. 3168

The purpose of this bill is to transfer the responsibility of reporting the financial status of the Special Unemployment Insurance Administration Fund from the director of finance to the director of labor.

Your Committee is in agreement with the testimony received from the Department of Labor and Industrial Relations and the Department of Budget and Finance. Both agencies agreed that because the Department of Labor and Industrial Relations is currently in charge of financial records relating to the fund, it is more appropriate that the Department of Labor and Industrial Relations' director be responsible for the submission of the fund's yearly financial status report.

Your Committee on Labor and Public Employment is in accord with the intent and purpose of S.B. No. 3168, 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. 1206-88 Labor and Public Employment on S.B. No. 3231

The purpose of this bill is to clarify the law that the Director of Personnel Services may certify veterans whose examination score after the application of the veterans' preference equals or exceeds the examination score of the last eligible certified, rather than the examination score of the fifth certified eligible.

Your Committee heard testimony from the Department of Personnel Services and the State of Hawaii Judiciary in support of the intent of the bill. Testimony indicated that this bill reflects the current practices being followed by the Department of Personnel Services.

Your Committee on Labor and Public Employment is in accord with the intent and purpose of S.B. No. 3231 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1207-88 Labor and Public Employment on S.B. No. 2824

The purpose of this bill is to update language reflecting the evolving duties and responsibilities in the Commission of Employment and Human Resources' statutes.

The bill replaces "annual report" with "employment reports...at least once a year" with reference to the report submitted by the Commission to the Governor and the Legislature. Annual reports are usually descriptive reports of programs and operations whereas the Commission's employment reports contain information, studies, analysis and recommendations in employment and training, manpower, and related socio-economic issues.

The bill also substitutes "an annual comprehensive statewide employment" with "plans and updates as appropriate in conjunction with the Hawaii State Plan." This language provides for the Commission's role in helping to develop the employment functional plan which has been directed to the Department of Labor and Industrial Relations as lead agency.

Your Committee on Labor and Public Employment is in accord with the intent and purpose of S.B. No. 2824, 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. 1208-88 Labor and Public Employment on S.B. No. 2820

The purpose of this bill is to require employers to make, keep, and preserve employment records for all employees.

Under current law, there is no basic employment and earnings record keeping provision. This bill requires that the basic employment records of all employees be made, kept, and preserved, for periods of time as the Director of Labor and Industrial Relations shall prescribe.

Your Committee received supporting testimony from the Director of the Department of Labor and Industrial Relations and finds that presently, record keeping is haphazard or nonexistent with some employers. Employers with outer island or out-of-state payroll departments may not have their records available. These practices make it difficult to conduct full and timely investigations of wage claims. The bill would remedy these problems.

Your Committee also received testimony from the Hawaii Business League. Although this organization supports the intent of the bill, it feared possible adverse effects. Hawaii Business League was concerned that the bill would require owner-officers of corporations to keep time records, and this would unduly hamper their business operating practices.

Your Committee has been assured by the Department of Labor and Industrial Relations that the bill is not intended to affect these individuals. Furthermore, Subsection 388-11 (b), Hawaii Revised Statutes, excludes from the Department's wage claim services any individual employed in a bona fide executive, administrative, or professional capacity or in the capacity of an outside salesman as defined in Section 12-21-6 of the Hawaii Administrative Rules.

Your Committee on Labor and Public Employment is in accord with the intent and purpose of S.B. No. 2820, 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. 1209-88 Labor and Public Employment on S.B. No. 83

The purpose of this bill is to amend Section 297-31.1, Hawaii Revised Statutes, by changing the current teacher Class VII to Class VIII and establishing a new Class VII for person who hold a certificate issued by the Department based upon five acceptable years of college education and sixty additional credits approved by the Department and other requirements as may be established.

Presently, 4,982 teachers are in Class VI, however, due to the expenses involved in getting a Ph.D. degree, it is unlikely that many of these teachers will pursue an advanced degree. S.B. No. 83, S.D. 1 would provide the opportunity and incentive for qualified individuals to further their self improvement thereby becoming better educators for our school system.

Additionally, the bill adds Position VIII and salary range 10 to Section 297-32, to account for new Position VII which will have salary range 9, and amends Section 297-33 to provide that a teacher in Class VI must spend at least one year in Class VI before going on to Class VII.

Your Committee finds that this new Class VII is consistent with state and legislative policies to provide opportunities and incentives for retaining qualified individuals to teach in our public school system.

Your Committee on Labor and Public Employment is in accord with the intent and purpose of S.B. No. 83, 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. 1210-88 Labor and Public Employment on S.B. No. 2821

The purpose of this bill is to facilitate the filing and recording of notices of workers' compensation insurance coverage with the department by utilizing a standard form and by eliminating the insurance carrier/employer's requirements to submit a copy of the contract or the policy of insurance.

Your Committee received testimony from the Director of the Department of Labor and Industrial Relations and concurs with his assessment that the processing and maintenance of workers' compensation insurance notices could be done more efficiently by having the vital information of each policy submitted on a standardized form.

Your Committee on Labor and Public Employment is in accord with the intent and purpose of S.B. No. 2821, 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. 1211-88 Health on S.B. No. 3211

The purpose of this bill is to clarify the ambiguous legal status of patients who have reached the end of their involuntary commitment in a psychiatric facility, or are no longer dangerous to themselves or to society, but who wish to remain in the facility on a voluntary basis. This bill ensures that persons who are entitled to receive notice that the court order is expiring and the patient is being discharged will not receive a misleading notice, as has occurred in the past, but rather one stating that the patient has signed in voluntarily (if this is the case).

Your Committee finds that this bill provides the opportunity for the court to accept voluntary commitment as an alternative resolution to commitment status rather than being limited to discharge as the sole means of terminating

involuntary status, as it presently the case. The Notice of Intent to Discharge section of the bill should remedy the current situation wherein the patient's family receives a confusing "notice of intent to discharge" even when both the patient and his family agree that continued hospitalization is the best course of action and the patient has already signed himself in voluntarily. This bill should ensure that the notification explains that the patient has voluntarily agreed to further hospitalization (if this is the case). Your Committee urges the Department of Health to incorporate such a notification immediately without waiting for this bill to be enacted. This would be simple to initiate and would serve to clear up any ambiguities for the patients and their families.

Your Committee finds that the approach embodied in this bill returns responsibility for continued hospitalization to the patient which is both consistent with patients' rights and a preferable therapeutic posture for the patient.

Your Committee heard testimony in support of the measure from the Department of Health. The Family Court testified that they take no position on this measure, but your Committee notes that the present draft incorporates clarifying language provided by that body.

Your Committee on Health is in accord with the intent and purpose of S.B. No. 3211, 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. 1212-88 Health on S.B. No. 3216

The purpose of this bill is to exempt public health nurses' case records that do not contain any physician's direct notations from the medical record retention requirement.

Currently, the Public Health Nursing Branch provides services to 35,000 clients, statewide, in its active caseload. Out of this number, there are 15,000 discharges. 10,000 of these records are truly nurses' notations of their findings, care plans, rendered services, client and family's health and social concerns, while 5,000 of these records contain physicians and nurses' notations. The Department of Health has been required to retain about 150,000 discharged client records in the past ten years.

Your Committee received testimony in support of this bill from the Department of Health and the Department of Accounting and General Services as a means of alleviating the massive record storage and expense problem created by the retention requirement.

Your Committee finds that this bill will enhance the Department of Health's record management and storage capability without jeopardizing space that could otherwise be utilized for better purposes.

Your Committee on Health is in accord with the intent and purpose of S.B. No. 3216 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1213-88 Health on S.B. No. 2774

The purpose of this bill is to update Schedules I, II, and III of Hawaii's Controlled Substances law in order to conform the schedules to federal regulations. The bill deletes the substance Alfentanil from Schedule I and places it in Schedule II, and adds Tiletamine/Zolazepam (Telazol) to Schedule III.

The bill also amends Section 329-38(f), Hawaii Revised Statutes, to require practitioners to use both words and figures (alphabetically and numerically) indicating the amount of controlled substance to be dispensed. This would control problems of patients altering prescriptions and obtaining a larger amount of drugs than were actually ordered by the physician.

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

Your Committee on Health is in accord with the intent and purpose of S.B. No. 2774, 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. 1214-88 Human Services on S.B. No. 3221

The purpose of this bill is to amend Section 346-29.5, Hawaii Revised Statutes, by waiving the lien provision for home property lived on by an assistance household.

Current State law requires the Department of Human Services to obtain liens on home property lived on by any person applying for or currently receiving assistance under the Departments' programs. However, federal regulations prohibit such liens based on the principle that families need shelter and should not be required to have their homes attached during periods of temporary dependency on public aid.

Your Committee on Human Services is in accord with the intent and purpose of S.B. No. 3221, 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. 1215-88 Transportation and Ocean and Marine Resources on S.B. No. 2838

The purpose of this bill is to authorize the Director of Transportation to appoint county employees with limited police powers to assist in enforcing safety rules in waters fronting county beach parks.

Current law does not provide enforcement authority for county lifeguards in waters fronting county beach parks. Your Committees feel it is essential that county employees receive these powers in order to enforce existing safety rules to reduce the possibility of injury and to resolve user conflicts. At this time, the limited number of staffing positions of state marine patrol officers does not allow for the degree of enforcement needed on county beaches.

Your Committees received favorable testimony on this bill from the Department of Transportation.

Your Committees on Transportation and Ocean and Marine Resources are in accord with the intent and purpose of S.B. No. 2838 and recommend that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committees.

SCRep. 1216-88 Transportation on S.B. No. 2847

The purpose of this bill is to authorize the Director of Health, rather than the Director of Transportation, to evaluate and approve breath and blood tests to determine the alcoholic content of a person's blood.

Under present law, a test that is approved by the Department of Transportation cannot be used unless it has been approved by the Department of Health pursuant to Title 11, Chapter 111 of the administrative rules, entitled "Testing of Blood, Breath or Other Bodily Substances for Alcohol Concentrations."

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

Your Committee has found that the Department of Transportation does not have the technical expertise to evaluate and approve the instrument or the procedures to be used for blood alcohol testing. The department depends on the evaluation of the National Highway Traffic Safety Administration Conforming Products List to approve blood testing devices, and relies on the Department of Health for approval of blood testing procedures. Transferring authority to approve blood testing devices and procedures from the Department of Transportation to the Department of Health would eliminate the duplication of services within the two departments.

Your Committee on Transportation is in accord with the intent and purpose of S.B. No. 2847 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1217-88 Planning, Energy and Environmental Protection and Intergovernmental Relations on S.B. No. 2738

The purpose of this bill is to encourage planning coordination among government agencies and to involve the federal government in the planning process of the State.

Specifically, this bill proposes to make it a state policy to encourage the development and implementation of joint federal and state initiatives to attract federal programs and projects that will support Hawaii's social, economic, physical, and environmental objectives. The preparing agency for each state functional plan shall consider applicable federal laws, policies, or programs that impact upon the functional plan area. Also, the Governor will be required to invite the chairperson or the designated person from the Federal Executive Board located in the State, and the Commander-in-Chief of the Pacific or the designated person from the Department of Defense, to sit as non-voting ex officio members of the policy council for the State planning process.

Your Committees find that the military and other federal agencies assume a very significant role in the social, economic, physical, and environmental well-being of the State of Hawaii. This bill serves to reinforce the coordination of related activities among Federal, State, and County agencies. It also promotes the implementation of the objectives and policies stipulated in Section 226-9 of the Hawaii State Plan relating to federal expenditures in the State.

Your Committees on Planning, Energy and Environmental Protection and Intergovernmental Relations are in accord with the intent and purpose of S.B. No. 2738, 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 except Representative Takamine.

SCRep. 1218-88 Planning, Energy and Environmental Protection on S.B. No. 2380

The purpose of this bill is to clarify that the natural area reserve (NAR) fund can also be used to implement the purposes of Chapter 195, Hawaii Revised Statutes, and not be restricted only to the heritage program. The bill further mandates that money for the fund may be from public or private sources, and that it is to be set apart in the state treasury exclusively for the natural area reserve fund. The Department of Land and Natural Resources is to submit a detailed report annually to the Governor and Legislature on the fund's financial condition, including receipts and expenditures of the past fiscal year.

Your Committee finds that the present language of Chapter 195 limits the use of the natural area reserve fund to the heritage program, narrowly defined as a natural resource inventory data base of rare plants, animals, and natural ecosystems in the State. This bill broadens the permitted uses to include management needs as well as the identification and establishment of new reserves.

Your Committee further finds that by establishing a clearly separate accounting system for the natural area reserve fund, contributions from private donors will be encouraged.

Your Committee on Planning, Energy and Environmental Protection is in accord with the intent and purpose of S.B. No. 2380, 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. 1219-88 Planning, Energy and Environmental Protection on S.B. No. 3209

The purpose of this bill is to allow any county to promulgate its own laws, ordinances, rules and regulations for the purpose of regulating the design, construction and operation of wastewater systems.

Your Committee finds that there are currently no provisions in the State statutes which allow any county to administer its own laws, ordinances, rules and regulations regarding the design, construction, and operation of sewerage and wastewater treatment facilities.

This bill would allow any county to regulate sewerage and wastewater treatment facilities if the laws of the county provide authority for such regulation and the proposed standards are equal to or more stringent than state standards.

Your Committee finds that this bill will encourage efficient and responsive regulation of sewerage and treatment facilities by local governments and provides safeguards to ensure that state environmental quality standards are maintained.

Your Committee on Planning, Energy and Environmental Protection is in accord with the intent and purpose of S.B. No. 3209 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1220-88 Finance on S.B. No. 3256

The purpose of this bill is to grant permanent civil service status to certain temporary employees in the Child Support Enforcement Agency.

Act 332, Session Laws of Hawaii 1986, created the Child Support Enforcement Agency within the Department of Social Services and Housing and transferred to the Agency, personnel in the Judiciary whose duties related to child support enforcement matters. The Act also provided for the Agency to be transferred from the Department of Social Services and Housing to the Department of the Attorney General on July 1, 1987.

In order to assure continuity of operations during the transition period, Section 25 of Act 332 contained provisions which were intended to grant permanent civil service status to temporary employees employed by the Child Support Enforcement Agency during their move from the Judiciary to the Department of Social Services and Housing and from the Department of Social Services and Housing to the Department of the Attorney General. However, it has been determined that the language contained in Section 25 of Act 332 was insufficient to grant permanent civil service status to the affected employees. This bill will effectuate the intent of Act 332.

Your Committee finds that the employees affected by this bill have rendered valuable services to the Child Support Enforcement Agency during a difficult transition period. Moreover, the experience and training they have received while employed by the Agency are valuable assets which will be lost if they are not retained as permanent employees.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 3256, S.D. 1, and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1221-88 Finance on S.B. No. 2072

The purpose of this bill is to authorize or make appropriations for funds for salary adjustments and other cost items for employees excluded from collective bargaining Unit 5. The salary adjustments are to be effective retroactively to September 1, 1987.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2072 and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1222-88 Finance on S.B. No. 2294

The purpose of this bill is to increase the fee for hunting licenses from \$7.50 to \$10 for residents and United States armed forces members and their families, and from \$15 to \$20 for all other persons except those who are sixty-five years of age or older.

Your Committee finds that hunting license fees have not been adjusted for several years while the costs of managing the State's hunting program have increased steadily. Your Committee believes that in order to provide for improved hunting opportunities and a quality hunting program, the proposed hunting license fee increases are justified.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2294 and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1223-88 Finance on S.B. No. 3163

The purpose of this bill is to amend Section 164-1 of the Hawaii Revised Statutes to add the Department of Health to the state agencies represented on the Governor's Agriculture Coordinating Committee.

The effectiveness and success of the activities of the Governor's Agriculture Coordinating Committee derives from the coordination of the capabilities, expertise, and experience of federal, state, and county agencies.

The Department of Health has specific responsibilities for agricultural products and for other areas upon which agricultural practices may impact. Health issues have become more prominent in the food and agriculture arenas. It is therefore appropriate for the Department of Health to be represented on the Governor's Agriculture Coordinating Committee.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 3163 and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1224-88 Finance on S.B. No. 2759

The purpose of this bill is to transfer the functions and staff of the State Law Enforcement Planning Agency (SLEPA) to the Department of the Attorney General and to dissolve SLEPA.

SLEPA currently administers federal funds received from the Justice Assistance Act, Victims of Crime Act, Drug Law Enforcement Act, and the Western States Information Network as well as state funds appropriated to the Attorney General for the Career Criminal, Victim Assistance, and the Witness Security and Protection programs. It also staffs the Juvenile Justice Interagency Board and the Governor's Committee on Crime, both of which are concerned with the coordination of system agencies.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2759, S.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1225-88 Finance on S.B. No. 2045

The purpose of this bill is to repeal section 235-12.2, Hawaii Revised Statutes, which provides a tax credit for the cost and installation of insulation for hot water heaters and exposed hot water pipes.

To qualify for the credit, the installation must have taken place prior to December 31, 1984. The maximum tax credit is \$30. Although excess credit can be carried over to subsequent years until exhausted, given the 1984 expiration date of applicability, and the small amount of the credit, your Committee finds that it is doubtful that there are any residual amounts presently being carried over. Therefore, your Committee finds it appropriate to repeal this section of the law.

Your Committee received testimony in support of this bill from the Department of Taxation and the Tax Foundation of Hawaii.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2045, S.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1226-88 Finance on S.B. No. 3107

The purpose of this bill is to amend Section 155-15, Hawaii Revised Statutes, by authorizing the Department of Agriculture to assist independent sugar growers with direct loans for crop production expenses.

Your Committee agrees that independent sugar growers are an important component of the sugar industry and of associated communities. Growers of sugar, and particularly those on unirrigated farms, are subject to factors of the weather over which they have no control. While risks are part of farming, there are times when a number of negative factors come into conjunction and special action may be required.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 3107, S.D. 2, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1227-88 Finance on S.B. No. 2184

The purpose of this bill is to allow teachers whose hours are equal to one-half of a full-time equivalent position to be included in collective bargaining unit 5.

Your Committee believes the teachers who are employed at one-half of a full-time equivalent position should be represented by a collective bargaining unit.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2184, S.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1228-88 Finance on S.B. No. 2855

The purpose of this bill is to create a Discoveries and Inventions Revolving Fund.

This bill would require monies appropriated for fiscal year 1988-89 to the University to support innovation and research commercialization and the patenting, copyrighting, licensing, and marketing of discoveries, inventions, and technologies developed at the University to be deposited into the revolving fund. All proceeds from commercial exploration of inventions and intellectual property developed at the University would also be deposited into the fund.

Your Committee finds that the establishment of the Discoveries and Inventions Revolving Fund is an essential ingredient for the overall effectiveness of the University's technology transfer and economic development program.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2855 and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1229-88 Finance on S.B. No. 3030

The purpose of this bill is to merge the pension accumulation fund and the post retirement fund.

Currently, the pension accumulation fund and the post retirement fund are separate. A merger of these funds will allow the Employees' Retirement System to eliminate the dual accounting system presently being used and thereby improve efficiency. Further, a merger of these funds will correct the inequity that exists in that interest from earnings derived from use of employees' contributions to the post retirement fund is not credited to the employees.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 3030, S.D. 2, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1230-88 Finance on S.B. No. 2780

The purpose of this bill is to provide that the Office of Consumer Protection (OCP) shall be awarded reasonable attorney's fees and costs of a suit whenever judgment is entered in favor of the State in any action brought by the OCP under Chapter 480, Hawaii Revised Statutes.

This bill also changes the status of the OCP to that of a division of the Department of Commerce and Consumer Affairs (DCCA), whose executive director would be appointed by the Director of DCCA. The bill provides that the powers,

duties, and compensation of the executive director would be defined and fixed by the Director of the DCCA. In addition, this bill removes the educational function and educational specialist positions from the OCP.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2780, S.D. 2, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1231-88 Health on H.R. No. 74

The purpose of this resolution is to request the Department of Health to conduct a follow-up health study of former irradiator workers due to the accidental release of radioactive material in 1967 at the Hawaii Development Irradiator located at Fort Armstrong in Honolulu.

Your Committee finds that due to the leakage of Cobalt-60 capsules, radioactive contamination was present in work areas of the Hawaii Development Irradiator and on the lawn in front of the building.

Your Committee is concerned about the effects of the radiation exposure on the health of these irradiator workers as any exposure to low level radiation may increase the risk of cancer, leukemia, and birth defects.

Testimony was received in support of this resolution from the Director of the Department of Health who felt that, although undue radiation exposure resulting from the leakage seemed unlikely, a retrospective study may be helpful in addressing these concerns.

Your Committee has amended this resolution by deleting the requirement necessitating a preliminary report in addition to a final report of its findings.

Your Committee on Health concurs with the intent and purpose of H.R. No. 74, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 74, H.D. 2.

Signed by all members of the Committee.

SCRep. 1232-88 Agriculture on H.R. No. 165

The purpose of this resolution is to request the design of a program for the development of a cooperative for the slaughtering, packing and marketing of livestock products on Molokai.

Your Committee received favorable testimony from the Governor's Agriculture Coordinating Committee, the College of Tropical Agriculture and Human Resources, Molokai Grazers Association, Kapualei Ranch, Circle H Ranch, the Board of Agriculture, and concerned Molokai ranchers.

Your Committee finds that the effectiveness of the Governor's Agriculture Coordinating Committee has been due to its comprehensive and systematic approach to the State's agriculture. The Governor's Agriculture Coordinating Committee can usefully apply its systems-analysis approach to the issue of Molokai's livestock industry.

Your Committee also finds that the Governor's Agriculture Coordinating Committee is presently in the process of generating the third analysis and action plan of Hawaii's beef industry, which includes Molokai's beef industry.

Your Committee has amended the resolution to request that the third analysis of Hawaii's beef industry, presently being done by the Governor's Agriculture Coordinating Committee, include the conditions prevailing on Molokai and the impacts of a cooperative and integrated slaughtering, packing, and marketing venture on the livestock industries on Molokai.

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

Signed by all members of the Committee.

SCRep. 1233-88 Agriculture on H.C.R. No. 124

The purpose of this concurrent resolution is to request the design of a program for the development of a cooperative for the slaughtering, packing and marketing of livestock products on Molokai.

Your Committee received favorable testimony from the Governor's Agriculture Coordinating Committee, the College of Tropical Agriculture and Human Resources, Molokai Grazers Association, Kapualei Ranch, Circle H Ranch, the Board of Agriculture, and concerned Molokai ranchers.

Your Committee finds that the effectiveness of the Governor's Agriculture Coordinating Committee has been due to its comprehensive and systematic approach to the State's agriculture. The Governor's Agriculture Coordinating Committee can usefully apply its systems-analysis approach to the issue of Molokai's livestock industry.

Your Committee also finds that the Governor's Agriculture Coordinating Committee is presently in the process of generating the third analysis and action plan of Hawaii's beef industry, which includes Molokai's beef industry.

Your Committee has amended the concurrent resolution to request that the third analysis of Hawaii's beef industry, presently being done by the Governor's Agriculture Coordinating Committee, include the conditions prevailing on Molokai and the impacts of a cooperative and integrated slaughtering, packing, and marketing venture on the livestock industries on Molokai.

Your Committee on Agriculture concurs with the intent and purpose of H.C.R. No. 124, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 124, H.D. 1.

Signed by all members of the Committee.

SCRep. 1234-88 Intergovernmental Relations and Transportation on H.R. No. 143

The purpose of this resolution is to request that the City and County of Honolulu purchase for a nominal fee of \$1.00 the portion of Jarrett White Road currently under private ownership to facilitate traffic improvements providing increased safety for affected individuals residing in the area and pedestrians crossing the road.

Your Committee received testimony from officials of the State Department of Transportation and the Department of Transportation Services of the City and County of Honolulu as well as the area Councilmember and a former district representative. These individuals indicated that it was their understanding that the City and County of Honolulu would not accept transfer of the property in its present condition as the cost of making the requested improvements would be prohibitive. However, the spokesperson for the Department of Transportation Services of the City and County of Honolulu noted that if the State were to accept the transfer of title to the property and make the necessary improvements, such as adding guard rails and erecting a traffic signal, the City and County would thereafter be willing to accept transfer of the property in question.

Accordingly, your Committees have amended the resolution by specifying the State of Hawaii as the intended recipient of the property on which Jarrett White Road is located. Other technical, nonsubstantive amendments to the bill for purposes of style and clarity were also made.

Your Committees on Intergovernmental Relations and Transportation concur with the intent and purpose of H.R. No. 143, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 143, H.D. 1.

Signed by all members of the Committees except Representative Oshiro.

SCRep. 1235-88 Intergovernmental Relations and Transportation on H.C.R. No. 104

The purpose of this resolution is to request that the City and County of Honolulu purchase for a nominal fee of \$1.00 the portion of Jarrett White Road currently under private ownership to facilitate traffic improvements providing increased safety for affected individuals residing in the area and pedestrians crossing the road.

Your Committee received testimony from officials of the State Department of Transportation and the Department of Transportation Services of the City and County of Honolulu as well as the area Councilmember and a former district representative. These individuals indicated that it was their understanding that the City and County of Honolulu would not accept transfer of the property in its present condition as the cost of making the requested improvements would be prohibitive. However, the spokesperson for the Department of Transportation Services of the City and County of Honolulu noted that if the State were to accept the transfer of title to the property and make the necessary improvements, such as adding guard rails and erecting a traffic signal, the City and County would thereafter be willing to accept transfer of the property in question.

Accordingly, your Committees have amended the resolution by specifying the State of Hawaii as the intended recipient of the property on which Jarrett White Road is located. Other technical, nonsubstantive amendments to the bill for purposes of style and clarity were also made.

Your Committees on Intergovernmental Relations and Transportation concur with the intent and purpose of H.C.R. No. 104, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 104, H.D. 1.

Signed by all members of the Committees except Representative Oshiro.

SCRep. 1236-88 Ocean and Marine Resources and Higher Education and the Arts on H.R. No. 121

The purpose of this resolution is to request the Pacific International Center for High Technology Research (PICHTR) to convene a panel of distinguished island representatives to examine the exclusive economic zone needs of American affiliated islands in the Pacific.

Representatives from the Department of Business and Economic Development (DBED) and the Office of State Planning (OSP) submitted testimony in opposition to this resolution. Testimony indicated that though these offices fully support the legitimate role of PICHTR in conducting EEZ-related high technology scientific investigations and research, they are concerned about the resolution's implied role of PICHTR within the framework of overall EEZ planning, coordination and

policy development. The DBED and OSP feel that governmental policy and planning in regard to exclusive economic zone (EEZ) matters is more appropriately handled by the State's current EEZ policy and working committees established by the Governor. These committees include representation from the Office of State Planning, the Departments of Business and Economic Development, Transportation, Land and Natural Resources, the Attorney General, and the Pacific Basin Development Council.

Your Committees have amended the title and resolution to clearly distinguish the different though complementary roles and responsibilities of PICHTR in scientific and high technology research in certain Pacific areas.

Your Committees on Ocean and Marine Resources and Higher Education and the Arts concur with the intent and purpose of H. R. No. 121, as amended herein, and recommend its adoption in the form attached hereto as H. R. No. 121, H.D. 1.

Signed by all members of the Committees.

SCRep. 1237-88 Ocean and Marine Resources and Higher Education and the Arts on H.C.R. No. 87

The purpose of this concurrent resolution is to request the Pacific International Center for High Technology Research (PICHTR) to convene a panel of distinguished island representatives to examine the exclusive economic zone needs of American affiliated islands in the Pacific.

Representatives from the Department of Business and Economic Development (DBED) and the Office of State Planning (OSP) submitted testimony in opposition to this concurrent resolution. Testimony indicated that though these offices fully support the legitimate role of PICHTR in conducting EEZ-related high technology scientific investigations and research, they are concerned about the resolution's implied role of PICHTR within the framework of overall EEZ planning, coordination and policy development. The DBED and OSP feel that governmental policy and planning in regard to exclusive economic zone (EEZ) matters is more appropriately handled by the State's current EEZ policy and working committees established by the governor. These committees include representation from the Office of State Planning, the Departments of Business and Economic Development, Transportation, Land and Natural Resources, the Attorney General and the Pacific Basin Development Council.

Your Committees have amended the title and concurrent resolution to clearly distinguish the different though complementary roles and responsibilities of PICHTR in scientific and high technology research in certain Pacific areas.

Your Committees on Ocean and Marine Resources and Higher Education and the Arts concur with the intent and purpose of H.C.R. No. 87, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 87, H.D. 1.

Signed by all members of the Committees.

SCRep. 1238-88 Ocean and Marine Resources and Intergovernmental Relations on H.R. No. 123

The purpose of this resolution is to request the United States Congress to appropriate funds for the development of technology to allow for the effective utilization of ocean resources.

Your Committees heard testimony from the Department of Business and Economic Development and the Natural Energy Institute of the University of Hawaii in support of this resolution. Testimony indicated that one of the areas needing a great deal of work relative to the Exclusive Economic Zone (EEZ), is in ocean resource technology. In the U.S., the private sector has been slow to develop technology appropriate for long-term EEZ needs. In the past, funds has been allocated by the National Science Foundation for marine science research but virtually nothing for ocean resource technology. Thus, a Federal appropriation is required to spur the development of this technology.

In addition, your Committees have expressed concern over the environmental effects of seabed mining and has amended the language of the resolution to include ocean current measurement equipment to monitor the environmental effects of mining. Also, the Hawaii State Lobbyist was included to receive copies of the resolution.

Your Committees on Ocean and Marine Resources and Intergovernmental Relations concur with the intent and purpose of H.R. No. 123, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 123, H.D. 1.

Signed by all members of the Committees except Representative Jones.

SCRep. 1239-88 Ocean and Marine Resources and Intergovernmental Relations on H.C.R. No. 89

The purpose of this concurrent resolution is to request the United States Congress to appropriate funds for the development of technology to allow for the effective utilization of ocean resources.

Your Committees heard testimony from the Department of Business and Economic Development and the Natural Energy Institute of the University of Hawaii in support of this resolution. Testimony indicated that one of the areas needing a great deal of work relative to the Exclusive Economic Zone (EEZ), is in ocean resource technology. In the U.S., the private sector has been slow to develop technology appropriate for long-term EEZ needs. In the past, funds has been allocated by the National Science Foundation for marine science research but virtually nothing for ocean resource technology. Thus, a Federal appropriation is required to spur the development of this technology.

In addition, your Committees have expressed concern over the environmental effects of seabed mining and has amended the language of the concurrent resolution to include ocean current measurement equipment to monitor the environmental effects of mining. Also, the Hawaii State Lobbyist was included to receive copies of the resolution.

Your Committees on Ocean and Marine Resources and Intergovernmental Relations concur with the intent and purpose of H.C.R. No. 89, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 89, H. D. 1.

Signed by all members of the Committees except Representative Jones.

SCRep. 1240-88 Consumer Protection and Commerce and Health on S.B. No. 2405

The purpose of this bill is to add new sections to Parts I and II of Article 10A of Chapter 431 and a new section to Article I of Chapter 432 of Act 347, Session Laws of Hawaii 1987, providing for health insurance coverage for child health supervision services.

Part I of Article 10A of Chapter 431 of Act 347 provides for individual accident and sickness policies. Part II of Article 10A of Chapter 431 of Act 347 provides for group and blanket disability insurance. Article I of Chapter 432 of Act 347, Sessions Laws of Hawaii 1987, relates to mutual benefit societies.

Your Committees intend the term "all health insurance policies" to include all individual and group accident and sickness insurance policies, individual or group medical service plan contracts, all group or blanket disability policies, and nonprofit mutual benefit associations which provide coverage for the children of the insured.

This bill mandates that the respective insurance policies and contracts shall provide coverage for child health supervision services from the moment of birth through age five years. This bill specifies the schedules for such services as well as the types of services, their limitations, applications and definitions.

Your Committees find that preventive health services for children, as prescribed in this bill, represent an excellent investment in the future health and well-being of Hawaii's children. Such visits, at regularly scheduled intervals, help to prevent future serious and costly health problems. At the same time, they have the potential to pick up more subtle problems such as physical or psychological child abuse or learning disorders. Data available from similar programs in other states indicate that such programs are likely to be cost-effective in the long run and reduce the utilization of other health services.

Your Committees believe that the children of the insured, who are the ones targeted by this bill, deserve access to such services. Although many of these children from birth to two years old are covered, usually for fewer services than prescribed herein, a definite gap group appears to exist for children aged two to five. Despite the relatively low costs for such visits, many of the parents of young children do not have the means to finance treatment for preventive services if they are not reimbursed fully, especially given the high cost of living in Hawaii. In addition, not all young parents may be aware of the benefits of such preventive services and might not avail themselves of them if they had to pay for them out of pocket.

Your Committees received testimony in support of the bill from the Hawaii Public Health Association, Healthy Mothers, Healthy Babies Coalition, Office of Children and Youth, Hawaii Nurses Association, Hawaii Medical Association and Dr. Wallace Matthews. HMSA testified in opposition to the bill.

Your Committees wish to clarify subsection (c) in Sections 1, 2 and 3 of the bill which reads "minimum benefits may be limited to one visit payable to one provider for all of the services provided at each visit cited in this section." This language does not mean that one visit may be substituted for the number of annual visits specifically mandated in the bill, but rather that many or all of the services to be covered (e.g. inoculations, developmental assessment, etc.) may be provided at any single visit.

Your Committees have retained Section 5 of the bill stating that the Act shall take effect upon approval, but wishes to clarify that the services newly mandated by this bill shall not pertain to existing contracts, but rather upon renewal or for new contracts.

Your Committees on Consumer Protection and Commerce and Health are in accord with the intent and purpose of S.B. No. 2405, 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. 1241-88 Consumer Protection and Commerce on S.B. No. 3001

The purpose of this bill is to increase the legal alcohol content permissible in commercially sold confections.

Currently, Section 328-9, Hawaii Revised Statutes (HRS), provides that commercial confections may contain only one-half of one percent of alcohol by volume derived solely from the use of flavoring extract. This provision makes the importation, manufacture and sale of various brands of candies, cakes, cookies and chewing gums illegal under present law.

Until recently, federal law prohibited the interstate shipment of confections containing more than one-half of one percent alcohol by volume. In deference to the federal law, Hawaii and many other states adopted the same restriction. The federal law was repealed with the enactment of Public Law 99-252. Thus, the states can now amend their laws to remove the restriction.

This bill amends Sections 328-9, HRS, by changing the required alcohol content for adulterated food, and also amends Section 281-1, HRS, by amending the definition of "liquor" or "intoxicating liquor."

This bill also provides that:

- (1) The selling of over the counter unlabeled or unpackaged confections containing alcohol in excess of one-half of one percent alcohol by weight would be illegal unless the consumer is notified of that fact by either proper labeling or conspicuous posted signs, conspicuous notices on menus or by advertisements;
- (2) Alcohol enhanced confections will be deemed adulterated only if it contains more than five percent alcohol by weight;
- (3) Alcohol enhanced confections will be deemed misbranded only if they contain more than one-half of one percent alcohol by weight if the fact does not appear on the label for food; and
- (4) A food which is confectionery and contains alcohol of five percent or less by weight after having been manufactured and prepared for market shall not be subject to the punishment provided in Section 281-2, HRS.

Your Committee is sensitive to the concern that liquor enhanced candies may be consumed by minors. However, this is unlikely to become a problem for these practical reasons:

- (1) It takes several alcohol enhanced candies to equal one ounce of alcohol. An individual would probably get sick long before they would get "high" on the alcohol in the product;
- (2) Given the low alcohol content and high price of most alcohol enhanced confections, there is little incentive for minors to misuse this product as a substitute for beverage alcohol; and
- (3) There are a wide variety of food and nonprescription medicinal products, including cold medicines, sleeping pills and mouthwash among others, presently on the market which contain much higher concentrations of alcohol at much lower prices.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 3001, 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. 1242-88 Transportation on H.C.R. No. 223

The purpose of this concurrent resolution is to request the State Department of Transportation to continue the moratorium on the authorization of additional helicopter operations at Port Allen Airport until the Legislature has had sixty days to review revisions to the master plan for facilities and operations at Port Allen Airport.

Your Committee finds that there has been a tremendous increase in the number of helicopters operating from State airports in recent years. The impact of helicopter operations on the health and safety of the public and the environment is of major concern to your Committee.

Your Committee finds that the department currently has a moratorium on authorizations for additional helicopter operations at Port Allen Airport in effect. Your Committee finds that the moratorium is necessary to prevent the proliferation of helicopter operations which may be in conflict with the provisions of the department's forthcoming master plan revisions regarding facilities and operations at Port Allen Airport.

Your Committee received testimony in support of this concurrent resolution from the State Department of Transportation and The Legislative Center.

Your Committee has amended this concurrent resolution by specifying that the moratorium for Port Allen Airport shall apply specifically to parking and revocable permits for helicopter operations.

Your Committee on Transportation concurs with the intent and purpose of H.C.R. No. 223, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 223, H.D. 1.

Signed by all members of the Committee except Representative Horita.

SCRep. 1243-88 Water, Land Use, Development and Hawaiian Affairs on H.R. No. 83

The purpose of this resolution is explained in the title.

Your Committee received testimony in support of this resolution from the Kona Water Catchment Association and informally from the department of land and natural resources.

Your Committee shares the concerns expressed in this testimony. We have amended this resolution to replace all references to "county action" with "the department of land and natural resources," and to ask the department of land and natural resources to study ways in which government can assist in the purchase of large tanks necessary to carry the water supply through summer droughts.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 83, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 83, H.D. 1.

Signed by all members of the Committee.

SCRep. 1244-88 Water, Land Use, Development and Hawaiian Affairs on H.C.R. No. 63

The purpose of this concurrent resolution is explained in the title.

Your Committee received testimony in support of this resolution from the Kona Water Catchment Association and informally from the Department of Land and Natural Resources.

Your Committee shares the concerns expressed in this testimony. We have amended this concurrent resolution to replace all references to "county action" with "the department of land and natural resources," and to ask the Department of Land and Natural Resources to study ways in which government can assist in the purchase of large tanks necessary to carry the water supply through summer droughts.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 63, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 63, H.D. 1.

Signed by all members of the Committee.

SCRep. 1245-88 Planning, Energy and Environmental Protection on H.R. No. 135

The purpose of this resolution is to request the Department of Health to sample and analyze nearshore marine life such as mollusks, crustaceans, seaweed, and fish in areas that are in close proximity to resort developments as part of their routine food testing program; and that such testing shall occur primarily on the neighbor islands.

Your Committee finds that there is a potential problem of pesticides and herbicides that are used in resort maintenance operations seeping into the ocean, and thus entering the food chain. Testimony by the Department of Health supports this finding. Currently the Department of Health, as a matter of internal policy, restricts its testing of locally produced food products to fruits, vegetables, and milk. This resolution would serve to identify potential health risks to local residents who, especially on the neighbor islands, traditionally use fishing grounds that have since become adjacent to resort developments.

Your Committee has amended this resolution by narrowing the requested sampling and analyses to spot sampling and analyses of marine life that are easily accessible on the shoreline such as mollusks and seaweed, in order to meet the Department of Health's recommended estimate of \$15,000 for the promulgation of such a pilot program.

Your Committee on Planning, Energy and Environmental Protection concurs with the intent and purpose of H.R. No. 135, as amended herein, and recommends that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 135, H.D. 1.

Signed by all members of the Committee.

SCRep. 1246-88 Health and Transportation on H.R. No. 112 (Majority)

The purpose of this resolution is to urge the Department of Transportation, the Federal Aviation Administration and all major airlines servicing the State of Hawaii to implement daily smoke free flights between Hawaii and the mainland United States.

Your Committees note that the Federal Government will soon implement a ban on smoking on domestic flights of two hours duration or less. Also of interest, is the courageous decision of Northwest Airlines to prohibit smoking on all of its mainland flights. Your Committees congratulate those policy makers for their action on behalf of public health, but are disappointed that such protections do not yet extend to those on the long flights to and from Hawaii. This resolution is offered, in part, as a request to the airline industry to consider smoke free flights. Your Committees believe that good health is good business.

Your Committees received testimony in support of this resolution from the Department of Health, American Cancer Society, American Lung Association of Hawaii, Hawaii Federation of Physicians & Dentists, and the Hawaii Society for Respiratory Care and find that the dangers of exposure to second-hand smoke have been well documented. Exposure to high concentrations of cigarette smoke can cause severe problems for persons with respiratory problems. Children and pregnant woman face a particularly high potential health risk from second-hand smoke. Long term exposure has been linked to a higher incidence of lung cancer, lung damage and birth defects. The separation of smokers from nonsmokers on airline flights does not eliminate the exposure of passive smoke both drifting and recirculated.

A national study conducted in 39 states, of which Hawaii was a part, by the American Association for Respiratory Care found that 64% of the 33,242 airline passengers surveyed favored a smoking ban on all commercial airline flights. The survey of flyers at 89 airports across the country also found that 74% of those polled were non-smokers. Among the smokers polled, 30% also preferred smoke free flights.

Your Committees have made nonsubstantive technical changes to this resolution to correct typographical errors and for the purposes of clarity and style.

Your Committees on Health and Transportation concur with the intent and purpose of H.R. No. 112, as amended herein, and recommend that it be referred to the Committee on Judiciary, in the form attached hereto as H.R. No. 112, H.D. 1.

Signed by all members of the Committees except Representatives Crozier, Horita, Yoshimura, Hemmings and Marumoto.
(Representatives M. Ige, Peters, Shito, Jones and Ribellia did not concur.)

SCRep. 1247-88 Health and Transportation on H.C.R. No. 75 (Majority)

The purpose of this concurrent resolution is to urge the Department of Transportation, the Federal Aviation Administration and all major airlines servicing the State of Hawaii to implement daily smoke free flights between Hawaii and the mainland United States.

Your Committees note that the Federal Government will soon implement a ban on smoking on domestic flights of two hours duration or less. Also of interest, is the courageous decision of Northwest Airlines to prohibit smoking on all of its mainland flights. Your Committees congratulate those policy makers for their action on behalf of public health, but are disappointed that such protections do not yet extend to those on the long flights to and from Hawaii. This concurrent resolution is offered, in part, as a request to the airline industry to consider smoke free flights. Your Committees believe that good health is good business.

Your Committees received testimony in support of this concurrent resolution from the Department of Health, American Cancer Society, American Lung Association of Hawaii, Hawaii Federation of Physicians & Dentists, and the Hawaii Society for Respiratory Care and find that the dangers of exposure to second-hand smoke have been well documented. Exposure to high concentrations of cigarette smoke can cause severe problems for persons with respiratory problems. Children and pregnant woman face a particularly high potential health risk from second-hand smoke. Long term exposure has been linked to a higher incidence of lung cancer, lung damage and birth defects. The separation of smokers from nonsmokers on airline flights does not eliminate the exposure of passive smoke both drifting and recirculated.

A national study conducted in 39 states, of which Hawaii was a part, by the American Association for Respiratory Care found that 64% of the 33,242 airline passengers surveyed favored a smoking ban on all commercial airline flights. The survey of flyers at 89 airports across the country also found that 74% of those polled were non-smokers. Among the smokers polled, 30% also preferred smoke free flights.

Your Committees have made nonsubstantive technical changes to this concurrent resolution to correct typographical errors and for the purposes of clarity and style.

Your Committees on Health and Transportation concur with the intent and purpose of H.C.R. No. 75, as amended herein, and recommend that it be referred to the Committee on Judiciary, in the form attached hereto as H.C.R. No. 75, H.D. 1.

Signed by all members of the Committees except Representatives Crozier, Horita, Yoshimura, Hemmings and Marumoto.
(Representatives M. Ige, Peters, Shito, Souki, Jones and Ribellia did not concur.)

SCRep. 1248-88 Agriculture on H.R. No. 198

The purpose of this resolution is to request the Department of Agriculture to review inspection procedures to eliminate the introduction of insect pests in Hawaii.

Your Committee finds that the Department of Agriculture is concerned about the recent significant increase in new immigrant insect pests that have become established in Hawaii.

The avenues for insect introduction which the Department of Agriculture would like to strengthen inspection procedures for are:

- (1) First class mail;
- (2) Airport baggage and incoming cargo;
- (3) Military bases;
- (4) Private cargo companies;
- (5) Private yachts and ships;

(6) United Postal Service mail; and

(7) Foreign inspectional areas now under jurisdiction of the U.S. Department of Agriculture.

Your Committee has amended the title of the resolution by deleting the word "eliminate" and replacing it with "minimize."

Your Committee on Agriculture concurs with the intent and purpose of H.R. No. 198, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 198, H.D. 1.

Signed by all members of the Committee.

SCRep. 1249-88 Agriculture on H.C.R. No. 153

The purpose of this concurrent resolution is to request the Department of Agriculture to review inspection procedures to eliminate the introduction of insect pests in Hawaii.

Your Committee finds that the Department of Agriculture is concerned about the recent significant increase in new immigrant insect pests that have become established in Hawaii.

The avenues for insect introduction which the Department of Agriculture would like to strengthen inspection procedures for are:

- (1) First class mail;
- (2) Airport baggage and incoming cargo;
- (3) Military bases;
- (4) Private cargo companies;
- (5) Private yachts and ships;
- (6) United Postal Service mail; and
- (7) Foreign inspectional areas now under jurisdiction of the U.S. Department of Agriculture.

Your Committee has amended the title of the concurrent resolution by deleting the word "eliminate" and replacing it with "minimize."

Your Committee on Agriculture concurs with the intent and purpose of H.C.R. No. 153, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 153, H.D. 1.

Signed by all members of the Committee.

SCRep. 1250-88 Agriculture on H.R. No. 199

The purpose of this Resolution is to develop a control program to prevent the spread of bulbul bird species to the Neighbor Islands and minimize damage to crops caused by bulbuls on Oahu.

Your committee finds that every effort must be made to prevent pests from moving to another island from one where they are established.

Your Committee also finds that public knowledge of the birds that are pests is needed so that individuals do not unwittingly break the law and expose the island's agriculture to a destructive hazard. In 1987, the Governor's Agriculture Coordinating Committee identified mejiros, cardinals, and bulbul birds as pests causing heavy damage under certain conditions.

Your Committee has amended this Resolution to request the Governor's Agriculture Coordinating Committee report on the manner in which the bird-pest problem could be assessed and a control program developed.

Your Committee has further amended this Resolution by making nonsubstantive changes for the sake of clarity.

Your Committee on Agriculture concurs with the intent and purpose of H.R. No. 199, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 199, H.D. 1.

Signed by all members of the Committee.

SCRep. 1251-88 Agriculture on H.C.R. No. 152

The purpose of this Concurrent Resolution is to develop a control program to prevent the spread of bulbul bird species to the Neighbor Islands and minimize damage to crops caused by bulbuls on Oahu.

Your Committee finds that every effort must be made to prevent pests from moving to another island from one where they are established.

Your Committee also finds that public knowledge of the birds that are pests is needed so that individuals do not unwittingly break the law and expose the island's agriculture to a destructive hazard. In 1987, the Governor's Agriculture Coordinating Committee identified mejiros, cardinals, and bulbul birds as pests causing heavy damage under certain conditions.

Your Committee has amended this Concurrent Resolution to request the Governor's Agriculture Coordinating Committee report on the manner in which the bird-pest problem could be assessed and a control program developed.

Your Committee has further amended this Concurrent Resolution by making nonsubstantive changes for the sake of clarity.

Your Committee on Agriculture concurs with the intent and purpose of H.C.R. No. 152, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 152, H.D. 1.

Signed by all members of the Committee.

SCRep. 1252-88 Agriculture and Intergovernmental Relations on S.C.R. No. 4

The purpose of this concurrent resolution is to request the United States Congress to establish a postal inspection program to halt the mailing of parcels containing fruit fly infested fruits, diseased plants and animals, and pests and noxious weeds between Hawaii and other states and countries.

Your Committees find that people in Hawaii often mail fruits to friends and relatives on the United States mainland which, unbeknownst to the senders, are often infested with fruit flies.

Your Committees also find that people often mail diseased plants and animals and plants and animals prohibited entry under Hawaii laws to Hawaii.

Your Committees have amended this concurrent resolution to direct that copies be sent to the President of the United States and to the State's consultant in Washington, D. C.

Your Committees on Agriculture and Intergovernmental Relations concur with the intent and purpose of S.C.R. No. 4, S.D. 1, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 4, S.D. 1, H.D. 1.

Signed by all members of the Committees.

SCRep. 1253-88 Intergovernmental Relations on H.R. No. 191

The purpose of this Resolution is to urge the United States Postal Service to make the final selection of, and provide funds for, a permanent site for the Aiea Post Office as soon as possible.

Your Committee received testimony from the Neighborhood Board #20 in Aiea supporting this Resolution. Your Committee finds that the growth of the Aiea community, which is currently served by a post office designed to handle a much smaller number of postal patrons, requires a much larger facility capable of accommodating the needs of a community of more than 40,000 people. In addition, the design of the new facility should take into consideration the parking needs and traffic flow of the area in which it is situated in order to avoid the hazardous traffic conditions and inadequate parking found at the present post office.

Your Committee has further amended the transmittal clause of this Resolution to include the President of the United States and the Consultant to the State of Hawaii in Washington, D.C.

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

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

Signed by all members of the Committee.

SCRep. 1254-88 Intergovernmental Relations on H.C.R. No. 143

The purpose of this Concurrent Resolution is to urge the United States Postal Service to make the final selection of, and provide funds for, a permanent site for the Aiea Post Office as soon as possible.

Your Committee received testimony from the Neighborhood Board #20 in Aiea supporting this Concurrent Resolution. Your Committee finds that the growth of the Aiea community, which is currently served by a post office designed to handle a much smaller number of postal patrons, requires a much larger facility capable of accommodating the needs of a

community of more than 40,000 people. In addition, the design of the new facility should take into consideration the parking needs and traffic flow of the area in which it is situated in order to avoid the hazardous traffic conditions and inadequate parking found at the present post office.

Your Committee has further amended the transmittal clause of this Concurrent Resolution to include the President of the United States and the Consultant to the State of Hawaii in Washington, D.C.

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

Your Committee on Intergovernmental Relations concurs with the intent and purpose of H.C.R. No. 143, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 143, H.D. 1.

Signed by all members of the Committee.

SCRep. 1255-88 Health on H.R. No. 125

The purpose of this resolution is to request the Department of Health to develop proposed legislation, administrative agency rules, or both, to regulate odors as nuisances.

Your Committee received testimony in strong support of this resolution from the Department of Health and finds that odor is considered an air pollutant, as defined in the Department of Health administrative rules for air pollution. The Department presently handles odor problems through broad powers in the Hawaii Revised Statutes allowing the Director to take actions to abate public health nuisances. However, there are no specific standards or guidelines in which to address these odor nuisance problems.

Your Committee also finds that with the development of geothermal projects emitting hydrogen sulfide and with the number of sewage treatment plants, landfills and industrial areas emitting odors more specific laws or rules are necessary to control odor nuisances.

Your Committee on Health concurs with the intent and purpose of H.R. No. 125, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1256-88 Health on H.C.R. No. 95

The purpose of this resolution is to request the Department of Health to develop proposed legislation, administrative agency rules, or both, to regulate odors as nuisances.

Your Committee received testimony in strong support of this resolution from the Department of Health and finds that odor is considered an air pollutant, as defined in the Department of Health administrative rules for air pollution. The Department presently handles odor problems through broad powers in the Hawaii Revised Statutes allowing the Director to take actions to abate public health nuisances. However, there are no specific standards or guidelines in which to address these odor nuisance problems.

Your Committee also finds that with the development of geothermal projects emitting hydrogen sulfide and with the number of sewage treatment plants, landfills and industrial areas emitting odors more specific laws or rules are necessary to control odor nuisances.

Your Committee on Health concurs with the intent and purpose of H.C.R. No. 95, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1257-88 Planning, Energy and Environmental Protection on H.R. No. 71

The purpose of this resolution is to request that the Governor appoint a commission to develop an action plan for the conservation of endangered plants and animals. It further requests that the commission prepare a report on its findings and recommendations to the 1989 Legislature.

Your Committee finds that natural habitat for Hawaii's endangered plants and wildlife is continually being destroyed by urban sprawl, exotic species, and by natural disasters. It is essential to save these natural habitats in order to perpetuate the existence and heritage of many unique plant and wildlife species in Hawaii.

Your Committee has amended this resolution in that instead of having the Governor appoint a commission to develop an action plan and report to the Legislature, the Department of Land and Natural Resources, in cooperation with the appropriate agencies, is requested to prepare a report to include, but not be limited to:

(1) Current and projected efforts that are being taken to address the issue of the conservation of endangered plant and animal species, including any plans that have been, or are proposed to be, developed.

(2) The potential or actual problems in the implementation of such plans, including recommended solutions.

(3) A definition of the departments, state and private agencies, advisory groups, and individuals who are working towards the preparation and implementation of such plans.

(4) An analysis of the need for additional or long term funding necessary to protect endangered species.

Your Committee on Planning, Energy, and Environmental Protection concurs with the intent and purpose of H.R. No. 71, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 71, H.D. 1.

Signed by all members of the Committee except Representative Pfeil.

SCRep. 1258-88 Planning, Energy and Environmental Protection on H.R. No. 109

The purpose of this resolution is to request the Governor to instruct the various concerned agencies and governmental entities to study the overland transportation facilities and the land corridor necessary for the conveyance of geothermal power to a designated export center.

The intent of this resolution is to encourage broad involvement in the decision making process with regard to the siting of overland transmission systems for geothermal energy.

Substantial efforts have been made by state agencies, counties, and the private developers to examine various overland routes. Your Committee feels that this process should involve the input of the various communities that will be affected by these routes.

Your Committee has amended this resolution by:

1. Clarifying that efforts have been made to examine various overland routes.
2. Designating the Department of Business and Economic Development as the lead agency for the purpose of this resolution and that assistance shall be provided by the Governor's underwater cable advisory board and the Department of Land and Natural Resources.
3. Deleting the requirement that the transport plan clearly specify the land corridor that will be developed.
4. Requesting DBED to present a progress report to the Legislature twenty days prior to the convening of the Regular Session of 1989.

Your Committee on Planning, Energy and Environmental Protection concurs with the intent and purpose of H.R. No. 109, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 109, H.D. 1.

Signed by all members of the Committee.

SCRep. 1259-88 Planning, Energy and Environmental Protection on H.R. No. 63

The purpose of this resolution is to direct the Natural Area Reserves Commission to aggressively implement the comprehensive strategic plan for the State Natural Area Reserves System, and in cooperation with other agencies, to prepare a report on the progress to date for implementation of the plan, including a discussion of potential problems, solutions, additional protective mechanisms, and funding requirements.

Your Committee finds that most of the natural reserve areas are now suffering from serious management problems which threaten to permanently destroy or degrade the resources protected therein. In addition to hastening the implementation of the comprehensive plan, the passage of this resolution will serve to provide a generic overview of the extent of the problems, and will serve to define the funding parameters for any appropriate solutions that the Legislature may seek to undertake in the future.

Your Committee has amended this resolution for the purpose of addressing the problems caused by feral ungulates, such as erosion and watershed contamination, by inserting a new clause, and by requesting the Natural Area Reserves Commission, in cooperation with the Department of Land and Natural Resources, to prepare an analysis of the steps being taken towards the reduction of ungulates within the reserves system, and on near or adjoining private lands.

Your Committee on Planning, Energy and Environmental Protection concurs with the intent and purpose of H.R. No. 63, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 63, H.D. 1.

Signed by all members of the Committee.

SCRep. 1260-88 Planning, Energy and Environmental Protection on H.C.R. No. 60

The purpose of this concurrent resolution is to direct the Natural Area Reserves Commission to aggressively implement the comprehensive strategic plan for the State Natural Area Reserves System, and in cooperation with other agencies, to prepare a report on the progress to date for implementation of the plan, including a discussion of potential problems, solutions, additional protective mechanisms, and funding requirements.

Your Committee finds that most of the natural reserve areas are now suffering from serious management problems which threaten to permanently destroy or degrade the resources protected therein. In addition to hastening the implementation of the comprehensive plan, the passage of this concurrent resolution will serve to provide a generic overview of the extent of the problems, and will serve to define the funding parameters for any appropriate solutions that the Legislature may seek to undertake in the future.

Your Committee has amended this concurrent resolution for the purpose of addressing the problems caused by feral ungulates, such as erosion and watershed contamination, by inserting a new clause, and by requesting the Natural Area Reserves Commission, in cooperation with the Department of Land and Natural Resources, to prepare an analysis of the steps being taken towards the reduction of ungulates within the reserves system, and on near or adjoining private lands.

Your Committee on Planning, Energy and Environmental Protection concurs with the intent and purpose of H.C.R. No. 60, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 60, H.D. 1.

Signed by all members of the Committee.

SCRep. 1261-88 Planning, Energy and Environmental Protection on H.R. No. 61

The purpose of this resolution is to urge the Congress of the United States to amend the federal Coastal Zone Management Act (CZMA) to further specify the federal consistency provision through the passage of H.R. 1876, to urge the United States Secretary of Commerce not to initiate the decertification of the state coastal management programs on the grounds that a state opposes selected offshore oil and gas exploration, and to urge the Congress of the United States to investigate the United States Commerce Department's procedures for evaluating state coastal management programs to ensure that the evaluations are not misused to deprive states of their proper authority under the federal CZMA.

Your Committee finds that the few conflicts that have occurred in Hawaii due to the federal consistency provisions of the CZMA can be attributed to differences in interpreting the provision's terms "directly affecting" and "maximum extent practicable," which are sufficiently ambiguous. Congressional clarification of these two terms appears crucial to avoiding future and unnecessary Federal-state conflicts, and to preserve the integrity of the National Coastal Zone Management Act and the Federally approved State Coastal Zone Management Programs. H.R. 1876, in which Congress proposes to clearly define these terms, should obviate the need for Hawaii to express its support for other state programs, particularly those dealing with oil and gas.

With regard to the issue of decertification, your Committee has amended this resolution to more appropriately urge the Secretary of Commerce not to initiate action against any State for any reason not specifically provided for in the National Coastal Zone Management Act.

Your Committee on Planning, Energy and Environmental Protection concurs with the intent and purpose of H.R. No. 61, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 61, H.D. 1.

Signed by all members of the Committee.

SCRep. 1262-88 Planning, Energy and Environmental Protection and Intergovernmental Relations on H.R. No. 27

The purpose of this resolution is to request the office of state planning (OSP) to report to the House Committee on Planning, Energy, and Environmental Protection on efforts to improve state coordination with the counties for capital improvements projects.

As established by Act 336, 1987 SLH, the OSP is required to review, prioritize, and evaluate capital improvement projects proposed or undertaken by state and county agencies to assure conformity with statewide planning goals and objectives and executive priorities. Through this legislation, it was the intent of the Legislature that better cooperation would be facilitated among state and county agencies with regard to capital improvement project planning.

In order to adequately address this area of concern, the OSP needs to work with the counties to identify county priorities. Testimony presented by the OSP indicated that coordination activities with the counties had not yet begun. Your Committees have therefore amended this resolution by asking the OSP to report back to the legislature before the convening of the 1989 Regular Session.

Your Committees on Planning, Energy and Environmental Protection and Intergovernmental Relations concur with the intent and purpose of H.R. No. 27, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 27, H.D. 1.

Signed by all members of the Committees.

SCRep. 1263-88 Planning, Energy and Environmental Protection and Intergovernmental Relations on H.C.R. No. 24

The purpose of this concurrent resolution is to request the office of state planning (OSP) to report to the House Committee on Planning, Energy, and Environmental Protection on efforts to improve state coordination with the counties for capital improvements projects.

As established by Act 336, 1987 SLH, the OSP is required to review, prioritize, and evaluate capital improvement projects proposed or undertaken by state and county agencies to assure conformity with statewide planning goals and

objectives and executive priorities. Through this legislation, it was the intent of the Legislature that better cooperation would be facilitated among state and county agencies with regard to capital improvement project planning.

In order to adequately address this area of concern, the OSP needs to work with the counties to identify county priorities. Testimony presented by the OSP indicated that coordination activities with the counties had not yet begun. Your Committees have therefore amended this concurrent resolution by asking the OSP to report back to the legislature before the convening of the 1989 Regular Session.

Your Committees on Planning, Energy and Environmental Protection and Intergovernmental Relations concur with the intent and purpose of H.C.R. No. 24, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 24, H.D. 1.

Signed by all members of the Committees.

SCRep. 1264-88 Human Services and Judiciary on H.R. No. 127

The purpose of H.R. No. 127 is to request that a study of alternative sentencing in criminal cases concerning intrafamily child sex offenders be conducted and a resultant report be provided to the legislature prior to next session.

Hawaii's child protective system uses a two-pronged legal attack to address intrafamily child sex abuse. Initially there is a civil legal proceeding intended to protect the child and to help the family resolve its problems. Subsequently, a criminal legal proceeding may be instituted in order to punish the perpetrator in hope of deterring future criminal conduct.

This approach, however, does not work in the best interest of the child-victim or society. The mere potential for criminal action has a very negative impact upon the civil proceedings ability to help the family. For those offenders who deny wrongdoing, treatment is negated and the criminal case is often lost because the child refuses to testify due to a fear of family rejection, guilt, or the possibility of a family financial crisis. The offender often feels vindicated and the family is essentially "given permission" to continue denial of the problem.

Intrafamily child sex abuse intervention and treatment is critical not only for the offenders to be a more productive individual in society, but also for our community's well-being.

Your Committees find that the proposed study represents a potential opportunity to better protect our State's children and our future.

Your Committees have made the following amendments:

(1) Replaced the Department of Corrections with the Legislative Reference Bureau as the agency to conduct the study since it is better suited to carry out this task.

(2) Included the Department of Health and the Prosecuting Attorneys from the neighbor islands as part of the advisory group, which will enhance the group's membership.

Your Committees on Human Services and Judiciary concur with the intent and purpose of H.R. No. 127, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 127 H.D. 1.

Signed by all members of the Committees except Representative Cavasso.

SCRep. 1265-88 Human Services and Judiciary on H.C.R. No. 100

The purpose of H.C.R. No. 100 is to request that a study of alternative sentencing in criminal cases concerning intrafamily child sex offenders be conducted and a resultant report be provided to the legislature prior to next session.

Hawaii's child protective system uses a two-pronged legal attack to address intrafamily child sex abuse. Initially there is a civil legal proceeding intended to protect the child and to help the family resolve its problems. Subsequently, a criminal legal proceeding may be instituted in order to punish the perpetrator in hope of deterring future criminal conduct.

This approach, however, does not work in the best interest of the child-victim or society. The mere potential for criminal action has a very negative impact upon the civil proceedings ability to help the family. For those offenders who deny wrongdoing, treatment is negated and the criminal case is often lost because the child refuses to testify due to a fear of family rejection, guilt, or the possibility of a family financial crisis. The offender often feels vindicated and the family is essentially "given permission" to continue denial of the problem.

Intrafamily child sex abuse intervention and treatment is critical not only for the offender to be a more productive individual in society, but also for our community's well-being.

Your Committees find that the proposed study represents a potential opportunity to better protect our State's children and our future.

Your Committees have made the following amendments:

(1) Replaced the Department of Corrections with the Legislative Reference Bureau as the agency to conduct the study since it is better suited to carry out this task.

(2) Included the Department of Health and the Prosecuting Attorneys from the neighbor islands as part of the advisory group, which will enhance the group's membership.

Your Committees on Human Services and Judiciary concur with the intent and purpose of H.C.R. No. 100, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 100 H.D. 1.

Signed by all members of the Committees except Representative Cavasso.

SCRep. 1266-88 Judiciary on H.C.R. No. 62

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to conduct a study on the gubernatorial powers of item veto and withholding of monetary appropriations.

The balance of power between the executive and legislative branches of government may be adversely affected by the authority of the governor to veto any specific provision or provisions in bills which appropriate money for specific purposes. The issue about the legitimacy of these gubernatorial powers has been raised in a case pending before the state court.

Your Committee has amended the concurrent resolution to include in the requested study an analysis of the effects of these gubernatorial powers on government operations and efficiency and on the balance of power between the executive and legislative branches of government. Your Committee also deleted the provision to include in the requested study a comparison of the veto power of the governors of all fifty states. Testimony from the Department of Budget and Finance had provided information about this comparison.

Your Committee on Judiciary concurs with the intent and purpose of H.C.R. No. 62, as amended herein, and recommends that it be referred to the Committee on Legislative Management, in the form attached hereto as H.C.R. No. 62, H.D. 1.

Signed by all members of the Committee.

SCRep. 1267-88 Judiciary on H.R. No. 182

The purpose of this resolution is to request from the Director of Finance and the Administrative Director of the Courts a report on what steps, if any, they have taken since 1981 to effectuate the provisions of section 42-9(c), Hawaii Revised Statutes.

Section 42-9(c), HRS, provides that the Director of Finance, in the case of the State, and the Administrative Director of the Courts, in the case of the Judiciary, are required to develop procedures and adopt rules pursuant to the Administrative Procedure Act, Chapter 91, HRS, to assist in the monitoring and evaluation of purchase of service agreements.

An increasingly significant portion of state funds is appropriated to purchase of service agreements; therefore, adequate monitoring and evaluation of these agreements are essential.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 182 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1268-88 Judiciary on H.C.R. No. 134

The purpose of this concurrent resolution is to request from the Director of Finance and the Administrative Director of the Courts a report on what steps, if any, they have taken since 1981 to effectuate the provisions of section 42-9(c), Hawaii Revised Statutes.

Section 42-9(c), HRS, provides that the Director of Finance, in the case of the State, and the Administrative Director of the Courts, in the case of the Judiciary, are required to develop procedures and adopt rules pursuant to the Administrative Procedure Act, Chapter 91, HRS, to assist in the monitoring and evaluation of purchase of service agreements.

An increasingly significant portion of state funds is appropriated to purchase of service agreements; therefore, adequate monitoring and evaluation of these agreements are essential.

Your Committee on Judiciary concurs with the intent and purpose of H.C.R. No. 134 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1269-88 Judiciary on H.R. No. 229

The purpose of this resolution is to request the Legislative Reference Bureau to conduct a study to examine whether it is appropriate and desirable to establish legislative public hearings as a quasi-judicial process. There is also a request for the Bureau to examine options available to the Legislature to ensure, to the extent possible, that information presented in

testimony is factual, including the options of placing testifiers under oath, requiring written testimony to be notarized, and imposing penalties for perjury.

Legislative decision-makers are often influenced by information presented to them in testimony. Testimony, in the form of individual opinions which are not truthful or founded upon fact, is misleading and therefore detrimental to the consideration of legislation.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 229 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 1270-88 Judiciary on H.C.R. No. 176

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to conduct a study to examine whether it is appropriate and desirable to establish legislative public hearings as a quasi-judicial process. There is also a request for the Bureau to examine options available to the Legislature to ensure, to the extent possible, that information presented in testimony is factual, including the options of placing testifiers under oath, requiring written testimony to be notarized, and imposing penalties for perjury.

Legislative decision-makers are often influenced by information presented to them in testimony. Testimony, in the form of individual opinions which are not truthful or founded upon fact, is misleading and therefore detrimental to the consideration of legislation.

Your Committee on Judiciary concurs with the intent and purpose of H.C.R. No. 176 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 1271-88 Intergovernmental Relations on H.R. No. 68

The purpose of this resolution is to request that the City and County of Honolulu: (1) identify the areas most affected by rapid increases in property assessments and (2) study methods to control unreasonable increases in real property assessments due to the sudden upward shift in prices paid for real estate in some areas of the City and County of Honolulu.

Your Committee received considerable testimony supporting this resolution. However, the Acting Director of Finance for the City and County of Honolulu, pointed out that it would be misleading to speak of increases in real property taxes, since it was the assessments, not the tax rates, that had increased.

Your Committee is in agreement that the language of the measure should be amended to more accurately reflect the nature of the problem being addressed. Your Committee therefore amended the resolution by replacing the phrase "real property taxes" with the phrase "real property tax assessments" or "real property taxes resulting from rising assessments."

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

Your Committee on Intergovernmental Relations concurs with the intent and purpose of H.R. No. 68, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 68, H.D. 1.

Signed by all members of the Committee except Representatives Horita, Jones and Medeiros.

SCRep. 1272-88 Intergovernmental Relations on H.C.R. No. 55

The purpose of this concurrent resolution is to request that the City and County of Honolulu: (1) identify the areas most affected by rapid increases in property assessments and (2) study methods to control unreasonable increases in real property assessments due to the sudden upward shift in prices paid for real estate in some areas of the City and County of Honolulu.

Your Committee received considerable testimony supporting this concurrent resolution. However, the Acting Director of Finance for the City and County of Honolulu, pointed out that it would be misleading to speak of increases in real property taxes, since it was the assessments, not the tax rates, that had increased.

Your Committee is in agreement that the language of the measure should be amended to more accurately reflect the nature of the problem being addressed. Your Committee therefore amended this concurrent resolution by replacing the phrase "real property taxes" with the phrase "real property tax assessments" or "real property taxes resulting from rising assessments."

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

Your Committee on Intergovernmental Relations concurs with the intent and purpose of H.C.R. No. 55, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 55, H.D. 1.

Signed by all members of the Committee except Representatives Horita, Jones and Medeiros.

SCRep. 1273-88 Water, Land Use, Development and Hawaiian Affairs on H.R. No. 206

The purpose of this resolution is to request the Legislative Reference Bureau to conduct a study that will examine the population of 50 percent Hawaiians who are entitled to benefits of Hawaiian Home Lands and other programs, to determine the need to reduce or remove the Hawaiian blood quantum requirements and to advise of the possible repercussions that would result from such a reduction or removal. The study would also cover the legal, financial, trust, and land implications and identify alternate solutions.

Senate Bill No. 2432 was proposed earlier this year to amend the definition of the term "native Hawaiian" under Section 201 of the Hawaiian Homes Commission Act of 1920, as amended, by deleting the amount of Hawaiian ancestry needed to be considered for benefits. However, we believe that a study of the concerns related to the blood quantum issue should be addressed prior to making any statutory revisions. Therefore, we support the intent and purpose of H.C.R. 162 and H.R. No. 206.

Any proposed change in the blood quantum requirements is an issue of concern in the Hawaiian community. As an example, legislation to change the blood quantum requirement for successors to leases was initially considered in 1976. However, it took another six years before Act 272, SLH 1982, was finally enacted by the Legislature. This amendment provided for surviving spouses or children of deceased lessees to succeed to a lease if they are at least 25% Hawaiian. This legislation was finally consented to by Congress through House Joint Resolution 17 which was signed by President Ronald Reagan on October 27, 1986.

Your Committee recognizes serious humane problems imposed by the blood quantum definitions, and believes a study of issues and impacts relating to any change in the definition requires careful study and analysis to enable the Legislature to make wise and practical decisions relating to the recipients of HHL programs and benefits.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 206 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 1274-88 Water, Land Use, Development and Hawaiian Affairs on H.C.R. No. 162

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to conduct a study that will examine the population of 50 percent Hawaiians who are entitled to benefits of Hawaiian Home Lands and other programs, to determine the need to reduce or remove the Hawaiian blood quantum requirements and to advise of the possible repercussions that would result from such a reduction or removal. The study would also cover the legal, financial, trust, and land implications and identify alternate solutions.

Senate Bill No. 2432 was proposed earlier this year to amend the definition of the term "native Hawaiian" under Section 201 of the Hawaiian Homes Commission Act of 1920, as amended, by deleting the amount of Hawaiian ancestry needed to be considered for benefits. However, we believe that a study of the concerns related to the blood quantum issue should be addressed prior to making any statutory revisions. Therefore, we support the intent and purpose of H.C.R. 162 and H.R. No. 206.

Any proposed change in the blood quantum requirements is an issue of concern in the Hawaiian community. As an example, legislation to change the blood quantum requirement for successors to leases was initially considered in 1976. However, it took another six years before Act 272, SLH 1982, was finally enacted by the Legislature. This amendment provided for surviving spouses or children of deceased lessees to succeed to a lease if they are at least 25% Hawaiian. This legislation was finally consented to by Congress through House Joint Resolution 17 which was signed by President Ronald Reagan on October 27, 1986.

Your Committee recognizes serious humane problems imposed by the blood quantum definitions, and believes a study of issues and impacts relating to any change in the definition requires careful study and analysis to enable the Legislature to make wise and practical decisions relating to the recipients of HHL programs and benefits.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 162 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 1275-88 Human Services on H.C.R. No. 168

The purpose of this concurrent resolution is to request the Legislative Auditor to conduct a child protective services study focusing principally on social workers, specifically, issues relating to caseload levels, recruitment and retention, and personal liability, as well as the demands of current law upon protective service agencies.

Your Committee received testimony in support of this concurrent resolution from the Department of Human Services, the Office of Children and Youth, the National Association of Social Workers, and the Hawaii Government Employees Association. Testimony indicated that conditions external and internal to the Department of Human Services contribute to high caseloads resulting in frustration for child protective services social workers and high turnover. The study requested by this concurrent resolution is intended to develop solutions to the problem.

Upon consideration of testimony presented, your Committee made the following amendments to the concurrent resolution:

(1) Clarified that child protective services are provided only by the Department of Human Services and not by private agencies, although these agencies provide related services;

(2) Added that the study determine whether dependent care unit workers should be considered as child protective service workers for compensation purposes; and

(3) Added the Dean of the School of Social Work at the University of Hawaii to those to be consulted in the study.

Your Committee also corrected a spelling error.

Your Committee on Human Services concurs with the intent and purpose of H.C.R. No. 168, as amended herein, and recommends that it be referred to the Committee on Legislative Management, in the form attached hereto as H.C.R. No. 168, H.D. 1.

Signed by all members of the Committee.

SCRep. 1276-88 Human Services on H.R. No. 273

The purpose of this resolution is to request the Legislative Reference Bureau to conduct a study of the feasibility of statutorily mandating employers to grant employees a parental or family leave to care for a newborn child of the employee, a child placed with the employee for adoption or foster care, or the employee's seriously ill child or parent.

Your Committee finds that changes in the social and economic environments have created new challenges for working parents in achieving a balance between the responsibilities of work and family life. This Resolution seeks to determine the feasibility of one means of relieving employment pressures while strengthening family relationships.

While in general support of the measure, the Department of Labor and Industrial Relations submitted testimony indicating that the leave proposal set forth in the resolution is unclear. Your Committee has therefore amended the resolution by requesting that the study include consideration of a variety of leave designs with different durations and timing variables.

The resolution has also been amended by deleting the phrase "to the problem" in the second "Be It Further Resolved" clause for stylistic purposes.

Your Committee on Human Services concurs with the intent and purpose of H.R. No. 273, as amended herein, and recommends that it be referred to the Committee on Legislative Management, in the form attached hereto as H.R. No. 273, H.D. 1.

Signed by all members of the Committee.

SCRep. 1277-88 Human Services on H.C.R. No. 214

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to conduct a study of the feasibility of statutorily mandating employers to grant employees a parental or family leave to care for a newborn child of the employee, a child placed with the employee for adoption or foster care, or the employee's seriously ill child or parent.

Your Committee finds that changes in the social and economic environments have created new challenges for working parents in achieving a balance between the responsibilities of work and family life. This concurrent resolution seeks to determine the feasibility of one means of relieving employment pressures while strengthening family relationships.

While in general support of the measure, the Department of Labor and Industrial Relations submitted testimony indicating that the leave proposal set forth in the concurrent resolution is unclear. Your Committee has therefore amended the concurrent resolution by requesting that the study include consideration of a variety of leave designs with different durations and timing variables.

The resolution has also been amended by deleting the phrase "to the problem" in the second "Be It Further Resolved" clause for stylistic purposes.

Your Committee on Human Services concurs with the intent and purpose of H.C.R. No. 214, as amended herein, and recommends that it be referred to the Committee on Legislative Management, in the form attached hereto as H.C.R. No. 214, H.D. 1.

Signed by all members of the Committee.

SCRep. 1278-88 Human Services and Labor and Public Employment on H.R. No. 25

The purpose of this resolution is to study the effects of employers offering their employees child care as an optional prepaid benefit.

Your Committees heard this resolution along with H.R. No. 89, which calls for a study to determine the feasibility of allowing prepaid child care or long-term care benefit options for Hawaiis' working parents.

Your Committees find that these two resolutions share a common concern, that of addressing the critical need for child care services to Hawaii's burgeoning population of working mothers. This entails the investigation of various methods and models that may be utilized by our state to the benefit of working parents, employers, and children.

For the purposes of brevity and clarity, your Committees have seen fit to integrate these two resolutions into one, H.R. No. 25. The title to H.R. No. 25 has thus been amended by adding " , Prepaid Child Care, And Long-Term Care Benefit Options" to reflect the common concerns of both resolutions.

Key clauses from H.R. No. 89 has been worked into H.R. 25. Your Committees find that a comprehensive study should be undertaken so that various practiced and available options that addresses these concerns can be explored.

Your Committees on Human Services and Labor and Public Employment concur with the intent and purpose of H.R. No. 25, as amended herein, and recommend that it be referred to the Committee on Legislative Management, in the form attached hereto as H.R. No. 25, H.D. 1.

Signed by all members of the Committees except Representatives Horita, Ihara, Cavasso and Marumoto.

SCRep. 1279-88 Human Services and Labor and Public Employment on H.C.R. No. 22

The purpose of this resolution is to study the effects of employers offering their employees child care as an optional prepaid benefit.

Your Committees heard this resolution along with H.C.R. No. 64, which calls for a study to determine the feasibility of allowing prepaid child care or long-term care benefit options for Hawaiis' working parents.

Your Committees find that these two resolutions share a common concern, that of addressing the critical need for child care services to Hawaii's burgeoning population of working mothers. This entails the investigation of various methods and models that may be utilized by our state to the benefit of working parents, employers, and children.

For the purposes of brevity and clarity, your Committees have seen fit to integrate these two resolutions into one, H.C.R. No. 22. The title to H.C.R. No. 22 has thus been amended by adding " , Prepaid Child Care, And Long-Term Care Benefit Options" to reflect the common concerns of both resolutions.

Key clauses from H.C.R. No. 64 has been worked into H.C.R. No. 22. Your Committees find that a comprehensive study should be undertaken so that various practiced and available options that addresses these concerns can be explored.

Your Committees on Human Services and Labor and Public Employment concur with the intent and purpose of H.C.R. No. 22, 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. 22, H.D. 1.

Signed by all members of the Committees except Representatives Horita, Ihara, Cavasso and Marumoto.

SCRep. 1280-88 Higher Education and the Arts on H.R. No. 150

The purpose of this resolution is to request the Legislative Auditor to study the impact of parking at the University of Hawaii and on the surrounding community and report back to the Legislature his findings and recommendations.

At the present time, parking at the University of Hawaii-Manoa has been a major concern among the residents of the surrounding community and the student population at the university. H.R. No. 150 has been proposed as a first step in addressing the problem and providing a guide to change.

Your Committee heard testimony from the University of Hawaii in support of this resolution. The testimony indicated the willingness of the university to address this problem with the help of the Legislative Auditor.

Your Committee has amended the title and the body of this resolution to clarify the campus of the University of Hawaii which is the subject of this requested study. Your Committee has also made a technical, nonsubstantive amendment to the bill for purposes of style and clarity.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.R. No. 150, as amended herein, and recommends that it be referred to the Committee on Legislative Management, in the form attached hereto as H.R. No. 150, H.D. 1.

Signed by all members of the Committee.

SCRep. 1281-88 Higher Education and the Arts on H.C.R. No. 108

The purpose of this concurrent resolution is to request the Legislative Auditor to study the impact of parking at the University of Hawaii and on the surrounding community and report back to the Legislature his findings and recommendations.

At the present time, parking at the University of Hawaii-Manoa has been a major concern among the residents of the surrounding community and the student population at the university. H.R. No. 150 has been proposed as a first step in addressing the problem and providing a guide to change.

Your Committee heard testimony from the University of Hawaii in support of this resolution. The testimony indicated the willingness of the university to address this problem with the help of the Legislative Auditor.

Your Committee has amended the title and the body of this resolution to clarify the campus of the University of Hawaii which is the subject of this requested study. Your Committee has also made a technical, nonsubstantive amendment to the bill for purposes of style and clarity.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.C.R. No. 108, as amended herein, and recommends that it be referred to the Committee on Legislative Management, in the form attached hereto as H.C.R. No. 108, H.D. 1.

Signed by all members of the Committee.

SCRep. 1282-88 Higher Education and the Arts on H.R. No. 149

The purpose of this resolution is to request the Legislative Auditor study the effects of staggered hours on the University of Hawaii community and report its findings back to the Legislature.

Your Committee received favorable testimony from the Lieutenant Governor. The Lieutenant Governor testified that the University population plays a significant factor in the current peak-period traffic congestion problem. The Lieutenant Governor also informed the Committee that the University had been requested to participate in the Staggered Work Hours Demonstration Project recently concluded by the State, but was unable to do so because of the short notice.

The Lieutenant Governor suggested that the resolution be amended to urge the Board of Regents to begin implementing such a program, rather than requesting that the Legislative Auditor study the implementation of a staggered hours program. The Lieutenant Governor concluded that the Kaku study addressed the issue of the implementation of a program and that the staggered hour program should simply be implemented.

In testimony presented by the University of Hawaii, your committee finds that, in the opinion of the University, it currently has staggered school hours. University students do not all start classes every day at the same time. Rather, students come and go from the campus throughout the day. Also, the University feels that any staggered work and school hour program would have limited value on current traffic congestion. Finally, the University believes that starting classes later in the morning could have a negative impact on those students who attend classes in the morning and work later in the day. The University stated that if these students were deprived of the opportunity to attend classes between the hours of 7 and 9 a.m., students access to higher education could decrease anywhere from 15 to 22%.

Your Committee finds that the resolution, in its current state, does not address the issues expressed at the hearing, therefore the Committee has decided to amend the resolution to more appropriately address the issues raised.

Your Committee feels that a study by the Legislative Auditor is not necessary, and that rather the University should be encouraged to work with the Lieutenant Governor's office towards the implementation of a staggered hours program at the University of Hawaii.

However, your Committee is sensitive to the impact that such a program would have on the University of Hawaii. In particular, the Committee is concerned with the costs to the University in areas such as additional electrical costs, increased security costs and additional maintenance costs which might be incurred by the University if such a program is implemented. Furthermore, your Committee is aware of the concern on the impact on student access to the campus, particularly those students who have part time jobs while attending classes at the University. In order for such a program to be implemented, your Committee feels that all of these concerns should be addressed by the University of Hawaii and the Lieutenant Governor's office.

The Committee feels that the University has not explored the possibility of moving more undergraduate courses to the evening to operate with the current continuing education and graduate programs operated at the University. Your Committee encourages the University of Hawaii along with the Lieutenant Governor's office explore such a possibility.

Furthermore, the Committee has amended the title of the resolution to more appropriately address the intent of this resolution.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.R. No. 149, as amended herein, and recommends that it be referred to the Committee on Legislative Management, in the form attached hereto as H.R. No. 149, H.D. 1.

Signed by all members of the Committee.

SCRep. 1283-88 Higher Education and the Arts on H.C.R. No. 109

The original purpose of this concurrent resolution was to request the Legislative Auditor study the effects of staggered hours on the University of Hawaii community and report its findings back to the Legislature.

Your Committee received favorable testimony from the Lieutenant Governor. The Lieutenant Governor testified that the University population plays a significant factor in the current peak-period traffic congestion problem. The Lieutenant Governor also informed the Committee that the University had been requested to participate in the Staggered Work Hours Demonstration Project recently concluded by the State, but was unable to do so because of the short notice.

The Lieutenant Governor suggested that the resolution be amended to urge the University to begin implementing such a program, rather than requesting that the Legislative Auditor study the implementation of a staggered hours program. The Lieutenant Governor concluded that the Kaku study addressed the issue of the implementation of a program and that the staggered hour program should simply be implemented.

In its testimony the University stated that it currently has staggered school hours. University students do not all start classes every day at the same time. Rather, students come and go from the campus throughout the day. The University also stated that starting classes later in the morning could have a negative impact on those students who attend classes in the morning and work later in the day. The University stated that if these students were deprived of the opportunity to attend classes between the hours of 7 and 9 a.m., students access to higher education could decrease anywhere from 15 to 22%.

Your Committee finds that the resolution, in its current state, does not address the issues expressed at the hearing, therefore the Committee has decided to amend the resolution and its title to more appropriately address the issues raised.

Your Committee feels that a study by the Legislative Auditor is not necessary, and that rather the University should be encouraged to work with the Lieutenant Governor's office towards the implementation of a staggered hours program at the University of Hawaii.

However, your Committee is sensitive to the impact that such a program would have on the University of Hawaii. In particular, the Committee is concerned with the costs to the University such as additional electrical costs, increased security costs and additional maintenance costs which might be incurred by the University if such a program is implemented. Furthermore, your Committee is aware of the concern on the impact on student access to the campus, particularly those students who have part time jobs while attending classes at the University. In order for such a program to be implemented, your Committee feels that all of these concerns should be addressed by the University of Hawaii and the Lieutenant Governor's office with input from all affected parties. The resolution was amended to reflect these concerns.

The Committee also feels that the University has not explored the possibility of moving more undergraduate courses to evening hours to operate with the current continuing education and graduate programs. Your Committee encourages the University of Hawaii along with the Lieutenant Governor's office explore such a possibility.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.C.R. No. 109, as amended herein, and recommends that it be referred to the Committee on Legislative Management, in the form attached hereto as H.C.R. No. 109, H.D. 1.

Signed by all members of the Committee.

SCRep. 1284-88 Health on H.R. No. 434

The purpose of this resolution, as received, is to urge the Department of Health to enforce existing swimming pool regulations, to scrutinize all hotel swimming pools under construction to conform to regulations and not to modify existing swimming pool regulations.

Your Committee has changed the title of this resolution to "URGING THE DEPARTMENT OF HEALTH TO POSTPONE PROPOSED AMENDMENTS TO RULES REGULATING THE SAFETY OF SWIMMING POOLS" and has changed the language of the resolution to reflect the rationale for this new title.

Your Committee finds that because of staff shortages, liability problems, design trends in the swimming pool industry toward "rockscapes" and other natural-looking designs which deviate from traditional design standards, and the existence of insurance and trade association guidelines, there is concern about whether or not the Department of Health should continue its historic function of overseeing safety standards of swimming pools. The Department indicated in their testimony that they intend to continue with their traditional monitoring of water quality and sanitation standards as required by administrative rule. They recommended, rule changes so that county building departments, together with architects and engineers involved in the design and construction of swimming pools, take over the task of reviewing pool plans and the monitoring of adherence to such plans.

Your Committee believes, however, that the various counties are not geared up to take over such review and monitoring functions nor have they indicated their willingness to do so. Since the Department intends to maintain its traditional public health inspections of water quality standards of swimming pools, they will be inspecting swimming pool sites at regular intervals. Since it is questionable whether the counties have the staff available to do inspections or whether or not they are willing to take over this function at all, your Committee believes it is reasonable to ask the Department of Health

to postpone the proposed amendments to the rules regulating the safety of swimming pools. The Department indicated that they have plans to meet with the counties soon to examine this issue.

The Hawaii Hotel Association in their testimony indicated their willingness to review and monitor plans and compliance, together with insurance companies. Your Committee also heard testimony from the Executive Director of the Newtown Estates Community.

As noted, your Committee has amended this resolution extensively by indicating some of the history of the Department's regulation of swimming pools and indicating that the counties' position on taking over this function is unknown at present. In light of this situation, we have asked the Department to postpone enactment of any rule changes and consider continuing their monitoring function in the course of their water quality inspections.

Your Committee on Health concurs with the intent and purpose of H.R. No. 434, as amended herein, and recommends that it be referred to the Committee on Judiciary, in the form attached hereto as H.R. No. 434, H.D. 1.

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

SCRep. 1285-88 Health on H.C.R. No. 334

The purpose of this concurrent resolution, as received, is to urge the Department of Health to enforce existing swimming pool regulations, to scrutinize all hotel swimming pools under construction to conform to regulations and not to modify existing swimming pool regulations.

Your Committee has changed the title of this concurrent resolution to "URGING THE DEPARTMENT OF HEALTH TO POSTPONE PROPOSED AMENDMENTS TO RULES REGULATING THE SAFETY OF SWIMMING POOLS" and has changed the language of the concurrent resolution to reflect the rationale for this new title.

Your Committee finds that because of staff shortages, liability problems, design trends in the swimming pool industry toward "rockscapes" and other natural-looking designs which deviate from traditional design standards, and the existence of insurance and trade association guidelines, there is concern about whether or not the Department of Health should continue its historic function of overseeing safety standards of swimming pools. The Department indicated in their testimony that they intend to continue with their traditional monitoring of water quality and sanitation standards as required by administrative rule. They recommended, rule changes so that county building departments, together with architects and engineers involved in the design and construction of swimming pools, take over the task of reviewing pool plans and the monitoring of adherence to such plans.

Your Committee believes, however, that the various counties are not geared up to take over such review and monitoring functions nor have they indicated their willingness to do so. Since the Department intends to maintain its traditional public health inspections of water quality standards of swimming pools, they will be inspecting swimming pool sites at regular intervals. Since it is questionable whether the counties have the staff available to do inspections or whether or not they are willing to take over this function at all, your Committee believes it is reasonable to ask the Department of Health to postpone the proposed amendments to the rules regulating the safety of swimming pools. The Department indicated that they have plans to meet with the counties soon to examine this issue.

The Hawaii Hotel Association in their testimony indicated their willingness to review and monitor plans and compliance, together with insurance companies. Your Committee also heard testimony from the Executive Director of the Newtown Estates Community.

As noted, your Committee has amended this concurrent resolution extensively by indicating some of the history of the Department's regulation of swimming pools and indicating that the counties' position on taking over this function is unknown at present. In light of this situation, we have asked the Department to postpone enactment of any rule changes and consider continuing their monitoring function in the course of their water quality inspections.

Your Committee on Health concurs with the intent and purpose of H.C.R. No. 334, as amended herein, and recommends that it be referred to the Committee on Judiciary, in the form attached hereto as H.C.R. No. 334, H.D. 1.

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

SCRep. 1286-88 Health on H.R. No. 344

The purpose of this resolution is to urge the Department of Health to examine the problem of sex offenders, including "Peeping Tom" behavior, and the relationship of mental health services to the criminal justice system. The examination should consider avenues for collaboration among the Honolulu Police Department, the Prosecutor's Office, the Department of Corrections, and the Department of Social Services and Housing. Gaps in response and services should be identified and recommendations to fill those gaps reported to the Legislature.

Your Committee received testimony in support of this resolution from the Department of Health, the Sex Abuse Treatment Center and Ms. Amy Arkoff. Present in the room was a representative from the Honolulu Police Department. Your Committee also had questions answered from an expert psychologist, Dr. Salem Sah.

The Department of Health testified that it is currently organizing two conferences in 1988 that will address the complicated problems involving sex offenses. The conferences will, in part, focus on the lack of expertise and protocols, the need for a sexual assault framework, a review of modalities for evaluation and treatment, and avenues for better

coordination among the various agencies. Agencies identified included Probation, Parole, Corrections, the Prosecutor's Office, the Honolulu Police Department and the Mental Health Division of the Department of Health.

Discussion during the hearing further highlighted the need to focus on both the sex offenders and their victims. Furthermore, the scope of the resolution should also include an examination of the legal framework as a specific gap. Recommendations should include specific actions that can be taken that will increase the rate of response and effectiveness of the various duties and programs. For example, the need for better pre-sentencing evaluations was discussed.

Your Committee amended the resolution by further resolving that there be a review of existing legislation, develop new legislation, and review and develop treatment for victims.

Your Committee on Health concurs with the intent and purpose of H.R. No. 344, as amended herein, and recommends that it be referred to the Committee on Judiciary in the form attached hereto as H.R. No. 344, H.D. 1.

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

SCRep. 1287-88 Health and Intergovernmental Relations on H.C.R. No. 284

The purpose of this concurrent resolution is to request that the Legislative Auditor conduct a comprehensive financial and management audit of the emergency medical services program of the Department of Health.

Your Committees find that emergency medical services are provided by different entities through contracts with the Department of Health which have raised questions regarding the differences in the quality and costs of service delivery from county to county.

Your Committees received testimony in support of this concurrent resolution from the Department of Health and The Legislative Center and finds that since the inception of the State Comprehensive Emergency Medical Services System in 1978, there has been no financial and management assessment of the system, except through budgetary and legislative reviews.

Your Committees have amended this concurrent resolution by requesting that the Legislative Auditor utilize the services of experts in the various types of emergency medical services systems in the conduct of this audit.

Your Committees feel that such consultation would enable the Legislative Auditor to better address and evaluate the various methods of procuring emergency medical services and examine the quality of service and cost-effectiveness of the contracts.

Your Committees on Health and Intergovernmental Relations concur with the intent and purpose of H.C.R. No. 284, 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. 284, H.D. 1.

Signed by all members of the Committees except Representatives Crozier, Ihara, Kotani, Oshiro, Peters, Souki, Jones, Medeiros and Ribellia.

SCRep. 1288-88 Higher Education and the Arts on H.R. No. 148

The purpose of this resolution is to request that the University of Hawaii Board of Regents set a public policy for the acquisition of property, especially in light of the University's Long Range Development Plan that would expand the Manoa campus.

Your Committee received testimony from the University of Hawaii in favor of the resolution. At the present time, the University does not have a formal policy on the acquisition of property for implementation of its plan. Because of the fear of condemnation and its consequences in the community, the University intends on acquiring parcels as those parcels become available as opposed to outright governmental condemnation. Articulation of this intention would benefit both the University and the people in the affected areas.

Your Committee felt that the surrounding community needed to be aware of University of Hawaii policies and actions that may affect them. Therefore, your Committee amended the resolution by adding an additional clause requesting that a procedure for notification of affected residents and their elected officials be included in this policy.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.R. 148, as amended herein, and recommends its adoption in the form attached hereto as H.R. 148, H.D. 1.

Signed by all members of the Committee.

SCRep. 1289-88 Higher Education and the Arts on H.C.R. No. 110

The purpose of this resolution is to request that the University of Hawaii Board of Regents set a public policy for the acquisition of property, especially in light of the University's Long Range Development Plan that would expand the Manoa campus.

Your Committee received testimony from the University of Hawaii in favor of the resolution. At the present time, the University does not have a formal policy on the acquisition of property for implementation of its plan. Because of the fear

of condemnation and its consequences in the community, the University intends on acquiring parcels as those parcels become available as opposed to outright governmental condemnation. Articulation of this intention would benefit both the University and the people in the affected areas.

Your Committee felt that the surrounding community needed to be aware of University of Hawaii policies and actions that may affect them. Therefore, your Committee amended the resolution by adding an additional clause requesting that a procedure for notification of affected residents and their elected officials be included in this policy.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.C.R. 110, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. 110, H.D. 1.

Signed by all members of the Committee.

SCRep. 1290-88 Higher Education and the Arts on H.C.R. No. 49

The purpose of this concurrent resolution is to recommend that State agencies investigate the possibility of consolidating their storage facilities for film and video materials, that future moving image projects funded by the State include funds for preservation and that a copy of any film or video, along with the "out takes", raw footage and relevant documents, be deposited in the central storage facility.

At the present time, the moving image materials owned by the State are scattered among the various State agencies. The storage facilities for these materials are many times inadequate to meet the environmental needs of these delicate materials which include regulating the humidity, temperature and light.

Your Committee heard testimony in support of this concurrent resolution from the Department of Accounting and General Services, the University of Hawaii, the Department of Commerce and Consumer Affairs, and the Bishop Museum. Your Committee finds from the testimony presented that video tape is of major concern for preservationists since the present shelf life under poor conditions is five years. Your Committee shares this concern since many of the cultural, artistic, and historical projects funded by the State are presently being video taped and are irreplaceable.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.C.R. No. 49, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1291-88 Higher Education and the Arts on H.R. No. 147

The purpose of this resolution is to urge the University of Hawaii Board of Regents' support for the University of Hawaii Center for Hawaiian Studies at Kanewai, adjacent to the existing cultural garden on the banks of Manoa Stream.

Your Committee received testimony from the University of Hawaii President in support of the center and its proposed location saying, "that this approximately five-acre site be devoted to the Center for Hawaiian Studies with associated parking to be incorporated in an aesthetically pleasing manner."

Your Committee also received testimony in support of the resolution by the Statewide Hawaiian Studies Council for the University of Hawaii, the Oahu District Council of the Association of Hawaiian Civic Clubs and the state Office of Hawaiian Affairs.

Your Committee has amended the resolution by adding a phrase to clarify that a parking structure will be built in association with the Center for Hawaiian Studies.

Your Committee has further amended the resolution by adding additional "WHEREAS" clauses to reflect concern, raised through testimony, about money appropriated last year that was not being released for planning and design of the center. Before money can be released, revisions need to be made to the University of Hawaii's Long Range Development Plan showing the change in acreage for the Center for Hawaiian Studies. The University of Hawaii Board of Regents also must approve the revised plan.

Your Committee also made stylistic, nonsubstantive changes to the resolution.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.R. No. 147, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 147, H.D.1.

Signed by all members of the Committee.

SCRep. 1292-88 Higher Education and the Arts on H.C.R. No. 50

The purpose of this concurrent resolution is to recommend that the State integrate film and video preservation through inter-agency procedures and direct the State efforts to reduce overall costs to ultimately serve a broader clientele.

Your Committee heard testimony from the Department of Accounting and General Services, the University of Hawaii, the Department of Commerce and Consumer Affairs, and the Bishop Museum in support of this measure. The testimony indicated that staff with the technical and professional skills needed are available within our State agencies and can

provide an excellent program of moving image materials preservation and public access to these materials. The testimony indicated that these staff resources are in need of integration to reduce costs and enhance service to the public.

Your Committee finds from the testimony presented that the public would be better served by the various State agencies handling film and video resources if these agencies were to integrate their efforts at preservation and presentation of moving image materials. Your Committee also finds that this integration of staff resources may ultimately result in providing a wider clientele for the services they are providing.

Your Committee has amended this resolution to designate the Office of State Planning as the responding agency and to request a progress report back to the Legislature.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.C.R. No. 50, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 50, H.D. 1.

Signed by all members of the Committee.

SCRep. 1293-88 Transportation on H.R. No. 166

The purpose of this resolution is to request the Department of Transportation to reevaluate its airport concession policy of allowing only one taxi vendor to operate at Honolulu International Airport.

Your Committee finds that the State's policy of awarding an exclusive contract for taxi services at Honolulu International Airport creates inequities for other operators who wish to provide service to and from the airport. Your Committee further finds that the Department of Transportation will need additional time to conduct an analysis of taxi operations at other airports before a report can be made to the Legislature.

Your Committee received favorable testimony from the Department of Transportation, Hawaii Transportation Association, and Charley's Taxi.

Your Committee has amended this resolution to extend the deadline for the Department of Transportation's report to the Legislature until sixty days prior to the convening of the Regular Session of 1990.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 166, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 166, H.D. 1.

Signed by all members of the Committee.

SCRep. 1294-88 Transportation on H.C.R. No. 139

The purpose of this concurrent resolution is to request the Department of Transportation to reevaluate its airport concession policy of allowing only one taxi vendor to operate at Honolulu International Airport.

Your Committee finds that the State's policy of awarding an exclusive contract for taxi services at Honolulu International Airport creates inequities for other operators who wish to provide service to and from the airport. Your Committee further finds that the Department of Transportation will need additional time to conduct an analysis of taxi operations at other airports before a report can be made to the Legislature.

Your Committee received favorable testimony from the Department of Transportation, Hawaii Transportation Association, and Charley's Taxi.

Your Committee has amended this concurrent resolution to extend the deadline for the Department of Transportation's report to the Legislature until sixty days prior to the convening of the Regular Session of 1990.

Your Committee on Transportation concurs with the intent and purpose of H.C.R. No. 139, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 139, H.D. 1.

Signed by all members of the Committee.

SCRep. 1295-88 Transportation on H.R. No. 172

The purpose of this Resolution is to urge the Department of Transportation to take all necessary action to secure funds for the immediate construction of the Haleiwa by-pass road.

Your Committee finds that motor vehicle transportation traveling to and from Haleiwa, Waialua, Sunset Beach, Kahuku, and Laie utilize the section of Kamehameha Highway that passes through Haleiwa Town. The volume of traffic on this stretch of highway already creates unsafe traffic conditions and is expected to become heavier. The Department of Transportation's environmental impact statement, completed in 1981, confirms the need for a by-pass road for Haleiwa.

Your Committee finds that the Haleiwa by-pass road will not only ease traffic congestion in Haleiwa Town but will facilitate the movement of emergency vehicles, thus affording a greater degree of public safety.

Your Committee received favorable testimony on this Resolution from the Department of Transportation, Fire Department of the City and County of Honolulu, North Shore Neighborhood Board #27, Kahuku Community Association, Sunset Beach Community Association, Waialua Community Association, Waialua Sugar Company, Inc., Ohbayashi Hawaii, Kuilima Development Co., the Office of Human Resources, Elderly Affairs Division, and residents of the North Shore.

Your Committee has amended this Resolution by clarifying the funds appropriated by the State of Hawaii for fiscal years 1987-1988 and 1988-1989 to \$2,192,000 and \$6,550,000 respectively. Your Committee has further amended this Resolution by deleting references to the reallocation of funding. In addition, your Committee has added the President of the United States and Janice Lipson to the list of recipients of certified copies of this Resolution.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 172, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 172, H.D. 1.

Signed by all members of the Committee.

SCRep. 1296-88 Transportation on H.C.R. No. 128

The purpose of this Concurrent Resolution is to urge the Department of Transportation to take all necessary action to secure funds for the immediate construction of the Haleiwa by-pass road.

Your Committee finds that motor vehicle transportation traveling to and from Haleiwa, Waialua, Sunset Beach, Kahuku, and Laie utilize the section of Kamehameha Highway that passes through Haleiwa Town. The volume of traffic on this stretch of road already creates unsafe traffic conditions and is expected to become heavier. The Department of Transportation's environmental impact statement, completed in 1981, confirms the need for a by-pass road for Haleiwa.

Your Committee finds that the Haleiwa by-pass road will not only ease traffic congestion in Haleiwa Town but will facilitate the movement of emergency vehicles, thus affording a greater degree of public safety.

Your Committee received favorable testimony on this Concurrent Resolution from the Department of Transportation, Fire Department of the City and County of Honolulu, North Shore Neighborhood Board #27, Kahuku Community Association, Sunset Beach Community Association, Waialua Community Association, Waialua Sugar Company, Inc., Ohbayashi Hawaii, Kuilima Development Co., the Office of Human Resources, Elderly Affairs Division, and residents of the North Shore.

Your Committee has amended this Concurrent Resolution by clarifying the funds appropriated by the State of Hawaii for fiscal years 1987-1988 and 1988-1989 to \$2,192,000 and \$6,550,000 respectively. Your Committee has further amended this Concurrent Resolution by deleting references to the reallocation of funding. In addition, your Committee has added the President of the United States and Janice Lipson to the list of recipients of certified copies of this Concurrent Resolution.

Your Committee on Transportation concurs with the intent and purpose of H.C.R. No. 128, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 128, H.D. 1.

Signed by all members of the Committee.

SCRep. 1297-88 Legislative Management on H.R. No. 11

The purpose of this Resolution is to request the Legislative Reference Bureau to conduct a study of the various federal and state statutes relating to the retention and dissemination of records maintained by public archives and to recommend solutions and propose legislation on these matters with respect to the State Archives.

Your Committee finds that there exists little statutory guidance for regulating the retention and dissemination of private and public information maintained by the State Archives. It would be appropriate to analyze the need for such statutory guidance and to consider how other states and the federal government have addressed this need with respect to their public archives.

The Department of Accounting and General Services and the State Archivist testified in support of this measure. The State Archivist stated that the State Archives has in-house private records that, by state law, can never be made available to the public. The State Archivist further expressed support for legislation to make more of these inaccessible records available to the public.

Your Committee on Legislative Management concurs with the intent and purpose of H.R. No. 11 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1298-88 Legislative Management on H.C.R. No. 8

The purpose of this Concurrent Resolution is to request the Legislative Reference Bureau to conduct a study of the various federal and state statutes relating to the retention and dissemination of records maintained by public archives and to recommend solutions and propose legislation on these matters with respect to the State Archives.

Your Committee finds that there exists little statutory guidance for regulating the retention and dissemination of private and public information maintained by the State Archives. It would be appropriate to analyze the need for such statutory guidance and to consider how other states and the federal government have addressed this need with respect to their public archives.

The Department of Accounting and General Services and the State Archivist testified in support of this measure. The State Archivist stated that the State Archives has in-house private records that, by state law, can never be made available to the public. The State Archivist further expressed support for legislation to make more of these inaccessible records available to the public.

Your Committee on Legislative Management concurs with the intent and purpose of H.C.R. No. 8 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1299-88 Legislative Management on H.R. No. 9

The purpose of this Resolution is to request the Legislative Reference Bureau to study the feasibility of providing public records indexes such as a state register, a code of state regulations, a "Blue Book", and other similar publications.

Your Committee finds that the State lacks uniform reference documents to assist the public in obtaining certain categories of information including, but not limited to, rules, hearing notices, and the like. The creation of indexes for such categories of information would further the State's policy, as declared by the Legislature, of providing public access to the processes of formulating public policy and would be consistent with other states and the federal government which already provide such reference documents.

Your Committee on Legislative Management concurs with the intent and purpose of H.R. No. 9, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1300-88 Legislative Management on H.C.R. No. 6

The purpose of this Resolution is to request the Legislative Reference Bureau to study the feasibility of providing public records indexes such as a state register, a code of state regulations, a "Blue Book", and other similar publications.

Your Committee finds that the State lacks uniform reference documents to assist the public in obtaining certain categories of information including, but not limited to, rules, hearing notices, and the like. The creation of indexes for such categories of information would further the State's policy, as declared by the Legislature, of providing public access to the processes of formulating public policy and would be consistent with other states and the federal government which already provide such reference documents.

Your Committee on Legislative Management concurs with the intent and purpose of H.C.R. No. 6, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1301-88 Judiciary and Intergovernmental Relations on H.R. No. 227

The purpose of this resolution is to urge Congress to pass out pending federal legislation which provides redress and reparations for the forced evacuation, relocation and internment of American citizens and resident aliens of Japanese ancestry and for the forced evacuation and relocation of Alaskan Aleuts during World War II.

Currently pending in Congress, H.R. 442 and S. 1009 incorporate provisions to acknowledge and apologize, on behalf of the American people, for the fundamental injustices during World War II upon the citizens and resident aliens of Japanese ancestry, provide for educational efforts to inform the public of these injustices in order to prevent their recurrence, and make restitution to those persons of Japanese ancestry who were interned. S. 1009 also includes provisions to provide restitution to Aleuts who were forcibly relocated during World War II.

Your Committees heard testimony in support of this resolution from the American Friends Service Committee and the Japanese American Citizens League.

Your Committees have amended the resolution to further resolve that copies of this resolution shall be transmitted to lobbyists in Washington, D.C., who represent the State.

Your Committees on Judiciary and Intergovernmental Relations concur with the intent and purpose of H.R. No. 227, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 227, H.D. 1.

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

SCRep. 1302-88 Judiciary and Intergovernmental Relations on H.C.R. No. 174

The purpose of this concurrent resolution is to urge Congress to pass out pending federal legislation which provides redress and reparations for the forced evacuation, relocation and internment of American citizens and resident aliens of Japanese ancestry and for the forced evacuation and relocation of Alaskan Aleuts during World War II.

Currently pending in Congress, H.R. 442 and S. 1009 incorporate provisions to acknowledge and apologize, on behalf of the American people, for the fundamental injustices during World War II upon the citizens and resident aliens of Japanese ancestry, provide for educational efforts to inform the public of these injustices in order to prevent their recurrence, and make restitution to those persons of Japanese ancestry who were interned. S. 1009 also includes provisions to provide restitution to Aleuts who were forcibly relocated during World War II.

Your Committees heard testimony in support of this concurrent resolution from the American Friends Service Committee and the Japanese American Citizens League.

Your Committees have amended this concurrent resolution to further resolve that copies of this concurrent resolution shall be transmitted to lobbyists in Washington, D.C., who represent the State.

Your Committees on Judiciary and Intergovernmental Relations concur with the intent and purpose of H.C.R. No. 174, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 174, H.D. 1.

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

SCRep. 1303-88 Judiciary on H.R. No. 248

The purpose of this resolution is to endorse Amnesty International's campaign to have all governments of the world recognize the rights and covenants set forth in the Universal Declaration of Human Rights.

This year marks the fortieth year after the adoption by the United Nations of the Universal Declaration of Human Rights. The Universal Declaration of Human Rights represents the general statement of intent by member states of the United Nations to honor the human rights of their citizens.

Testimony was submitted in support of this resolution by Amnesty International USA Group 449 and the American Friends Service Committee.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 248 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1304-88 Judiciary on H.C.R. No. 194

The purpose of this concurrent resolution is to endorse Amnesty International's campaign to have all governments of the world recognize the rights and covenants set forth in the Universal Declaration of Human Rights.

This year marks the fortieth year after the adoption by the United Nations of the Universal Declaration of Human Rights. The Universal Declaration of Human Rights represents the general statement of intent by member states of the United Nations to honor the human rights of their citizens.

Testimony was submitted in support of this resolution by Amnesty International USA Group 449 and the American Friends Service Committee.

Your Committee on Judiciary concurs with the intent and purpose of H.C.R. No. 194 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1305-88 Agriculture on H.R. No. 222

The purpose of this Resolution is to request a feasibility study on the development of Lualualei Shaft water for use by Waianae farmers.

Your Committee received favorable testimony from the chairperson of the Board of Agriculture, the Board of Water Supply for the City and County of Honolulu, and the Hawaii Farm Bureau Federation.

Lualualei shaft was constructed in 1936 for supplying water to the Mikilua subdivision. It is owned by the Board of Water Supply. It was acquired as part of the merger with the old suburban water system.

Your Committee finds that although the water quality does not meet standards for drinking water, it is considered suitable for general crop use. If the development of the shaft for irrigation usage proves feasible, it would provide water for increased crop acreage in the Waianae coast area.

Your Committee has amended the Resolution to reflect that the Department of Land and Natural Resources be the agency designated to conduct the feasibility study.

Your Committee has also made technical changes for the sake of clarity.

Your Committee on Agriculture concurs with the intent and purpose of H.R. No. 222, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 222, H.D. 1.

Signed by all members of the Committee.

SCRep. 1306-88 Agriculture on H.C.R. No. 169

The purpose of this Concurrent Resolution is to request a feasibility study on the development of Lualualei Shaft water for use by Waianae farmers.

Your Committee received favorable testimony from the chairperson of the Board of Agriculture, the Board of Water Supply for the City and County of Honolulu, and the Hawaii Farm Bureau Federation.

Lualualei shaft was constructed in 1936 for supplying water to the Mikilua subdivision. It is owned by the Board of Water Supply. It was acquired as part of the merger with the old suburban water system.

Your Committee finds that although the water quality does not meet standards for drinking water, it is considered suitable for general crop use. If the development of the shaft for irrigation usage proves feasible, it would provide water for increased crop acreage in the Waianae coast area.

Your Committee has amended the Concurrent Resolution to reflect that the Department of Land and Natural Resources be the agency designated to conduct the feasibility study.

Your Committee has also made technical changes for the sake of clarity.

Your Committee on Agriculture concurs with the intent and purpose of H.C.R. No. 169, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 169, H.D. 1.

Signed by all members of the Committee.

SCRep. 1307-88 Planning, Energy and Environmental Protection on H.R. No. 228

The purpose of this resolution is to urge Japan to abide by the spirit, as well as the letter, of the International Whaling Commission's moratorium on whaling.

Your Committee finds that scientific authorities around the world agree that the killing of whales for research purposes is totally unjustifiable, and that Japan's continued slaughter of whales under the guise of "scientific research" is in defiance of scientific and world opinion.

Your Committee on Planning, Energy and Environmental Protection concurs with the intent and purpose of H.R. No. 228, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1308-88 Planning, Energy and Environmental Protection on H.C.R. No. 175

The purpose of this concurrent resolution is to urge Japan to abide by the spirit, as well as the letter, of the International Whaling Commission's moratorium on whaling.

Your Committee finds that scientific authorities around the world agree that the killing of whales for research purposes is totally unjustifiable, and that Japan's continued slaughter of whales under the guise of "scientific research" is in defiance of scientific and world opinion.

Your Committee on Planning, Energy and Environmental Protection concurs with the intent and purpose of H.C.R. No. 175, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1309-88 Water, Land Use, Development and Hawaiian Affairs on H.R. No. 192

The purpose of this resolution is to emphasize legislative intent to protect Diamond Head State Monument from further development.

Your Committee heard favorable testimony from the Department of Land and Natural Resources, the Save Diamond Head Association, the Outdoor Circle, the West Diamond Head Community Association and the Waikiki Residents Association.

Your Committee has amended the resolution by adding a paragraph indicating that both the exterior and interior of the Diamond Head monument should be protected from any development which would be inconsistent with the establishment of the Monument. Additional non-substantive amendments have been made for purposes of style and clarity.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 192, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 192, H.D. 1.

Signed by all members of the Committee.

SCRep. 1310-88 Water, Land Use, Development and Hawaiian Affairs on H.C.R. No. 145

The purpose of this concurrent resolution is to emphasize legislative intent to protect Diamond Head State Monument from further development.

Your Committee heard favorable testimony from the Department of Land and Natural Resources, the Save Diamond Head Association, the Outdoor Circle, the West Diamond Head Community Association and the Waikiki Residents Association.

Your Committee has amended the resolution by adding a paragraph indicating that both the exterior and interior of the Diamond Head monument should be protected from any development which would be inconsistent with the establishment of the Monument. Additional non-substantive amendments have been made for purposes of style and clarity.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 145, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 145, H.D. 1.

Signed by all members of the Committee.

SCRep. 1311-88 Water, Land Use, Development and Hawaiian Affairs on H.R. No. 194

The purpose of this resolution is expressed in the title.

Your Committee heard favorable testimony from the Department of Land and Natural Resources, Friends of Queens Beach, the Ocean Recreation Council, the American Association of University Women, the Sierra Club and several private citizens.

Your Committee has amended the resolution by changing "state park" to "state park and wildlife sanctuary" in both the body of the resolution and in the title; and by requiring that public access be improved rather than specifying "roads" as the type of access. Further, your Committee acknowledges that there are claims by Mauna Ziona Church to an interest in Makalawena. This needs to be investigated and all valid claims respected.

Other non-substantive amendments were made in the interest of style and clarity.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 194, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 194, H.D. 1.

Signed by all members of the Committee.

SCRep. 1312-88 Water, Land Use, Development and Hawaiian Affairs on H.C.R. No. 147

The purpose of this concurrent resolution is expressed in the title.

Your Committee heard favorable testimony from the Department of Land and Natural Resources, Friends of Queens Beach, the Ocean Recreation Council, the American Association of University Women, the Sierra Club and several private citizens.

Your Committee has amended the resolution by changing "state park" to "state park and wildlife sanctuary" in both the body of the resolution and in the title; and by requiring that public access be improved rather than specifying "roads" as the type of access. Further, your Committee acknowledges that there are claims by Mauna Ziona Church to an interest in Makalawena. This needs to be investigated and all valid claims respected.

Other non-substantive amendments were made in the interest of style and clarity.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs 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. 1313-88 Health and Consumer Protection and Commerce on H.R. No. 190

The purpose of this House resolution is to request the Department of Health and the Department of Commerce and Consumer Affairs to study the need for regulation of the administration of anesthesia in settings outside of hospitals.

Your Committees find that a growing number of medical procedures are being performed outside hospitals in private physicians' offices and that often these procedures involve the administration of anesthesia. Unlike the situation in hospitals and ambulatory surgery centers, the administration of anesthesia in private settings is unregulated and the equipment is not subject to regular inspection or maintenance. While the nurse-anesthesiologists who administer the anesthesia are certified, the physicians who supervise them in private settings are not specialists in anesthesia, an extremely complex speciality.

Your Committees heard testimony from the Hawaii Nurses Association, the Hawaii Medical Association, the Hawaii Society of Anesthesiologists and the Department of Health. All of these organizations expressed support for the resolution and emphasized the need for a study of the unregulated administration of anesthesia particularly in light of a recent incident now in litigation. The Hawaii Medical Association offered their assistance to the Departments in performing the study. They explained that there is no data on the extent of the use of anesthesia in private office settings, but that there is a trend toward more procedures being performed outside of hospital and clinic settings. The Hawaii Nurses Association strongly supported the study saying that feed-back from nurse anesthetists showed that they too supported such a study.

Your Committees on Health and Consumer Protection and Commerce concur with the intent and purpose of H.R. No. 190, and recommend its adoption.

Signed by all members of the Committees except Representatives Metcalf, Peters, Tom, Yoshimura, Hemmings, Jones, Medeiros and Ribellia.

SCRep. 1314-88 Health and Consumer Protection and Commerce on H.C.R. No. 142

The purpose of this House concurrent resolution is to request the Department of Health and the Department of Commerce and Consumer Affairs to study the need for regulation of the administration of anesthesia in settings outside of hospitals.

Your Committees find that a growing number of medical procedures are being performed outside hospitals in private physicians' offices and that often these procedures involve the administration of anesthesia. Unlike the situation in hospitals and ambulatory surgery centers, the administration of anesthesia in private settings is unregulated and the equipment is not subject to regular inspection or maintenance. While the nurse-anesthesiologists who administer the anesthesia are certified, the physicians who supervise them in private settings are not specialists in anesthesia, an extremely complex speciality.

Your Committees heard testimony from the Hawaii Nurses Association, the Hawaii Medical Association, the Hawaii Society of Anesthesiologists and the Department of Health. All of these organizations expressed support for the resolution and emphasized the need for a study of the unregulated administration of anesthesia particularly in light of a recent incident now in litigation. The Hawaii Medical Association offered their assistance to the Departments in performing the study. They explained that there is no data on the extent of the use of anesthesia in private office settings, but that there is a trend toward more procedures being performed outside of hospital and clinic settings. The Hawaii Nurses Association strongly supported the study saying that feed-back from nurse anesthetists showed that they too supported such a study.

Your Committees on Health and Consumer Protection and Commerce concur with the intent and purpose of H.C.R. No. 142, and recommend its adoption.

Signed by all members of the Committees except Representatives Metcalf, Peters, Tom, Yoshimura, Hemmings, Jones, Medeiros and Ribellia.

SCRep. 1315-88 Higher Education and the Arts on H.R. No. 106

The purpose of this resolution is to encourage the University of Hawaii to expand its archaeological program. This resolution proposes that the University consider the establishment of a State Archaeologist position; the feasibility of publishing a journal in Hawaiian archaeology; and the feasibility of expanding its facilities for laboratory analysis, creation, and display.

Your Committee received testimony from the Dean of Social Sciences at the University of Hawaii, a representative from the Department of Land and Natural Resources (DLNR), and other interested individuals and organizations. While all testifiers supported the expansion of the Archaeology program, DLNR expressed concern over the establishment of a State Archaeologist position under the direction of the University of Hawaii. According to DLNR, such a position should be placed under the administration of DLNR because in approximately 30 states in which such a position has been created, that position resides within the State Historic Preservation program rather than the State University.

Upon further consideration, your Committee has amended the first BE IT FURTHER RESOLVED clause by: renaming the position, "State Archaeologist", with "Hawaiian Archaeologist"; deleting the phrases "and the State" and "and environmental review"; and inserting language suggesting that the Hawaiian Archaeologist also serve as a liaison between the University and the community with regard to archaeological research. Your Committee finds that by taking these steps, there will be less confusion over the separate responsibilities of the University of Hawaii and DLNR with regards to archaeology.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.R. No. 106, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 106, H.D. 1.

Signed by all members of the Committee except Representatives Crozier and Hashimoto.

SCRep. 1316-88 Higher Education and the Arts on H.R. No. 283

The purpose of this resolution is to study the feasibility of designating a particular state agency to provide video production services for all state agencies.

Your Committee received testimony in support of this resolution from the Community Colleges, the Department of Budget and Finance and Hawaii Public Broadcasting.

A representative of the Community Colleges recommended that the resolution be amended in order to designate the University of Hawaii rather than the Educational Media Center as the Consulting organization for the preparation of the study.

The Department of Budget and Finance, while in support of the concept of a study to determine the best approach for providing video production services, recommended that the resolution be amended in several areas. First, the department felt that the scope of the study should be expanded to include an assessment of the demand for such services by State agencies. Secondly, the department believed that the resolution should direct the study to include a cost-effectiveness analysis of different alternatives. The department felt that the study should address whether the cost of centralized existing services, such as the Hawaii Public Broadcasting Authority, University of Hawaii, University Community Colleges or the private sector, would be less costly than using already existing facilities and programs.

Your Committee has adopted the recommendations of the Community Colleges and the Department of Budget and Finance.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.R. No. 283, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 283, H.D. 1.

Signed by all members of the Committee except Representatives Crozier and Hashimoto.

SCRep. 1317-88 Higher Education and the Arts on H.C.R. No. 222

The purpose of this resolution is to study the feasibility of designating a particular state agency to provide video production services for all state agencies.

Your Committee received testimony in support of this resolution from the Community Colleges, the Department of Budget and Finance and Hawaii Public Broadcasting.

A representative of the Community Colleges recommended that the resolution be amended in order to designate the University of Hawaii rather than the Educational Media Center as the Consulting organization for the preparation of the study.

The Department of Budget and Finance, while in support of the concept of a study to determine the best approach for providing video production services, recommended that the resolution be amended in several areas. First, the department felt that the scope of the study should be expanded to include an assessment of the demand for such services by State agencies. Secondly, the department believed that the resolution should direct the study to include a cost-effectiveness analysis of different alternatives. The department felt that the study should address whether the cost of centralized existing services, such as the Hawaii Public Broadcasting Authority, University of Hawaii, University Community Colleges or the private sector, would be less costly than using already existing facilities and programs.

Your Committee has adopted the recommendations of the Community Colleges and the Department of Budget and Finance.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.C.R. No. 222, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 222, H.D. 1.

Signed by all members of the Committee except Representatives Crozier and Hashimoto.

SCRep. 1318-88 Higher Education and the Arts and Human Services on H.R. No. 264

The purpose of this resolution is to request the University of Hawaii study the feasibility of establishing an adaptive computer technology education center in its Community College system.

Your Committees received favorable testimony from the the Community Colleges. A representative from the Community Colleges shared with the Committees some of the activities relating to handicapped individuals which have been taking place at Leeward Community College.

Your Committees find that this resolution would significantly contribute to understanding the issues and alternatives in providing better support for handicapped individuals in their pursuit of education.

Your Committees on Higher Education and the Arts and Human Services concur with the intent and purpose of H.R. No. 264, and recommend its adoption.

Signed by all members of the Committees except Representatives Crozier and Hashimoto.

SCRep. 1319-88 Higher Education and the Arts and Human Services on H.C.R. No. 205

The purpose of this resolution is to request the University of Hawaii study the feasibility of establishing an adaptive computer technology education center in its Community College system.

Your Committees received favorable testimony from the the Community Colleges. A representative from the Community Colleges shared with the Committees some of the activities relating to handicapped individuals which have been taking place at Leeward Community College.

Your Committees find that this resolution would significantly contribute to understanding the issues and alternatives in providing better support for handicapped individuals in their pursuit of education.

Your Committees on Higher Education and the Arts and Human Services concur with the intent and purpose of H.C.R. No. 205, and recommend its adoption.

Signed by all members of the Committees except Representatives Crozier and Hashimoto.

SCRep. 1320-88 Water, Land Use, Development and Hawaiian Affairs on H.R. No. 242

The purpose of this resolution is to request the Board of Land and Natural Resources to determine how best to develop a comprehensive state park interpretive program.

Your Committee received testimony from the Department of Land and Natural Resources, the University of Hawaii, and the Hawaii Nature Center.

Your Committee finds that programs to help our residents and visitors understand the rich natural heritage of Hawaii have been inadequate and without clear direction. There are some excellent non-profit programs; however, these programs have limited resources and are local in nature. Such programs are well received and show that people are willing to pay for quality nature experiences. An interpretive plan should provide a statewide program which incorporates local non-profit interpretive programs.

Your Committee has amended the language to provide that DLNR enlist the assistance of the community college system and private organizations, and that DLNR have flexibility as to whether to do the study through a consultant or "in house."

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 242, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 242, H.D. 1.

Signed by all members of the Committee.

SCRep. 1321-88 Water, Land Use, Development and Hawaiian Affairs on H.R. No. 168

The purpose of this resolution is to encourage intensified research to improve the management and utilization of tuna within Hawaiian waters.

Your Committee heard testimony from the Department of Land and Natural Resources and the Hawaii Institute of Marine Biology in favor of this resolution.

Questioning brought an admission that research conducted by the two agencies had often proceeded in parallel, with DLNR concentrating on inshore fisheries and the HIMB concentrating on tuna. In recent years, reduction of federal funding had forced closer cooperation between the two agencies with the first real collaborative effort occurring last summer.

Your Committee hopes and anticipates that any research be directed toward those fishing methods which minimize or eliminate the destruction of mammals such as dolphins.

Your Committee has amended this resolution to request DLNR and HIMB to make every effort to cooperate, coordinate and collaborate. Your Committee has also amended the title and added language to point out the need for expanding marketing and education programs, to take maximum advantage of the results of any successful research. Other non-substantive amendments were made for purposes of style and clarity.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 168, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 168, H.D. 1.

Signed by all members of the Committee.

SCRep. 1322-88 Water, Land Use, Development and Hawaiian Affairs on H.C.R. No. 125

The purpose of this concurrent resolution is to encourage intensified research to improve the management and utilization of tuna within Hawaiian waters.

Your Committee heard testimony from the Department of Land and Natural Resources and the Hawaii Institute of Marine Biology in favor of this resolution.

Questioning brought an admission that research conducted by the two agencies had often proceeded in parallel, with DLNR concentrating on inshore fisheries and the HIMB concentrating on tuna. In recent years, reduction of federal funding had forced closer cooperation between the two agencies with the first real collaborative effort occurring last summer.

Your Committee hopes and anticipates that any research be directed toward those fishing methods which minimize or eliminate the destruction of mammals such as dolphins.

Your Committee has amended this resolution to request DLNR and HIMB to make every effort to cooperate, coordinate and collaborate. Your Committee has also amended the title and added language to point out the need for expanding marketing and education programs, to take maximum advantage of the results of any successful research. Other non-substantive amendments were made for purposes of style and clarity.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 125, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 125, H.D. 1.

Signed by all members of the Committee.

SCRep. 1323-88 Water, Land Use, Development and Hawaiian Affairs on H.R. No. 133

The purpose of this resolution is to better assure that residents of communities closest to a satellite launching facility will benefit from the direct and indirect jobs which will be created.

Your Committee held hearings in both Honolulu and Ka'u, and heard testimony from numerous individuals as well as the Department of Business and Economic Development, the Department of Labor, the University of Hawaii, and the Department of Education.

Your Committee has clarified the number of estimated jobs to be generated by the proposed facility and has made other minor amendments for the purpose of style and clarity.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 133, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 133, H.D. 1.

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

SCRep. 1324-88 Water, Land Use, Development and Hawaiian Affairs on H.C.R. No. 213

The purpose of this concurrent resolution is to assure that state property needed for future expansion and growth of the University of Hawaii, Hilo Campus, is reserved for that purpose.

Your Committee heard testimony from the Department of Land and Natural Resources and the University of Hawaii at Hilo.

Your Committee has amended this concurrent resolution to replace the term "set aside" (which has certain legal implications) with the term "reserve" in both the title and body of the resolution, and has made several other minor changes in wording to increase the University's flexibility.

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

Signed by all members of the Committee.

SCRep. 1325-88 Agriculture and Planning, Energy and Environmental Protection on H.R. No. 113

The purpose of this resolution is to request an examination of the use of ethanol fuel as an alternate energy source.

Your Committees find that presently no ethanol blended gasoline or diesel fuels are sold in Hawaii, nor is fuel ethanol being manufactured from molasses or other sugarcane derivatives in the State.

Your Committees also find that the economic decline of the domestic sugar industry could be slowed or even reversed if by-products from this industry could be used in the manufacturing and processing of ethanol.

Your Committees have amended this resolution to reflect that the Legislative Reference Bureau be the agency designated to conduct the study.

Your Committees have made technical non-substantive changes for purposes of style and clarity.

Your Committees on Agriculture and Planning, Energy and Environmental Protection concur with the intent and purpose of H.R. No. 113, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 113, H.D. 1.

Signed by all members of the Committees.

SCRep. 1326-88 Agriculture and Planning, Energy and Environmental Protection on H.C.R. No. 82

The purpose of this concurrent resolution is to request an examination of the use of ethanol fuel as an alternate energy source.

Your Committees find that presently no ethanol blended gasoline or diesel fuels are sold in Hawaii, nor is fuel ethanol being manufactured from molasses or other sugarcane derivatives in the State.

Your Committees also find that the economic decline of the domestic sugar industry could be slowed or even reversed if by-products from this industry could be used in the manufacturing and processing of ethanol.

Your Committees have amended this concurrent resolution to reflect that the Legislative Reference Bureau be the agency designated to conduct the study.

Your Committees have made technical non-substantive changes for purposes of style and clarity.

Your Committees on Agriculture and Planning, Energy and Environmental Protection concur with the intent and purpose of H.C.R. No. 82, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 82, H.D. 1.

Signed by all members of the Committees.

SCRep. 1327-88 Labor and Public Employment on H.R. No. 250

The purpose of this resolution is to request state agencies to broaden their public information dissemination procedures to include the announcement of information in all Neighbor Island newspapers with daily circulation at least once.

Your Committee finds that as a result of growing populations on the Neighbor Islands and other factors, Honolulu newspapers are assuming secondary roles in those communities. The administrative provisions for disseminating public information have thus been rendered inadequate in Neighbor Isle communities.

Your Committee on Labor and Public Employment concurs with the intent and purpose of H.R. No. 250 and recommends that it be referred to the Committee on Judiciary.

Signed by all members of the Committee except Representatives Crozier, Yoshimura and Jones.

SCRep. 1328-88 Labor and Public Employment on H.C.R. No. 199

The purpose of this concurrent resolution is to request state agencies to broaden their public information dissemination procedures to include the announcement of information in all Neighbor Island newspapers with daily circulation at least once.

Your Committee finds that as a result of growing populations on the Neighbor Islands and other factors, Honolulu newspapers are assuming secondary roles in those communities. The administrative provisions for disseminating public information have thus been rendered inadequate in Neighbor Isle communities.

Your Committee on Labor and Public Employment concurs with the intent and purpose of H.C.R. No. 199 and recommends that it be referred to the Committee on Judiciary.

Signed by all members of the Committee except Representatives Crozier, Yoshimura, Jones and Medeiros.

SCRep. 1329-88 Labor and Public Employment on H.R. No. 255

The purpose of this resolution is to request the Legislative Auditor to conduct a comprehensive evaluation of the Hawaii Public Employees Health Fund with the assistance of an employee benefit plan consultant to ascertain the following:

1. Whether a major change in the funding mechanism, e.g., self-funding, prefunding, or cafeteria benefits, might improve the cost-efficiency of the Health Fund;

2. Which administrative and programmatic cost containment measures might be effectively applied by the Health Fund;
3. The impact contributions might have on retiree pensions assuming that increases to the health insurance premiums will continue, if contributions will be required from retirees; and
4. The number of retirees with dual coverage (coverage under a spouse's private sector or federal government plan as well as the Health Fund plan) and the feasibility of paying such retirees cash as an incentive to drop the Health Fund's "free" insurance coverage.

Your Committee finds that this study will be beneficial in helping public employers deal with future increases in health care costs.

Your Committee on Labor and Public Employment concurs with the intent and purpose of H.R. No. 255 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee except Representatives Crozier, Yoshimura and Jones.

SCRep. 1330-88 Labor and Public Employment on H.C.R. No. 200

The purpose of this concurrent resolution is to request the Legislative Auditor to conduct a comprehensive evaluation of the Hawaii Public Employees Health Fund with the assistance of an employee benefit plan consultant to ascertain the following:

1. Whether a major change in the funding mechanism, e.g., self-funding, prefunding, or cafeteria benefits, might improve the cost-efficiency of the Health Fund;
2. Which administrative and programmatic cost containment measures might be effectively applied by the Health Fund;
3. The impact contributions might have on retiree pensions assuming that increases to the health insurance premiums will continue, if contributions will be required from retirees; and
4. The number of retirees with dual coverage (coverage under a spouse's private sector or federal government plan as well as the Health Fund plan) and the feasibility of paying such retirees cash as an incentive to drop the Health Fund's "free" insurance coverage.

Your Committee finds that this study will be beneficial in helping public employers deal with future increases in health care costs.

Your Committee on Labor and Public Employment concurs with the intent and purpose of H.C.R. No. 200 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee except Representatives Crozier, Yoshimura and Jones.

SCRep. 1331-88 Housing and Community Development on H.R. No. 465

The purpose of this measure is to request the Legislative Reference Bureau to study the concept and viability of residential leaseholds.

The study would provide useful information by including statistics on how long people have continued to hold property after acquiring the leased fee interest; recommendations concerning whether residential leaseholds should be abolished, modified, or continued; and recommendations concerning whether any change in the status quo should be applicable to all residential leasehold or only to future real estate transactions.

Bernice Pauahi/Bishop Estate, stated it is imperative that the Hawaii Legislature re-examine the original intent and purpose of the Land Reform Act, and to see how speculation and foreign investment which have skewed the residential fee market, inflated land prices, and injured the public tranquility and desire for fee simple ownership.

Upon further consideration, your Committee has amended the bill by including respective lessors and the Bureau of Conveyance to assist in the study.

Your Committee on Housing and Community Development concurs with the intent and purpose of H.R. No. 465, as amended herein, and recommends that it be referred to the Committee on Legislative Management, in the form attached hereto as H.R. No. 465, H.D. 1.

Signed by all members of the Committee except Representative Leong.

SCRep. 1332-88 Housing and Community Development on H.C.R. No. 378

The purpose of this measure is to request the Legislative Reference Bureau to study the concept and viability of residential leaseholds.

The study would provide useful information by including statistics on how long people have continued to hold property after acquiring the leased fee interest; recommendations concerning whether residential leaseholds should be abolished, modified, or continued; and recommendations concerning whether any change in the status quo should be applicable to all residential leasehold or only to future real estate transactions.

Bernice Pauahi/Bishop Estate, stated it is imperative that the Hawaii Legislature re-examine the original intent and purpose of the Land Reform Act, and to see how speculation and foreign investment which have skewed the residential fee market, inflated land prices, and injured the public tranquility and desire for fee simple ownership.

Upon further consideration, your Committee has amended the bill by including respective lessors and the Bureau of Conveyance to assist in the study.

Your Committee on Housing and Community Development concurs with the intent and purpose of H.C.R. No. 378, as amended herein, and recommends that it be referred to the Committee on Legislative Management, in the form attached hereto as H.C.R. No. 378, H.D. 1.

Signed by all members of the Committee except Representative Leong.

SCRep. 1333-88 Human Services on H.R. No. 386

The purpose of this resolution as received is to have the Legislature support adult care home operators in obtaining commercial insurance and to institute a study of alternative means for adult care homes to obtain insurance.

Testimony in favor of this resolution was received by the Department of Health and various other individuals.

Your Committee finds that adult residential care homes constitute a sizeable portion of Hawaii's long-term care bed resources. Many of these care home facilities are unable to afford commercial insurance and in most cases have chosen to go without such insurance. It is therefore necessary that a study be made by the Department of Health and the Insurance Commission of means by which adult health care homes may obtain appropriate insurance.

Your Committee has amended this resolution by providing that measures to facilitate obtaining fire and home owners' insurance be supported by the Legislature and be included in the study by the Department of Health and the Insurance Commission. The title to this resolution has also been changed to accommodate the amendment.

Your Committee on Human Services concurs with the intent and purpose of H.R. No. 386, as amended herein, and recommends that it be referred to the Committee on Consumer Protection and Commerce, in the form attached hereto as H.R. No. 386, H.D. 1.

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

SCRep. 1334-88 Human Services on H.R. No. 318

The purpose of this Resolution is to request the Juvenile Justice Interagency Board, with the assistance of the Hawaii Youth Services Network Deinstitutionalization of Status Offenders Project, to conduct a comprehensive analysis of the youth gang problem in Hawaii.

Your Committee received testimony in support of an analysis of the youth gang problem from a number of agencies, including the Kalihi YMCA, the Hawaii Youth Services Network Deinstitutionalization of Status Offenders Project, the Honolulu Police Department, the Office of Children and Youth, and the Juvenile Justice Interagency Board.

Testimony indicated that the youth gang problem in Hawaii is becoming more extensive. The Honolulu Police Department submitted testimony indicating that some gangs are involved in criminal activity and that defense of turf and efforts of gangs to dominate each other often result in acts of violence, seriously impacting upon our community. However, more information is needed regarding the specific nature of the problem in Hawaii so that more effective efforts can be made to address it.

Your Committee on Human Services concurs with the intent and purpose of H.R. No. 318 and recommends that it be referred to the Committee on Judiciary.

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

SCRep. 1335-88 Human Services on H.C.R. No. 246

The purpose of this Concurrent Resolution is to request the Juvenile Justice Interagency Board, with the assistance of the Hawaii Youth Services Network Deinstitutionalization of Status Offenders Project, to conduct a comprehensive analysis of the youth gang problem in Hawaii.

Your Committee received testimony in support of an analysis of the youth gang problem from a number of agencies, including the Kalihi YMCA, the Hawaii Youth Services Network Deinstitutionalization of Status Offenders Project, the Honolulu Police Department, the Office of Children and Youth, and the Juvenile Justice Interagency Board.

Testimony indicated that the youth gang problem in Hawaii is becoming more extensive. The Honolulu Police Department submitted testimony indicating that some gangs are involved in criminal activity and that defense of turf and efforts of gangs to dominate each other often result in acts of violence, seriously impacting upon our community. However, more information is needed regarding the specific nature of the problem in Hawaii so that more effective efforts can be made to address it.

Your Committee on Human Services concurs with the intent and purpose of H.C.R. No. 246 and recommends that it be referred to the Committee on Judiciary.

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

SCRep. 1336-88 Tourism on H.R. No. 467

The purpose of this resolution is to urge the Legislative Auditor to undertake a study to determine an equitable method for distributing the revenues from the transient accommodations tax. This study will include but not be limited a review of the following:

1. An evaluation of the income generating capacity of the counties;
2. grants-in-aid, extraordinary requests for funds, and capital improvement appropriations made by the State to be expended by each county;
3. the real property tax capacity;
4. the amount of the transient accommodation tax generated by each county;
5. the per capita personal income in each county, and the unemployment rate in each county;
6. the erosion of grants-in-aid purchasing power due to inflation;
7. the termination of federal revenue sharing and the reduction of other federal grants; and
8. a consideration of county needs which may arise such as natural disasters.

Your Committee received testimony from the City and County of Honolulu expressing general support for the study but expressed concern regarding several elements of the study.

Your Committee feels that since suggestions from the counties were received prior to the drafting of this resolution and many of their recommendations were incorporated into the resolution that this study is justified. Furthermore, the resolution directs the Legislative Auditor to gather input from the county councils, the mayors and the Hawaii State Association of Counties; therefore, the Committee would like to see this study undertaken in order to find an equitable method of distributing the revenues from the transient accommodations tax.

Your Committee on Tourism concurs with the intent and purpose of H.R. 146 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee except Representatives Crozier, Souki, Jones and Medeiros.

SCRep. 1337-88 Tourism on H.C.R. No. 381

The purpose of this resolution is to urge the Legislative Auditor to undertake a study to determine an equitable method for distributing the revenues from the transient accommodations tax. This study will include but not be limited a review of the following:

1. An evaluation of the income generating capacity of the counties;
2. grants-in-aid, extraordinary requests for funds, and capital improvement appropriations made by the State to be expended by each county;
3. the real property tax capacity;
4. the amount of the transient accommodation tax generated by each county;
5. the per capita personal income in each county, and the unemployment rate in each county;
6. the erosion of grants-in-aid purchasing power due to inflation;
7. the termination of federal revenue sharing and the reduction of other federal grants; and
8. a consideration of county needs which may arise such as natural disasters.

Your Committee received testimony from the City and County of Honolulu expressing general support for the study but expressed concern regarding several elements of the study.

Your Committee feels that since suggestions from the counties were received prior to the drafting of this resolution and many of their recommendations were incorporated into the resolution that this study is justified. Furthermore, the resolution directs the Legislative Auditor to gather input from the county councils, the mayors and the Hawaii State Association of Counties; therefore, the Committee would like to see this study undertaken in order to find an equitable method of distributing the revenues from the transient accommodations tax.

Your Committee on Tourism concurs with the intent and purpose of H.C.R. 381 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee except Representatives Crozier, Souki and Jones.

SCRep. 1338-88 Consumer Protection and Commerce on H.R. No. 314

The purpose of this House Resolution is to request the Legislative Auditor, assisted by the Legislative Reference Bureau, to conduct a comprehensive audit of Chapter 269 H.R.S., Public Utilities Commission.

Your Committee has made a technical non-substantive amendment to this resolution for purposes of style and clarity.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.R. No. 314, as amended herein, and recommends that it be referred to the Committee on Legislative Management, in the form attached hereto as H.R. No. 314, H.D. 1.

Signed by all members of the Committee except Representatives Peters, Yoshimura and Jones.

SCRep. 1339-88 Consumer Protection and Commerce on H.C.R. No. 242

The purpose of this House concurrent resolution is to request the Legislative Auditor, assisted by the Legislative Reference Bureau, to conduct a comprehensive audit of Chapter 269 H.R.S., Public Utilities Commission.

Your Committee has made a technical non-substantive amendment to this concurrent resolution for purposes of style and clarity.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.C.R. No. 242, as amended herein, and recommends that it be referred to the Committee on Legislative Management, in the form attached hereto as H.C.R. No. 242, H.D. 1.

Signed by all members of the Committees except Representatives Peters, Yoshimura and Jones.

SCRep. 1340-88 Consumer Protection and Commerce on H.R. No. 380

The purpose of this House Resolution is to request the Legislative Reference Bureau to conduct a study to evaluate the impact of assigning risks to different insurers and the F.A.I.R. Plan, and to suggest alternatives under which the Insurance Commission would have the power to take steps to ensure the availability of casualty insurance when it is unavailable or only available at unaffordable rates.

The Insurance Division testified that it has no objections to this requested study.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.R. No. 380 and recommends that it be referred to the Committee on Committee on Legislative Management.

Signed by all members of the Committee except Representatives Peters, Yoshimura and Jones.

SCRep. 1341-88 Human Services and Health on H.R. No. 24

The purpose of this resolution is stated in the title.

This plan establishes a foundation of long-term care policies and programs for our existing and future population of elders. It focuses on community based, in-home care instead of institutional care, and examines the coordination of services, the quality of care, and the development of a financial strategy for the State.

Your Committee has made the following amendments to the resolution:

- 1) Changed the title.
- 2) Clarified Hawaii's population of older adults as those aged sixty and over.
- 3) Included the following major policy recommendations:

1. The development and implementation of public awareness programs on aging and long-term care concerns and options;

2. The inclusion of a long-term care component in pre-retirement programs;
3. The utilization of a demonstration project approach in the launching of all new long-term care programs;
4. The implementation of interdepartmental coordinating mechanisms;
5. The development of the long term care labor force;
6. Advocacy for a national long-term care policy to address the cost of such care;
7. The development of a State funding mechanism to cover the costs of long-term care;
8. The stimulation of community based and home care services; and
9. Protective services measures for elders receiving long-term care in both institutional and community settings.

Your Committees on Human Services and Health concur with the intent and purpose of H.R. No. 24, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.R. No. 24, H.D. 1.

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

SCRep. 1342-88 Human Services and Health on H.C.R. No. 21

The purpose of this resolution is stated in the title.

This plan establishes a foundation of long-term care policies and programs for our existing and future population of elders. It focuses on community based, in-home care instead of institutional care, and examines the coordination of services, the quality of care, and the development of a financial strategy for the State.

Your Committee has made the following amendments to the resolution:

- 1) Changed the title.
- 2) Clarified Hawaii's population of older adults as those aged sixty and over.
- 3) Included the following major policy recommendations:
 1. The development and implementation of public awareness programs on aging and long-term care concerns and options;
 2. The inclusion of a long-term care component in pre-retirement programs;
 3. The utilization of a demonstration project approach in the launching of all new long-term care programs;
 4. The implementation of interdepartmental coordinating mechanisms;
 5. The development of the long term care labor force;
 6. Advocacy for a national long-term care policy to address the cost of such care;
 7. The development of a State funding mechanism to cover the costs of long-term care;
 8. The stimulation of community based and home care services; and
 9. Protective services measures for elders receiving long-term care in both institutional and community settings.

Your Committees on Human Services and Health concur with the intent and purpose of H.C.R. No. 21, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as H.C.R. No. 21, H.D. 1.

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

SCRep. 1343-88 Consumer Protection and Commerce on H.R. No. 368

The purpose of this House resolution is to request a study of the adequacy of the regulation of the roofing industry in Hawaii.

Your Committee received testimony in favor of this resolution from the Department of Commerce and Consumer Affairs. The Hawaii Roofing Contractors Association testified that any studies that can further identify problems and solutions in the roofing industry should be encouraged. The Association made the suggestion that the study include general contractors who do roofing as well.

Your Committee has amended this resolution to reflect that suggestion and also to cause the study to be done by the Legislative Reference Bureau rather than by the Department of Commerce and Consumer Affairs.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of H.R. No. 368, as amended herein, and recommends that it be referred to the Committee on Legislative Management in the form attached hereto as H.R. No. 368, H.D. 1.

Signed by all members of the Committee except Representatives Peters, Yoshimura and Jones.

SCRep. 1344-88 Human Services on H.R. No. 320

The purpose of this resolution is to analyze the availability of residential care, intermediate care, and skilled nursing care for veterans throughout the State of Hawaii.

Your Committee heard testimony from the Department of Human Services, Department of Health, the Executive Office on Aging, and other interested individuals.

Your Committee finds that the State of Hawaii is one of eighteen states without a state-supported veterans home. Yet, the veterans population represents over ten percent of the State's total population. Moreover, the number of adult residential care homes, intermediate nursing and skilled nursing beds available to veterans in the State is below average compared to other states. Steps are therefore necessary to provide adequate care for the State's veteran population.

Your Committee on Human Services concurs with the intent and purpose of H.R. No. 320 and recommends that it be referred to the Committee on Legislative Management.

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

SCRep. 1345-88 Human Services on H.C.R. No. 248

The purpose of this concurrent resolution is to analyze the availability of residential care, intermediate care, and skilled nursing care for veterans throughout the State of Hawaii.

Your Committee heard testimony from the Department of Human Services, Department of Health, the Executive Office on Aging, and other interested individuals.

Your Committee finds that the State of Hawaii is one of eighteen states without a state-supported veterans home. Yet, the veterans population represents over ten percent of the State's total population. Moreover, the number of adult residential care homes, intermediate nursing and skilled nursing beds available to veterans in the State is below average compared to other states. Steps are therefore necessary to provide adequate care for the State's veteran population.

Your Committee on Human Services concurs with the intent and purpose of H.C.R. No. 248 and recommends that it be referred to the Committee on Legislative Management.

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

SCRep. 1346-88 Human Services on S.C.R. No. 57

The purpose of this resolution is stated in the title.

This Senate Concurrent Resolution requests the Legislative Auditor to conduct a management audit of the Department of Corrections. This audit will ascertain the Department's progress in implementing past recommendations, identify the areas that require changes to improve the department's administration efficiency, and assist the department in developing an improved formal management system.

Your Committee received full support for this resolution from the Department of Corrections.

Your Committee on Human Services concurs with the intent and purpose of S.C.R. No. 57 and recommends that it be referred to the Committee on Legislative Management.

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

SCRep. 1347-88 Higher Education and the Arts on H.R. No. 257

The purpose of this resolution is to request the Legislative Reference Bureau to conduct a study of the feasibility of having the University of Hawaii perform all research and consulting services for state agencies on a contract basis.

Your Committee has found that the various state agencies are annually required to contract for studies and consultation services. The cost to the state in contracting with private consultants for the studies total millions of dollars. Since there already exists at the University of Hawaii a number of research centers, institutions, and programs for conducting research, the University could be a cost-effective and timely source for state government studies otherwise performed by expensive private contractors.

Your Committee has amended this resolution to include in the feasibility study the affects of the purchase of University of Hawaii research services on the private sector. Also added is a provision calling for the development of criteria to serve as the basis for determining which research projects are to be appropriately contracted to the University.

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

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.R. No. 257, as amended herein, and recommends that it be referred to the Committee on Legislative Management in the form attached hereto as H.R. No. 257, H.D. 1.

Signed by all members of the Committee except Representative Hashimoto.

SCRep. 1348-88 Higher Education and the Arts on H.C.R. No. 180

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to conduct a study of the feasibility of having the University of Hawaii perform all research and consulting services for state agencies on a contract basis.

Your Committee has found that the various state agencies are annually required to contract for studies and consultation services. The cost to the state in contracting with private consultants for the studies total millions of dollars. Since there already exists at the University of Hawaii a number of research centers, institutions, and programs for conducting research, the University could be a cost-effective and timely source for state government studies otherwise performed by expensive private contractors.

Your Committee has amended this concurrent resolution to include in the feasibility study the affects of the purchase of University of Hawaii research services on the private sector. Also added is a provision calling for the development of criteria to serve as the basis for determining which research projects are to be appropriately contracted to the University.

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

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.C.R. No. 180, as amended herein, and recommends that it be referred to the Committee on Legislative Management in the form attached hereto as H.C.R. No. 180, H.D. 1.

Signed by all members of the Committee except Representative Hashimoto.

SCRep. 1349-88 Higher Education and the Arts on H.C.R. No. 316

The purpose of this concurrent resolution is to request the president of the University of Hawaii to report on activities undertaken to expand student and faculty housing at the University of Hawaii at Hilo.

Your Committee heard testimony from the University of Hawaii. The testimony indicated that the University of Hawaii has initiated actions, as recommended by the Student housing Development Feasibility Study of 1985, to develop student housing. The University of Hawaii also indicated that they would be happy to submit a report to the Legislature.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.C.R. No. 316 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee except Representatives Hashimoto and Levin.

SCRep. 1350-88 Labor and Public Employment on H.C.R. No. 221

The purpose of this concurrent resolution is to request a management audit of the Department of Personnel Services be instituted by the legislative auditor to identify the reasons why the current processing times of personnel matters is slow and to make recommendations to improve the Department's efficacy maintaining the statewide personnel system and its delivery of support services.

Your Committee received testimony from the Department of Personnel Services, Department of Health, Department of Human Services, PEMAH, and HGEA.

Your Committee has amended this concurrent resolution to include some of the comments and recommendations suggested by the Department of Personnel Services.

Your Committee on Labor and Public Employment concurs with the intent and purpose of H.C.R. No. 221, as amended herein, and recommends that it be referred to the Committee on Legislative Management, in the form attached hereto as H.C.R. No. 221, H.D. 1.

Signed by all members of the Committee except Representatives Crozier, Yoshimura and Jones.

SCRep. 1351-88 Higher Education and the Arts and Education on H.R. No. 329

The purpose of this resolution is to request the Legislative Reference Bureau to conduct a study of Hawaiian language needs and determine effective means to preserve the Hawaiian language.

Your Committees received favorable testimony from the University of Hawaii as well as the Department of Education both of whom were willing to cooperate fully with the Legislative Reference Bureau in any study.

The Committees find that this study will avoid the common dilemma of having premature legislation passed which actually hinders the process of reaching common goals. Such a study will give all parties involved the best understanding possible of the concern before making decisions.

Your Committees on Higher Education and the Arts and Education concur with the intent and purpose of H.R. No. 329 and recommend that it be referred to the Committee on Legislative Management.

Signed by all members of the Committees except Representatives Hashimoto and Levin.

SCRep. 1352-88 Higher Education and the Arts and Education on H.C.R. No. 257

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to conduct a study of Hawaiian language needs and determine effective means to preserve the Hawaiian language.

Your Committees received favorable testimony from the University of Hawaii as well as the Department of Education both of whom were willing to cooperate fully with the Legislative Reference Bureau in any study.

The Committees find that this study will avoid the common dilemma of having premature legislation passed which actually hinders the process of reaching common goals. Such a study will give all parties involved the best understanding possible of the concern before making decisions.

Your Committees on Higher Education and the Arts and Education concur with the intent and purpose of H.C.R. No. 257 and recommend that it be referred to the Committee on Legislative Management.

Signed by all members of the Committees except Representatives Hashimoto and Levin.

SCRep. 1353-88 Water, Land Use, Development and Hawaiian Affairs on H.C.R. No. 287

The purpose of this concurrent resolution is to protect Heeia Meadowlands from development.

Your Committee received unanimous testimony in support of this resolution from numerous individuals as well as Friends of He'eia State Park, the Ali'i Cluster Park Owners' Association, and the Sierra Club.

Your Committee recognizes the sensitivity expressed by Bishop Estate in the past to outright sale of land. Therefore, your Committee has amended both the title and the body of the resolution to indicate that acquisition could be by land exchange, and not necessarily by purchase.

Your Committee has also added a paragraph asking Bishop Estate to refrain from further negotiations while the study is being completed. Several non-substantive amendments have also been made.

Based on the testimony received, there is a question as to whether the Heeia Meadowlands has been given a suitable designation by the Land Use Commission in light of its natural resources. Your Committee believes that this would be a suitable question for the community to raise with the Commission.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 287, as amended herein, and recommends that it be referred to the Committee on Legislative Management, in the form attached hereto as H.C.R. No. 287, H.D. 1.

Signed by all members of the Committee except Representatives Bunda, Hashimoto, Isbell and Kanoho.

SCRep. 1354-88 Education on H.R. No. 65

The purpose of this resolution is to urge the Board of Education, the Department of Education, and the State Legislature to support funding for full-time clerical assistant positions for public school libraries with school enrollments of 500 or more.

Your Committee finds that school librarians are an integral part of the total school curriculum. They teach the effective use of educational materials and serve as resource persons for students and teachers in matters dealing with curriculum development, classroom units and projects, classroom resources and materials, and student research and study skills.

However, in many cases the quantity of clerical work required detracts from the librarian's professional teaching and guidance functions. In these cases clerical assistance would enable the librarian to function more effectively.

While in agreement with the intent of the resolution, your Committee believes that more information is needed to determine specifically the amount of clerical assistance needed.

Your Committee amended the resolution as follows:

(1) Changed the purpose of the resolution to request the House Education Committee to conduct interim hearings regarding the need for clerical assistants in public school libraries, and reflected that purpose in the title of the resolution;

(2) Added a clause to indicate that more information is needed to assess the clerical needs in school libraries to determine the additional positions needed; and

(3) Directed that copies of the resolution be transmitted to the Speaker of the House of Representatives, the Chairman of the House Education Committee, the Chairperson of the Board of Education, and the Superintendent of Education.

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

Signed by all members of the Committee except Representatives Crozier, Hashimoto, Tom and O'Kieffe.

SCRep. 1355-88 Transportation on H.C.R. No. 115

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to conduct a study on the merits, benefits, and costs of initiating a four-day workweek for state employees, including possible incentives to encourage private businesses to adopt a four-day workweek policy, should such a state policy have a beneficial effect on traffic congestion.

Your Committee received favorable testimony on this concurrent resolution from the Department of Transportation, the Department of Personnel Services, and the Department of Education.

Your Committee has amended this concurrent resolution to remove the requirement for state agencies to submit data to the Legislative Reference Bureau. Your Committee has further amended this concurrent resolution to require the Legislative Reference Bureau to report its findings and recommendations to the Legislature twenty days prior to the convening of the Regular Session of 1989. In addition, your Committee has reduced the list of recipients of certified copies of this concurrent resolution to the Governor, Chief Justice of the Supreme Court, and Director of the Legislative Reference Bureau.

Your Committee on Transportation concurs with the intent and purpose of H.C.R. No. 115, as amended herein, and recommends that it be referred to the Committee on Legislative Management, in the form attached hereto as H.C.R. No. 115, H.D. 1.

Signed by all members of the Committee except Representative Crozier.

SCRep. 1356-88 Human Services on H.C.R. No. 250

The purpose of this concurrent resolution is to provide for the development of a vocational program for youths committed for institutionalization.

Testimony concerning this concurrent resolution was presented by the Department of Health, Department of Corrections, the Executive Director of the State Commission on Employment and Human Resources, Department of Labor and Industrial Relations, and the Department of Education.

Your Committee finds that youths committed to institutionalization in the various facilities of the State are destined to eventually be returned to the community. Many of these youths are not oriented for an academic direction. Vocational education would be an alternative course of instruction to pursue. Providing vocational instruction to youths in State institutions would assist their rehabilitation and prepare them to secure jobs after their release.

Your Committee has made a number of amendments to the resolution taking into account testimony presented. The amendments are as follows:

- 1) Provide vocational training or youths committed for long term institutionalization as opposed to both short and long term institutionalization. The title has been amended to take into account this change;
- 2) Have the Department of Education develop the vocational training program in cooperation with the Department of Health, Department of Corrections, The Family Court, and the Community Colleges of the University of Hawaii;
- 3) Add language such as to include any other residential facilities servicing youth as eligible for the training program; and
- 4) Provide for vocational testing and changes in the job market.

Your Committee on Human Services concurs with the intent and purpose of H.C.R. No. 250, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 250, H.D. 1.

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

SCRep. 1357-88 Tourism on H.R. No. 193

The purpose of this resolution is to urge the Department of Business and Economic Development to examine the possibility of using a global modeling as an aid in visitor industry planning.

Your Committee finds that Hawaii depends heavily on tourism and that tourism is a fragile industry which is effected by changes in the international economy and political arena. Furthermore, your Committee finds that it is essential to ascertain the long-term, interactive effects of global and local political, environmental, sociocultural and technological factors affecting the Hawaiian economy and the visitor industry.

Your Committees received testimony in support of this resolution from Dr. Richard W. Chadwick, a professor of Political Science at the University of Hawaii. In addition, the Department of Business and Economic Development submitted testimony supporting the intent of this resolution. However, the Department of Business and Economic Development felt that they were not the correct agency to undertake this study.

Your Committee finds that the Office of State Planning is the more appropriate agency to under take this project with cooperation by the Department of Business and Economic Development, Dr. Richard Chadwick, the University of Hawaii School of Travel Industry Management and the East-West Center.

After reviewing the testimony received your Committee has made the following amendments:

1. The title is amended by deleting the Department of Business and Economic Development and inserting the Office of State Planning.
2. The last "BE IT RESOLVED" clause is amended by deleting the Department of Business and Economic Development and inserting the Office of State Planning.
3. The first "BE IT FURTHER RESOLVED" clause is amended to read: "BE IT FURTHER RESOLVED that the Office of State Planning cooperate and work in conjunction with the Department of Business and Economic Development, Dr. Richard Chadwick of the University of Hawaii Political Science Department, the University of Hawaii Travel Industry Management School and the East-West Center; and".
4. In the last "BE IT FURTHER RESOLVED" clause include the Director of the Office of State Planning and the President of the East-West Center.

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

Your Committee on Tourism concurs with the intent and purpose of H.R. No. 193, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 193, H.D. 1.

Signed by all members of the Committee except Representatives Crozier, Souki and Jones.

SCRep. 1358-88 Tourism on H.C.R. No. 146

The purpose of this resolution is to urge the Department of Business and Economic Development to examine the possibility of using a global modeling as an aid in visitor industry planning.

Your Committee finds that Hawaii depends heavily on tourism and that tourism is a fragile industry which is effected by changes in the international economy and political arena. Furthermore, your Committee finds that it is essential to ascertain the long-term, interactive effects of global and local political, environmental, sociocultural and technological factors affecting the Hawaiian economy and the visitor industry.

Your Committees received testimony in support of this resolution from Dr. Richard W. Chadwick, a professor of Political Science at the University of Hawaii. In addition, the Department of Business and Economic Development submitted testimony supporting the intent of this resolution. However, the Department of Business and Economic Development felt that they were not the correct agency to undertake this study.

Your Committee finds that the Office of State Planning is the more appropriate agency to under take this project with cooperation by the Department of Business and Economic Development, Dr. Richard Chadwick, the University of Hawaii School of Travel Industry Management and the East-West Center.

After reviewing the testimony received your Committee has made the following amendments:

1. The title is amended by deleting the Department of Business and Economic Development and inserting the Office of State Planning.
2. The last "BE IT RESOLVED" clause is amended by deleting the Department of Business and Economic Development and inserting the Office of State Planning.
3. The first "BE IT FURTHER RESOLVED" clause is amended to read: "BE IT FURTHER RESOLVED that the Office of State Planning cooperate and work in conjunction with the Department of Business and Economic Development, Dr. Richard Chadwick of the University of Hawaii Political Science Department, the University of Hawaii Travel Industry Management School and the East-West Center; and".
4. In the last "BE IT FURTHER RESOLVED" clause include the Director of the Office of State Planning and the President of the East-West Center.

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

Your Committee on Tourism concurs with the intent and purpose of H.C.R. No. 146, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 146, H.D. 1.

Signed by all members of the Committee except Representatives Crozier, Souki and Jones.

SCRep. 1359-88 Housing and Community Development and Intergovernmental Relations on H.R. No. 221

The purpose of this measure is to encourage the Federal Government to help alleviate the problem of housing in this State by releasing some of its land for the purpose of providing civilian housing.

There are approximately 125,000 military personnel and their dependents in this State; only 19,000 housing units are provided. This lack of housing for the military has forced the remainder to locate outside of the military community.

Hawaii faces one of the worst housing shortages in the nation, which is augmented by the need of housing for the military. The release of land by the Federal Government would be beneficial to both the military and the State by providing needed housing for the civilian population as well as the military contingency.

Your Committees have amended this resolution by requesting that certified copies also be transmitted to the President of the United States of America, the Secretary of the Department of Defense, and the Hawaii Federal Liaison.

Your Committees on Housing and Community Development and Intergovernmental Relations concur with the intent and purpose of H.R. No. 221, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 221, H.D. 1.

Signed by all members of the Committees.

SCRep. 1360-88 Housing and Community Development and Intergovernmental Relations on H.C.R. No. 167

The purpose of this measure is to encourage the Federal Government to help alleviate the problem of housing in this State by releasing some of its land for the purpose of providing civilian housing.

There are approximately 125,000 military personnel and their dependents in this State; only 19,000 housing units are provided. This lack of housing for the military has forced the remainder to locate outside of the military community.

Hawaii faces one of the worst housing shortages in the nation, which is augmented by the need of housing for the military. The release of land by the Federal Government would be beneficial to both the military and the State by providing needed housing for the civilian population as well as the military contingency.

Your Committees have amended this resolution by requesting that certified copies also be transmitted to the President of the United States of America, the Secretary of the Department of Defense, and the Hawaii Federal Liaison.

Your Committees on Housing and Community Development and Intergovernmental Relations concur with the intent and purpose of H.C.R. No. 167, as amended herein, and recommend its adoption in the form attached hereto H.C.R. No. 167, H.D. 1.

Signed by all members of the Committees.

SCRep. 1361-88 Transportation and Ocean and Marine Resources on H.R. No. 122

The purpose of this resolution is to 1) request the State Department of Transportation to develop an emergency logistical support plan for Maui to be implemented in the event Kahului Harbor is unexpectedly closed; 2) request the State Department of Transportation to provide additional berthing space to accommodate large ships at Kahului Harbor; and 3) request the State Department of Transportation to meet the needs of the expanding commercial and recreational needs of Maui.

Your Committees find that Kahului Harbor is the only deep or median draft harbor serving the shipping needs of Maui. Maui is the only major island in the State that does not have an alternative harbor facility to provide back-up facilities that could serve the needs of the island in the event that Kahului Harbor is closed as a result of a disaster or emergency. Your Committees also find that additional berthing space to accommodate large ships is needed at Kahului Harbor. Your Committees further find that the Department of Transportation should work with the county of Maui and private industry groups to begin immediate development of additional small boat harbors or marinas to accommodate expanding commercial and recreational marine activities.

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

Your Committees have amended this resolution by including the U.S. Army Corps of Engineers as a recipient of this resolution.

Your Committees on Transportation and Ocean and Marine Resources concur with the intent and purpose of H.R. No. 122, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 122, H.D. 1.

Signed by all members of the Committees.

SCRep. 1362-88 Transportation and Ocean and Marine Resources on H.C.R. No. 88

The purpose of this concurrent resolution is to 1) request the State Department of Transportation to develop an emergency logistical support plan for Maui to be implemented in the event Kahului Harbor is unexpectedly closed; 2) request the State Department of Transportation to provide additional berthing space to accommodate large ships at Kahului Harbor; and 3) request the State Department of Transportation to meet the needs of the expanding commercial and recreational needs of Maui.

Your Committees find that Kahului Harbor is the only deep or median draft harbor serving the shipping needs of Maui. Maui is the only major island in the State that does not have an alternative harbor facility to provide back-up facilities that could serve the needs of the island in the event that Kahului Harbor is closed as a result of a disaster or emergency. Your Committees also find that additional berthing space to accommodate large ships is needed at Kahului Harbor. Your Committees further find that the department of transportation should work with the county of Maui and private industry groups to begin immediate development of additional small boat harbors or marinas to accommodate expanding commercial and recreational marine activities.

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

Your Committees have amended this concurrent resolution by including the U.S. Army Corps of Engineers as a recipient of this concurrent resolution.

Your Committees on Transportation and Ocean and Marine Resources concur with the intent and purpose of H.C.R. No. 88, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 88, H.D. 1.

Signed by all members of the Committees.

SCRep. 1363-88 Water, Land Use, Development and Hawaiian Affairs and Intergovernmental Relations on H.R. No. 231

The purpose of this resolution is to request the military to allow the joint use of ceded lands in Makua Valley for agricultural purposes.

Your Committees heard testimony from the Office of Hawaiian Affairs.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and Intergovernmental Relations concur with the intent and purpose of H.R. No. 231, and recommend its adoption.

Signed by all members of the Committees except Representatives Taniguchi, Jones and Marumoto.

SCRep. 1364-88 Water, Land Use, Development and Hawaiian Affairs and Intergovernmental Relations on H.C.R. No. 178

The purpose of this concurrent resolution is to request the military to allow the joint use of ceded lands in Makua Valley for agricultural purposes.

Your Committees heard testimony from the Office of Hawaiian Affairs.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and Intergovernmental Relations concur with the intent and purpose of H.C.R. No. 178, and recommend its adoption.

Signed by all members of the Committees except Representatives Taniguchi, Jones and Marumoto.

SCRep. 1365-88 Water, Land Use, Development and Hawaiian Affairs and Intergovernmental Relations on H.R. No. 232

The purpose of this resolution is to request the military to allow the joint use of ceded lands in Lualualei Valley for agricultural purposes.

Your Committees heard testimony from the Office of Hawaiian Affairs.

Your Committees has made minor, non-substantive amendments for the purpose of style and clarity.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and Intergovernmental Relations concur with the intent and purpose of H.R. No. 232, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 232, H.D. 1.

Signed by all members of the Committees.

SCRep. 1366-88 Water, Land Use, Development and Hawaiian Affairs and Intergovernmental Relations on H.C.R. No. 179

The purpose of this concurrent resolution is to request the military to allow the joint use of ceded lands in Lualualei Valley for agricultural purposes.

Your Committees heard testimony from the Office of Hawaiian Affairs.

Your Committees has made minor, non-substantive amendments for the purpose of style and clarity.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and Intergovernmental Relations concur with the intent and purpose of H.C.R. No. 179, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 179, H.D. 1.

Signed by all members of the Committees.

SCRep. 1367-88 Water, Land Use, Development and Hawaiian Affairs; Transportation; and Higher Education and the Arts on H.R. No. 160

The purpose of this resolution is to establish an aquatic recreation and education center within Keehi Lagoon.

Your Committees heard testimony from the University of Hawaii, the Department of Land and Natural Resources, the Department of Transportation, Kanaka Ikaika, the American Canoe Association, the Ocean Recreation Council of Hawaii, the Statewide Aquatics Committee, and several private citizens.

Your Committees are particularly concerned with the diversity of plans and recommendations centering on Keehi Lagoon and the apparent lack of coordination among interested agencies. We have amended this resolution as follows:

1. Broadened the title of the resolution to permit siting a facility within the general lagoon area.
2. Requested that the University of Hawaii take the lead, but develop its plans in consultation with the Department of Land and Natural Resources and the Department of Transportation.
3. Require that the planners solicit the opinions and recommendations of effected communities.

Your Committees on Water, Land Use, Development and Hawaiian Affairs; Transportation; and Higher Education and the Arts, concur with the intent and purpose of H.R. No. 160, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 160, H.D. 1.

Signed by all members of the Committees.

SCRep. 1368-88 Water, Land Use, Development and Hawaiian Affairs; Transportation; and Higher Education and the Arts on H.C.R. No. 121

The purpose of this concurrent resolution is to establish an aquatic recreation and education center within Keehi Lagoon.

Your Committees heard testimony from the University of Hawaii, the Department of Land and Natural Resources, the Department of Transportation, Kanaka Ikaika, the American Canoe Association, the Ocean Recreation Council of Hawaii, the Statewide Aquatics Committee, and several private citizens.

Your Committees are particularly concerned with the diversity of plans and recommendations centering on Keehi Lagoon and the apparent lack of coordination among interested agencies. We have amended this resolution as follows:

1. Broadened the title of the resolution to permit siting a facility within the general lagoon area.
2. Requested that the University of Hawaii take the lead, but develop its plans in consultation with the Department of Land and Natural Resources and the Department of Transportation.
3. Require that the planners solicit the opinions and recommendations of effected communities.

Your Committees on Water, Land Use, Development and Hawaiian Affairs; Transportation; and Higher Education and the Arts, concur with the intent and purpose of H.C.R. No. 121, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 121, H.D. 1.

Signed by all members of the Committees.

SCRep. 1369-88 Water, Land Use, Development and Hawaiian Affairs and Intergovernmental Relations on H.R. No. 281

The purpose of this resolution is to express the Legislature's concern for the potential environmental consequences of ocean mining, and to ask all involved organizations to recognize legislative intent that serious impacts to existing economic activities, and serious environmental damage, are to be avoided if and when ocean mining becomes a reality.

Your Committees received testimony from the Department of Business and Economic Development and from the U.S. House of Representatives Committee on Merchant Marine and Fisheries.

Your Committees recognize both the potential for economic benefit and for serious economic and environmental damage. Your Committees' intent is that this resolution alert all government and private organizations involved with ocean mining that it is the desire of the Legislature that mining activities be developed cautiously and with full awareness of potential environmental impacts. Your Committees are concerned that existing economic activities such as fisheries could be seriously impacted by ocean mining, and believe such trade-offs might well be unacceptable.

Your Committees have extensively amended this resolution, not only for style and clarity, but to remove editorializing and to make the resolution more positive in expressing our concerns. We believe that a desirable industry is one which provides a long-term benefit to the people of Hawaii, and is compatible with both existing industries and community concerns for a quality life.

Specific amendments include elimination of the recommendation that drafters of the EIS consider ocean mining a short-term industry, a recommendation to eliminate one area from potential exploration, a recommendation that the Federal Government engage in joint management with the State of Hawaii, and a recommendation that potential impacts be investigated and evaluated by a multi-disciplinary team which fully utilizes experts in all fields of potential impact.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and Intergovernmental Relations concur with the intent and purpose of H.R. No. 281, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 281, H.D. 1.

Signed by all members of the Committees.

SCRep. 1370-88 Water, Land Use, Development and Hawaiian Affairs on H.C.R. No. 218

The purpose of this concurrent resolution is to express the Legislature's concern for the potential environmental consequences of ocean mining, and to ask all involved organizations to recognize legislative intent that serious impacts to existing economic activities, and serious environmental damage, are to be avoided if and when ocean mining becomes a reality.

Your Committees received testimony from the Department of Business and Economic Development and from the U.S. House of Representatives Committee on Merchant Marine and Fisheries.

Your Committees recognize both the potential for economic benefit and for serious economic and environmental damage. Your Committees' intent is that this resolution alert all government and private organizations involved with ocean mining that it is the desire of the Legislature that mining activities be developed cautiously and with full awareness of potential environmental impacts. Your Committees are concerned that existing economic activities such as fisheries could be seriously impacted by ocean mining, and believe such trade-offs might well be unacceptable.

Your Committees have extensively amended this resolution, not only for style and clarity, but to remove editorializing and to make the resolution more positive in expressing our concerns. We believe that a desirable industry is one which provides a long-term benefit to the people of Hawaii, and is compatible with both existing industries and community concerns for a quality life.

Specific amendments include elimination of the recommendation that drafters of the EIS consider ocean mining a short-term industry, a recommendation to eliminate one area from potential exploration, a recommendation that the Federal Government engage in joint management with the State of Hawaii, and a recommendation that potential impacts be investigated and evaluated by a multi-disciplinary team which fully utilizes experts in all fields of potential impact.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and Intergovernmental Relations concur with the intent and purpose of H.C.R. No. 218, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 218, H.D. 1.

Signed by all members of the Committees.

SCRep. 1371-88 Water, Land Use, Development and Hawaiian Affairs on H.R. No. 277

The purpose of this resolution is explained in the title.

Your Committee heard testimony from the Department of Land and Natural Resources, the Schofield Rod and Gun Club, and the Hawaii Rifle Association.

Your Committee has amended the title of this resolution to reflect our concern that a mandatory hunter safety program be implemented as soon as possible but not before the Department is capable of providing convenient classes to all applicants on a timely basis. We have also amended the resolution to make it clear that the hunter safety program is to be a free program made available to all who want to take it.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 277, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 277, H.D. 1.

Signed by all members of the Committee.

SCRep. 1372-88 Water, Land Use, Development and Hawaiian Affairs on H.R. No. 272

The purpose of this resolution is to assure that state property needed for future expansion and growth of the University of Hawaii, Hilo Campus, is reserved for that purpose.

Your Committee heard testimony from the Department of Land and Natural Resources and the University of Hawaii at Hilo.

Your Committee has amended this resolution to replace the term "set aside" (which has certain legal implications) with the term "reserve" in both the title and body of the resolution, and has made several other minor changes in wording to increase the University's flexibility.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 272, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 272, H.D. 1.

Signed by all members of the Committee.

SCRep. 1373-88 Water, Land Use, Development and Hawaiian Affairs on H.C.R. No. 99

The purpose of this concurrent resolution is to better assure that residents of communities closest to a satellite launching facility will benefit from the direct and indirect jobs which will be created.

Your Committee held hearings in both Honolulu and Ka'u, and heard testimony from numerous individuals as well as the Department of Business and Economic Development, the Department of Labor, the University of Hawaii, and the Department of Education.

Your Committee has clarified the number of estimated jobs to be generated by the proposed facility and has made other minor amendments for the purpose of style and clarity.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 99, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 99, H.D. 1.

Signed by all members of the Committee except Representative Fukunaga.

SCRep. 1374-88 Water, Land Use, Development and Hawaiian Affairs on H.R. No. 245

The purpose of this resolution is described in the title.

Your Committee received testimony from the Department of Business and Economic Development.

Your Committee believes that a high-quality program which accurately represents our Hawaiian culture would be a valuable ambassador of goodwill for the state and an excellent promotional tool to help Hawaii compete with other tourist destination areas. At least as important, there is a great deal of exceptional talent available, and a quality program could encourage such talent and promote the development of a rich variety of programs.

Your Committee is concerned that tenured positions might lead to less than the desired quality of performance. This question should be addressed in the study.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 245, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 245, H.D. 1.

Signed by all members of the Committee.

SCRep. 1375-88 Water, Land Use, Development and Hawaiian Affairs on H.C.R. No. 191

The purpose of this concurrent resolution is described in the title.

Your Committee received testimony from the Department of Business and Economic Development.

Your Committee believes that a high-quality program which accurately represents our Hawaiian culture would be a valuable ambassador of goodwill for the state and an excellent promotional tool to help Hawaii compete with other tourist destination areas. At least as important, there is a great deal of exceptional talent available, and a quality program could encourage such talent and promote the development of a rich variety of programs.

Your Committee is concerned that tenured positions might lead to less than the desired quality of performance. This question should be addressed in the study.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 191, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 191, H.D. 1.

Signed by all members of the Committee.

SCRep. 1376-88 Human Services on H.R. No. 322

The purpose of this resolution is to provide for the development of a vocational program for youths committed for institutionalization.

Testimony concerning this resolution was presented by the Department of Health, Department of Corrections, the Executive Director of the State Commission on Employment and Human Resources, Department of Labor and Industrial Relations, and the Department of Education.

Your Committee finds that youths committed to institutionalization in the various facilities of the State are destined to eventually be returned to the community. Many of these youths are not oriented for an academic direction. Vocational education would be an alternative course of instruction to pursue. Providing vocational instruction to youths in State institutions would assist their rehabilitation and prepare them to secure jobs after their release.

Your Committee has made a number of amendments to the resolution taking into account testimony presented. The amendments are as follows:

- 1) Provide vocational training or youths committed for long term institutionalization as opposed to both short and long term institutionalization. The title has been amended to take into account this change;
- 2) Have the Department of Education develop the vocational training program in cooperation with the Department of Health, Department of Corrections, The Family Court, and the Community Colleges of the University of Hawaii;
- 3) Add language such as to include any other residential facilities servicing youth as eligible for the training program; and
- 4) Provide for vocational testing and changes in the job market.

Your Committee on Human Services concurs with the intent and purpose of H.R. No. 322, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 322, H.D. 1.

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

SCRep. 1377-88 Health and Labor and Public Employment on S.B. No. 2265

The purpose of this bill is to extend the job-sharing pilot project in the Department of Health to June 30, 1990.

Act 73, Session Laws of Hawaii 1986, established a two-year pilot project to be implemented during fiscal years 1986-1987 and 1987-1988. The project is scheduled to terminate as of June 30, 1988. This bill would extend the project throughout fiscal years 1988-1989 and 1989-1990. The bill also deletes the requirement that the Legislative Auditor submit a status report to the 1989 Legislature. Your Committees concur with the Senate that the two previous status reports to the 1987 and 1988 Legislatures, along with the final report and recommendations to be provided to the 1990 Legislature, will provide sufficient basis to decide whether this project shall be made permanent, extended again, or terminated.

Your Committees received testimony from the Department of Health, Department of Personnel Services, and HGEA-AFSCME Local 152, AFL-CIO and finds that the extension of the job-sharing pilot project for nurses for two additional years is necessary for the Department of Health to fully implement the project in order to achieve the maximum benefits and to properly assess its value and need.

Your Committees on Health and Labor and Public Employment are in accord with the intent and purpose of S.B. No. 2265, 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. 1378-88 Housing and Community Development and Human Services on H.R. No. 174

The purpose of this measure is to have the Housing Finance and Development Corporation identify nonarable lands which could be used for elderly housing.

The rising cost of housing has made it difficult for many elderly, who are on fixed income, to locate affordable, decent, and safe housing.

According to the 1986 State Data Book, there are approximately 1,813,000 acres of land which are not of high agricultural value. It is the purpose of this measure that the Housing Finance and Development Corporation identify these lands along with their access to transportation lines, recreational facilities, medical centers, and other needed services.

It is the understanding of your Committees, and the Housing Finance and Development Corporation, that funds appropriated for a study of housing development in the South Point area of Hawaii were not exhausted and could be used for the study requested by this resolution.

Your Committees have amended this resolution as follows:

1. changed the land evaluation rating to include nonarable and marginal lands evaluated between 10 through 19;
2. included marginal lands to coincide with the findings in the 1986 State Data Book, Table 569;
3. broadened the scope of the study to include all types of housing developments by removing terms which provide only for elderly housing;
4. changed the title by removing the term "for the elderly" and adding "marginal" to broaden the scope of the study; and
5. made changes to conform with the broader scope of the study by further removing items which pertain only to elderly housing.

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

Your Committees on Housing and Community Development and Human Services concur with the intent and purpose of H.R. No. 174, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 174, H.D. 1.

Signed by all members of the Committees.

SCRep. 1379-88 Housing and Community Development and Human Services on H.C.R. No. 132

The purpose of this measure is to have the Housing Finance and Development Corporation identify nonarable lands which could be used for elderly housing.

The rising cost of housing has made it difficult for many elderly, who are on fixed income, to locate affordable, decent, and safe housing.

According to the 1986 State Data Book, there are approximately 1,813,000 acres of land which are not of high agricultural value. It is the purpose of this measure that the Housing Finance and Development Corporation identify these lands along with their access to transportation lines, recreational facilities, medical centers, and other needed services.

It is the understanding of your Committees, and the Housing Finance and Development Corporation, that funds appropriated for a study of housing development in the South Point area of Hawaii were not exhausted and could be used for the study requested by this concurrent resolution.

Your Committees have amended this concurrent resolution as follows:

1. changed the land evaluation rating to include nonarable and marginal lands evaluated between 10 through 19;
2. included marginal lands to coincide with the findings in the 1986 State Data Book, Table 569;
3. broadened the scope of the study to include all types of housing developments by removing terms which provide only for elderly housing;
4. changed the title by removing the term "for the elderly" and adding "marginal" to broaden the scope of the study; and
5. made changes to conform with the broader scope of the study by further removing items which pertain only to elderly housing.

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

Your Committees on Housing and Community Development and Human Services concur with the intent and purpose of H.C.R. No. 132, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 132, H.D. 1.

Signed by all members of the Committees.

SCRep. 1380-88 Higher Education and the Arts on H.C.R. No. 326

The purpose of this concurrent resolution is to request the University of Hawaii, in conjunction with the Department of Business and Economic Development and the County Council and mayor of the County of Hawaii, develop a plan for the commercial development of the area adjacent to the University of Hawaii at Hilo.

Your Committee heard testimony from the University of Hawaii that indicated the willingness of the university to report the progress made toward the development of the adjacent area for commercial uses. The university also stated that the development plans of the area are to be consistent with the Student Housing Development Feasibility Study of 1985 calling for a "collegiate theme" complex and not a commercial shopping mall.

Your Committee also received testimony from the Department of Business and Economic Development in support of the concurrent resolution. The department's testimony expressed their willingness to cooperate with the University of Hawaii

in developing a plan for a suitable business complex that would eliminate the University's present isolation from commonly required services for faculty and students.

The University of Hawaii clarified for your Committee that the policy of the University is to leave the individual campus the management of the development of state lands under its authority. The University also stated that there were interested parties approaching the University to develop the land.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.C.R. No. 326, and recommends its adoption.

Signed by all members of the Committee except Representatives Hashimoto and Levin.

SCRep. 1381-88 Education on H.R. No. 66

The purpose of this resolution is to urge the Department of Education (Department) to establish a policy on lost and damaged books.

Testimony from the Department indicated that there is already a policy to deal with this problem, but that actual collection of fees for lost and damaged books is often difficult and sometimes impossible.

Your Committee finds that significant state revenues are being wasted because of lost and damaged books in our public schools. We believe that further study by the Department is necessary. The title and the body of this resolution have been amended to call for a study of the current situation and proposals for improvement.

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

Signed by all members of the Committee except Representatives Crozier, Hashimoto, Tom and O'Kieffe.

SCRep. 1382-88 Education on H.C.R. No. 58

The purpose of this concurrent resolution is to urge the Department of Education (Department) to establish a policy on lost and damaged books.

Testimony from the Department indicated that there is already a policy to deal with this problem, but that actual collection of fees for lost and damaged books is often difficult, and sometimes impossible.

Your Committee finds that significant state revenues are being wasted because of lost and damaged books in our public schools. We believe that further study by the Department is necessary. The title and the body of this concurrent resolution have been amended to call for a study of the current situation and proposals for improvement.

Your Committee on Education concurs with the intent and purpose of H.C.R. No. 58, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 58, H.D. 1.

Signed by all members of the Committee except Representatives Crozier, Hashimoto, Tom and O'Kieffe.

SCRep. 1383-88 Education on H.R. No. 99

The purpose of this resolution is to request the Department of Education to study the feasibility of constructing a community and school auditorium at Campbell High School.

Your Committee finds that there is a need for such an auditorium to serve students at the school as well as the greater community. While agreeing with the need for an auditorium, the Department of Education submitted testimony indicating that, upon consideration of the total construction demands within the public schools, the need for classrooms has been designated as a higher priority at this time.

Your Committee believes that the community should be involved with the development of the auditorium since it would benefit, and that community participation can expedite construction. As the primary user of the proposed auditorium, the Department of Education should assume the lead in creating community awareness and developing community commitment in helping to finance the auditorium.

Your Committee has amended the resolution as follows:

(1) Changed the purpose of the resolution to request the Department of Education to facilitate the development of a community and school auditorium at Campbell High School, and reflected that purpose in the title of the resolution;

(2) Added a clause explaining that in consideration of the needs of the entire public school system, auditorium construction has been designated as a low priority, so non-traditional methods of financing must be sought;

(3) Amended the reporting requirement to reflect the new purpose of the resolution; and

(4) Directed that additional copies of the resolution be transmitted to the Principal of Campbell High School and the Chairman of the Board of Trustees of Campbell Estate.

Your Committee on Education concurs with the intent and purpose of H.R. No. 99, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 99, H.D. 1.

Signed by all members of the Committee except Representatives Crozier, Hashimoto, Tom and O'Kieffe.

SCRep. 1384-88 Education on H.C.R. No. 70

The purpose of this concurrent resolution is to request the Department of Education to study the feasibility of constructing a community and school auditorium at Campbell High School.

Your Committee finds that there is a need for such an auditorium to serve students at the school as well as the greater community. While agreeing with the need for an auditorium, the Department of Education submitted testimony indicating that, upon consideration of the total construction demands within the public schools, the need for classrooms has been designated as a higher priority at this time.

Your Committee believes that the community should be involved with the development of the auditorium since it would benefit, and that community participation can expedite construction. As the primary user of the proposed auditorium, the Department of Education should assume the lead in creating community awareness and developing community commitment in helping to finance the auditorium.

Your Committee has amended the concurrent resolution as follows:

(1) Changed the purpose of the concurrent resolution to request the Department of Education to facilitate the development of a community and school auditorium at Campbell High School, and reflected that purpose in the title of the resolution;

(2) Added a clause explaining that in consideration of the needs of the entire public school system, auditorium construction has been designated as a low priority, so non-traditional methods of financing must be sought;

(3) Amended the reporting requirement to reflect the new purpose of the concurrent resolution; and

(4) Directed that additional copies of the concurrent resolution be transmitted to the Principal of Campbell High School and the Chairman of the Board of Trustees of Campbell Estate.

Your Committee on Education concurs with the intent and purpose of H.C.R. No. 70, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 70, H.D. 1.

Signed by all members of the Committee except Representatives Crozier, Hashimoto, Tom and O'Kieffe.

SCRep. 1385-88 Education on H.R. No. 181

The purpose of this resolution is to request the Department of Education to study the feasibility of constructing a community and school auditorium at Konawaena High School.

Your Committee finds that there is a need for such an auditorium to serve students at the school as well as the greater community. While agreeing with the need for an auditorium, the Department of Education submitted testimony indicating that, upon consideration of the total construction demands within the public schools, the need for classrooms has been designated as a higher priority at this time.

Your Committee believes that the community should be involved with the development of the auditorium since it would benefit, and that community participation can expedite construction. As the primary user of the proposed auditorium, the Department of Education should assume the lead in creating community awareness and developing community commitment in helping to finance the auditorium.

Your Committee has amended the resolution as follows:

(1) Changed the purpose of the resolution to request the Department of Education to facilitate the development of a community and school auditorium at Konawaena High School, and reflected that purpose in the title of the resolution;

(2) Added a clause explaining that in consideration of the needs of the entire public school system, auditorium construction has been designated as a low priority, so non-traditional methods of financing must be sought;

(3) Amended the reporting requirement to reflect the new purpose of the resolution; and

(4) Directed that an additional copy of the resolution be transmitted to the Principal of Konawaena High School.

Your Committee on Education concurs with the intent and purpose of H.R. No. 181, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 181, H.D. 1.

Signed by all members of the Committee except Representatives Crozier, Hashimoto, Tom and O'Kieffe.

SCRep. 1386-88 Education on H.C.R. No. 135

The purpose of this concurrent resolution is to request the Department of Education to study the feasibility of constructing a community and school auditorium at Konawaena High School.

Your Committee finds that there is a need for such an auditorium to serve students at the school as well as the greater community. While agreeing with the need for an auditorium, the Department of Education submitted testimony indicating that, upon consideration of the total construction demands within the public schools, the need for classrooms has been designated as a higher priority at this time.

Your Committee believes that the community should be involved with the development of the auditorium since it would benefit, and that community participation can expedite construction. As the primary user of the proposed auditorium, the Department of Education should assume the lead in creating community awareness and developing community commitment in helping to finance the auditorium.

Your Committee has amended the concurrent resolution as follows:

(1) Changed the purpose of the concurrent resolution to request the Department of Education to facilitate the development of a community and school auditorium at Konawaena High School, and reflected that purpose in the title of the concurrent resolution;

(2) Added a clause explaining that in consideration of the needs of the entire public school system, auditorium construction has been designated as a low priority, so non-traditional methods of financing must be sought;

(3) Amended the reporting requirement to reflect the new purpose of the concurrent resolution; and

(4) Directed that an additional copy of the concurrent resolution be transmitted to the Principal of Konawaena High School.

Your Committee on Education concurs with the intent and purpose of H.C.R. No. 135, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 135, H.D. 1.

Signed by all members of the Committee except Representatives Crozier, Hashimoto, Tom and O'Kieffe.

SCRep. 1387-88 Education on H.R. No. 19

The purpose of this resolution is to request the Department of Education (Department) to undertake a full review of primary and secondary school curriculum requirements and to determine whether more entrepreneurial and business-related courses should be added to the required curriculum.

Testimony from the Department indicated that 2,895 students at 25 high schools are enrolled in Economics and 3,631 students at 27 high schools are enrolled in Consumer Education. The Department curriculum staff and administration are studying the possibility of requiring some form of economic education for all students, possibly by 1991.

Although your Committee believes that the Department is already addressing the purpose of this resolution, we are concerned that legislative mandates may be reducing the classroom time available for achieving the eight objectives of the Foundation Program for the Public Schools of Hawaii.

The Foundation Program, adopted in 1985, establishes a basis for determining equity of opportunity in education for all students by providing for the availability of all programs, activities, and services at any school in the state, regardless of size and geographic location.

The Foundation Program has eight objectives which indicate the kind of behavior the Department of Education hopes to see students demonstrate as they grow into active, contributing adults in our society. These objectives are periodically reviewed, updated, and validated by public surveys. The eight objectives are:

- (1) Develop basic skills for learning and effective communication with others.
- (2) Develop positive self concept.
- (3) Develop decision-making and problem-solving skills.
- (4) Develop independence in learning.
- (5) Develop physical and emotional health.
- (6) Recognize and pursue career development as an integral part of personal growth and development.
- (7) Develop a continually growing philosophy that reflects responsibility to self as well as to others.
- (8) Develop creative potential and aesthetic sensitivity.

Your Committee finds that since the Legislature and the Board of Education share the power to establish educational programs, it is important that we carefully evaluate the potential effect of legislative mandates on the allocation of class time and educational resources.

We believe that the Legislature should initiate educational programs only after thorough study of the existing implementation of the Foundation Program objectives. We also need to know how the Department intends to pursue these objectives in the future, even so far as examining the viability of program offerings relative to the anticipated demands of the 21st century. This resolution has been amended accordingly.

Your Committee on Education concurs with the intent and purpose of H.R. No. 19, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 19, H.D. 1.

Signed by all members of the Committee except Representatives Crozier, Hashimoto, Tom and O'Kieffe.

SCRep. 1388-88 Education on H.C.R. No. 16

The purpose of this concurrent resolution is to request the Department of Education (Department) to undertake a full review of primary and secondary school curriculum requirements and to determine whether more entrepreneurial and business-related courses should be added to the required curriculum.

Testimony from the Department indicated that 2,895 students at 25 high schools are enrolled in Economics and 3,631 students at 27 high schools are enrolled in Consumer Education. The Department curriculum staff and administration are studying the possibility of requiring some form of economic education for all students, possibly by 1991.

Although your Committee believes that the Department is already addressing the purpose of this concurrent resolution, we are concerned that legislative mandates may be reducing the classroom time available for achieving the eight objectives of the Foundation Program for the Public Schools of Hawaii.

The Foundation Program, adopted in 1985, establishes a basis for determining equity of opportunity in education for all students by providing for the availability of all programs, activities, and services at any school in the state, regardless of size and geographic location.

The Foundation Program has eight objectives which indicate the kind of behavior the Department of Education hopes to see students demonstrate as they grow into active, contributing adults in our society. These objectives are periodically reviewed, updated, and validated by public surveys. The eight objectives are:

- (1) Develop basic skills for learning and effective communication with others.
- (2) Develop positive self concept.
- (3) Develop decision-making and problem-solving skills.
- (4) Develop independence in learning.
- (5) Develop physical and emotional health.
- (6) Recognize and pursue career development as an integral part of personal growth and development.
- (7) Develop a continually growing philosophy that reflects responsibility to self as well as to others.
- (8) Develop creative potential and aesthetic sensitivity.

Your Committee finds that since the Legislature and the Board of Education share the power to establish educational programs, it is important that we carefully evaluate the potential effect of legislative mandates on the allocation of class time and educational resources.

We believe that the Legislature should initiate educational programs only after thorough study of the existing implementation of the Foundation Program objectives. We also need to know how the Department intends to pursue these objectives in the future, even so far as examining the viability of program offerings relative to the anticipated demands of the 21st century. This concurrent resolution has been amended accordingly.

Your Committee on Education concurs with the intent and purpose of H.C.R. No. 16, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 16, H.D. 1.

Signed by all members of the Committee except Representatives Crozier, Hashimoto, Tom and O'Kieffe.

SCRep. 1389-88 Education on H.R. No. 18

The purpose of this resolution is to request the Board of Education (Board) and the Department of Education (Department) to require all secondary schools students to study foreign languages.

The Department of Education testified that a requirement for foreign language study at the secondary school level would overtax the Department's staff due to the shortage of certified language teachers. The Board has already directed the

Department to incorporate the study of second languages into its curriculum commencing with the third grade, with continuing courses available at the intermediate and high schools.

The Hawaii State Teachers Association (HSTA) testified against requiring all students to study a second language because not all students are gifted in learning a foreign language. The HSTA also objected to the resolution's emphasis on Asian and Pacific Languages.

The title of this resolution has been amended to request the Board and the Department to strengthen foreign language study in the public schools. Your Committee believes that requiring all secondary school students to study a second language at this time would further complicate the Department's efforts to deliver quality educational services in the basic curriculum.

Your Committee also believes that foreign languages should be offered on the basis of the individual needs and desires of our public school students, rather than on the economic or social agenda of state government. Therefore, most references to Asian and Pacific languages have been deleted.

Your Committee on Education concurs with the intent and purpose of H.R. No. 18, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 18, H.D. 1.

Signed by all members of the Committees except Representatives Crozier, Hashimoto, Tom and O'Kieffe.

SCRep. 1390-88 Education on H.C.R. No. 15

The purpose of this concurrent resolution is to request the Board of Education (Board) and the Department of Education (Department) to require all secondary schools students to study foreign languages.

The Department of Education testified that a requirement for foreign language study at the secondary school level would overtax the Department's staff due to the shortage of certified language teachers. The Board has already directed the Department to incorporate the study of second languages into its curriculum commencing with the third grade, with continuing courses available at the intermediate and high schools.

The Hawaii State Teachers Association (HSTA) testified against requiring all students to study a second language because not all students are gifted in learning a foreign language. The HSTA also objected to the resolution's emphasis on Asian and Pacific Languages.

The title of this concurrent resolution has been amended to request the Board and the Department to strengthen foreign language study in the public schools. Your Committee believes that requiring all secondary school students to study a second language at this time would further complicate the Department's efforts to deliver quality educational services in the basic curriculum.

Your Committee also believes that foreign languages should be offered on the basis of the individual needs and desires of our public school students, rather than on the economic or social agenda of state government. Therefore, most references to Asian and Pacific languages have been deleted.

Your Committee on Education concurs with the intent and purpose of H.C.R. No. 15, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 15, H.D. 1.

Signed by all members of the Committee except Representatives Crozier, Hashimoto, Tom and O'Kieffe.

SCRep. 1391-88 Education on H.R. No. 195

The purpose of this resolution is to request the Department of Education to conduct a study to determine which public schools have the greatest need for covered physical education facilities, what the costs would be, and how construction should be phased if funds are appropriated for this purpose.

The Department of Education and student officers from Waiakea Intermediate School testified in favor of this resolution.

Your Committee finds that all students in the state, regardless of geographical location should have the same opportunity to participate in physical education classes.

Your Committee on Education concurs with the intent and purpose of H.R. No. 195, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 195, H.D. 1.

Signed by all members of the Committee except Representatives Crozier, Hashimoto, Tom and O'Kieffe.

SCRep. 1392-88 Education on H.C.R. No. 144

The purpose of this concurrent resolution is to request the Department of Education to conduct a study to determine which public schools have the greatest need for covered physical education facilities, what the costs would be, and how construction should be phased if funds are appropriated for this purpose.

The Department of Education and student officers from Waiakea Intermediate School testified in favor of this concurrent resolution.

Your Committee finds that all students in the state, regardless of geographical location should have the same opportunity to participate in physical education classes.

Your Committee on Education concurs with the intent and purpose of H.C.R. No. 144, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 144, H.D. 1.

Signed by all members of the Committee except Representatives Bunda, Crozier, Hashimoto, Tom and O'Kieffe.

SCRep. 1393-88 Ocean and Marine Resources and Planning, Energy and Environmental Protection on H.C.R. No. 356

The purpose of this concurrent resolution is to request the Department of Health to assist the United States Environmental Protection Agency and the National Oceanic and Atmospheric Administration in implementing the Plastic Pollution Research and Control Act, Annex V, Regulations for the Prevention of Pollution by Garbage from Ships, relating to the International Convention for the Prevention of Pollution from Ships, 1973, more commonly known as "MARPOL Annex V".

Your Committees find that plastic pollution and lost, floating fish net have adverse effects upon the marine environment. Federal legislation addressing concerns of plastic and net pollution should be implemented in the State through prevention, education, and enforcement.

Your Committees further find that it would make no sense to transmit this concurrent resolution to only members of Hawaii's Congressional delegation when the Departments of Health and Transportation are being requested to take action. As a result, your Committees have amended this concurrent resolution by transmitting certified copies of this concurrent resolution to the Directors of Departments of Health and Transportation instead of to the members of Hawaii's Congressional delegation.

Your Committees on Ocean and Marine Resources and Planning, Energy and Environmental Protection concur with the intent and purpose of H.C.R. No. 356, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 356, H.D. 1.

Signed by all members of the Committees.

SCRep. 1394-88 Ocean and Marine Resources and Intergovernmental Relations on H.C.R. No. 133

The purpose of this concurrent resolution is to urge Hawaii's Congressional Delegation to support the inclusion of tuna in the Magnuson Act.

Your Committees received several testimony in support of this concurrent resolution.

Because of the archaic policies of the Magnuson Act, Hawaii and other American flag areas are not able to directly manage their largest fishery resource. Non U.S. flag Pacific Island nations have asserted control over their tuna resources, and their position has been recognized under an access agreement which the U.S. has signed with 16 independent nations. By signing this access agreement and paying fees for the right to fish for tuna, the U.S. position not to manage tuna under the Magnuson Act is no longer defensible.

The inclusion of tuna under the Magnuson Fishery Conservation and Management Act (MFCMA) would permit management, control and allocation of tuna resources among all fishermen, domestic and foreign, and provide security for domestic fisheries. It would also greatly assist efforts to responsibly manage fisheries, both commercial and recreational, which target other pelagic species. In Hawaii, the complete domestication of the tuna industry inside the EEZ could derive at least an additional \$6 million dollars annually for Hawaiian tuna fishermen.

Your Committees on Ocean and Marine Resources and Intergovernmental Relations concur with the intent and purpose of H.C.R. No. 133, and recommend its adoption.

Signed by all members of the Committees except Representatives Crozier, Souki and Jones.

SCRep. 1395-88 Ocean and Marine Resources on H.C.R. No. 208

The purpose of this concurrent resolution is to request a study of the feasibility of expanding the Hawaii Ocean Center concept by including major ocean exhibits and displays in the actual marine environment.

Your Committee received testimony (including a slide and video presentation) in support of this concurrent resolution. The Office of State Planning stated that the notion of incorporating displays in actual, selected marine environments is one that has not yet been fully explored and such an approach would appear to complement the idea of a networked system of centers, in contrast to the concept of a single, all-encompassing facility.

They further stated that steps toward establishing the Hawaii Ocean Center Policy Council are currently underway. Though funds are not available to undertake the studies to the level of detailed specificity in the concurrent resolution, it is possible that the Hawaii Ocean Center concept can be supported by and proceed in concert with overall planning for the Honolulu Waterfront.

Your Committee has amended the language of the concurrent resolution for the purpose of clarity.

Your Committee on Ocean and Marine Resources concurs with the intent and purpose of H.C.R. No. 208, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 208, H.D. 1.

Signed by all members of the Committee.

SCRep. 1396-88 Ocean and Marine Resources on H.C.R. No. 207

The purpose of this concurrent resolution is to request the establishment of a Mamala Bay artificial reef zone for research and other non-consumptive uses.

Your Committee received numerous testimony in support of the intent of this concurrent resolution, however, the Department of Land and Natural Resources (DLNR) and the Department of Transportation (DOT) expressed opposition since the suggested area between Honolulu Harbor and Kewalo Basin is not compatible with the ongoing use of the waters at the site. They stated that the proposed area is one of the most congested locations in the Honolulu area with regard to commercial and recreational water traffic. In addition, the activities proposed would conflict with the commercial traffic in the area and create a safety hazard, thus placing the State in liability.

Your Committee has amended the concurrent resolution by amending the title and body to delete Mamala Bay. The suggested specific site between Honolulu Harbor and Kewalo Basin has also been deleted and language has been incorporated to be non-site specific and that the users of the Artificial Reef Zone are responsible for the safety and welfare of their own property and liable for injuries or harm to others.

Your Committee on Ocean and Marine Resources concurs with the intent and purpose of H.C.R. No. 207, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 207, H.D. 1.

Signed by all members of the Committee.

SCRep. 1397-88 Ocean and Marine Resources on H.C.R. No. 11

The purpose of this concurrent resolution is to publish an annual update to the Compendium of State Ocean and Marine Policies.

The concurrent resolution was amended to delete the Ramseyer format and the Legislative Reference Bureau and request that the Ocean Resources Branch of the Department of Business and Economic Development publish an update to the Compendium with certified copies of the concurrent resolution be transmitted to the Director.

Your Committee on Ocean and Marine Resources concurs with the intent and purpose of H.C.R. No. 11, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 11, H.D. 2.

Signed by all members of the Committee.

SCRep. 1398-88 Transportation and Intergovernmental Relations on H.R. No. 319

The purpose of this resolution is to request the United States Department of Transportation to approve Aloha Airlines' application to provide nonstop service between Hawaii and Japan.

Your Committees received testimony on this resolution from the State Department of Transportation, State Department of Business and Economic Development, Hawaiian Airlines, and Aloha Airlines.

Your Committees find that tourism, the State's leading industry, has realized a 33 percent increase in the number of Japanese tourists visiting Hawaii in the past two years. Your Committees further find that the number of Japanese tourists visiting Hawaii is projected to more than double in the next five years.

Your Committees further find that although the Hawaii-Japan sector is one of the largest passenger markets in the world, there are only four carriers providing nonstop service between Hawaii and Japan.

Your Committees further find that the addition of several more carriers to the Hawaii-Japan sector will greatly benefit the State of Hawaii and the United States economically.

Your Committees also find that besides Aloha Airlines, Hawaiian Airlines has also submitted an application for authority to serve Japan with regularly scheduled nonstop service between Hawaii and Japan. Your Committees have, therefore, amended this resolution to include Hawaiian Airlines in the title and in appropriate places in the body of this resolution. Further, your Committees have amended the title of this resolution to include the United States State Department. Your Committees have further amended this resolution to delete specific references to Aloha Airlines' service record.

Further, your Committees have amended this resolution to respectfully request the United States State Department to enter into bilateral discussions with the appropriate agencies within the Japanese government to allow both Aloha Airlines and Hawaiian Airlines to provide nonstop service between Hawaii and Japan. Your Committees have also amended this resolution to include the Secretary of the United States State Department and Janice Lipsen, Hawaii Federal Liaison, to the list of recipients of certified copies of this resolution.

Your Committees on Transportation and Intergovernmental Relations concur with the intent and purpose of H.R. No. 319, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 319, H.D. 1.

Signed by all members of the Committees except Representatives Crozier and Jones.

SCRep. 1399-88 Transportation and Intergovernmental Relations on H.C.R. No. 247

The purpose of this concurrent resolution is to request the United States Department of Transportation to approve Aloha Airlines' application to provide nonstop service between Hawaii and Japan.

Your Committees received testimony on this concurrent resolution from the State Department of Transportation, State Department of Business and Economic Development, Hawaiian Airlines, and Aloha Airlines.

Your Committees find that tourism, the State's leading industry, has realized a 33 percent increase in the number of Japanese tourists visiting Hawaii in the past two years. Your Committees further find that the number of Japanese tourists visiting Hawaii is projected to more than double in the next five years.

Your Committees further find that although the Hawaii-Japan sector is one of the largest passenger markets in the world, there are only four carriers providing nonstop service between Hawaii and Japan.

Your Committees further find that the addition of several more carriers to the Hawaii-Japan sector will greatly benefit the State of Hawaii and the United States economically.

Your Committees also find that besides Aloha Airlines, Hawaiian Airlines has also submitted an application for authority to serve Japan with regularly scheduled nonstop service between Hawaii and Japan. Your Committees have, therefore, amended this concurrent resolution to include Hawaiian Airlines in the title and in appropriate places in the body of this concurrent resolution. Further, your Committees have amended the title of this concurrent resolution to include the United States State Department. Your Committees have further amended this concurrent resolution to delete specific references to Aloha Airlines' service record.

Further, your Committees have amended this concurrent resolution to respectfully request the United States State Department to enter into bilateral discussions with the appropriate agencies within the Japanese government to allow both Aloha Airlines and Hawaiian Airlines to provide nonstop service between Hawaii and Japan. Your Committees have also amended this concurrent resolution to include the Secretary of the United States State Department and Janice Lipsen, Hawaii Federal Liaison, to the list of recipients of certified copies of this concurrent resolution.

Your Committees on Transportation and Intergovernmental Relations concur with the intent and purpose of H.C.R. No. 247, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 247, H.D. 1.

Signed by all members of the Committees except Representatives Crozier and Jones.

SCRep. 1400-88 Education and Transportation on H.C.R. No. 140

The purpose of this concurrent resolution is to urge the Department of Education to expand the driver education program to all secondary schools and to show more flexibility in the scheduling of driver education classes.

Testimony from the Department of Education (Department) indicated that Chapter 299, HRS, specifies the times during which driver education may be taught. Therefore, it is not possible for the Department to schedule driver education classes as part of the regular school day.

The Department is attempting to expand the program to schools which do not offer driver education by addressing the shortage of certified driver education teachers. The Department offers subsidized summer teacher certification courses annually on Oahu and biennially on the islands of Kauai, Maui, and Hawaii.

Your Committee finds that driving skills are becoming increasingly important in our society and that students can benefit from driver education. We believe that the Department should study the feasibility of expanding this program in order to serve the many students who wish to take the course, but cannot. The title and the body of this concurrent resolution have been amended accordingly.

Your Committees on Education and Transportation concur with the intent and purpose of H.C.R. No. 140, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 140, H.D. 1.

Signed by all members of the Committees except Representatives Cachola, Crozier, Honda, Kotani, Souki, Tom, Yoshimura, Jones and Marumoto.

SCRep. 1401-88 Education and Transportation on H.R. No. 189

The purpose of this resolution is to urge the Department of Education to expand the driver education program to all secondary schools and to show more flexibility in the scheduling of driver education classes.

Testimony from the Department of Education (Department) indicated that Chapter 299, HRS, specifies the times during which driver education may be taught. Therefore, it is not possible for the Department to schedule driver education classes as part of the regular school day.

The Department is attempting to expand the program to schools which do not offer driver education by addressing the shortage of certified driver education teachers. The Department offers subsidized summer teacher certification courses annually on Oahu and biennially on the islands of Kauai, Maui, and Hawaii.

Your Committee finds that driving skills are becoming increasingly important in our society and that students can benefit from driver education. We believe that the Department should study the feasibility of expanding this program in order to serve the many students who wish to take the course, but cannot. The title and the body of this resolution have been amended accordingly.

Your Committees on Education and Transportation concur with the intent and purpose of H.R. No. 189, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 189, H.D. 1.

Signed by all members of the Committees except Representatives Cachola, Crozier, Kotani, Souki, Tom, Yoshimura, Jones and Marumoto.

SCRep. 1402-88 Transportation and Ocean and Marine Resources on H.C.R. No. 212

The purpose of this concurrent resolution is to request the State Department of Transportation to pursue corrective measures of dangerous conditions at Waianae boat harbor with the assistance of the United States Army Corps of Engineers.

Your Committees find that an initial study of the surge problem in Waianae boat harbor by the Army Corps of Engineers determined that there was insufficient evidence to warrant modifications to the harbor. Your Committees further find that the State Department of Transportation and the United States Army Corps of Engineers have consented to a joint Federal/State study to determine the exact nature of the surge problem and the feasibility of improvements.

Your Committees received favorable testimony on this concurrent resolution from the State Department of Transportation and the Ocean Recreation Council of Hawaii.

Your Committees have amended this concurrent resolution by deleting references to high surf conditions which might erroneously imply that design of the boat harbor was flawed. In addition, your Committees have amended this concurrent resolution to include Janice Lipsen, Hawaii Federal Liaison, to the list of recipients of certified copies of this concurrent resolution.

Your Committees on Transportation and Ocean and Marine Resources concur with the intent and purpose of H.C.R. No. 212, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 212, H.D. 1.

Signed by all members of the Committees.

SCRep. 1403-88 Transportation and Ocean and Marine Resources on H.R. No. 271

The purpose of this resolution is to request the State Department of Transportation to pursue corrective measures of dangerous conditions at Waianae boat harbor with the assistance of the United States Army Corps of Engineers.

Your Committees find that an initial study of the surge problem in Waianae boat harbor by the Army Corps of Engineers determined that there was insufficient evidence to warrant modifications to the harbor. Your Committees further find that the State Department of Transportation and the United States Army Corps of Engineers have consented to a joint Federal/State study to determine the exact nature of the surge problem and the feasibility of improvements.

Your Committees received favorable testimony on this resolution from the State Department of Transportation and the Ocean Recreation Council of Hawaii.

Your Committees have amended this resolution by deleting references to high surf conditions which might erroneously imply that design of the boat harbor was flawed. In addition, your Committees have amended this resolution to include Janice Lipsen, Hawaii Federal Liaison, to the list of recipients of certified copies of this resolution.

Your Committees on Transportation and Ocean and Marine Resources concur with the intent and purpose of H.R. No. 271, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 271, H.D. 1.

Signed by all members of the Committees.

SCRep. 1404-88 Transportation on H.C.R. No. 296

The purpose of this concurrent resolution is to request the Department of Transportation to develop rules to regulate the use of airport lands and facilities by commercial helicopter operators, and to regulate commercial tour helicopter operators.

Your Committee received favorable testimony on this concurrent resolution from the Department of Transportation and Life of the Land.

Your Committee has amended this concurrent resolution to develop rules to regulate the construction of helipads. Your Committee has further amended this concurrent resolution to request the Department of Transportation to develop rules to regulate commercial tour aircraft operators at public airports.

Your Committee on Transportation concurs with the intent and purpose of H.C.R. No. 296, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 296, H.D. 1.

Signed by all members of the Committee except Representatives Crozier and Jones.

SCRep. 1405-88 Higher Education and the Arts on H.C.R. No. 327

The purpose of this concurrent resolution is to request the University of Hawaii to develop a five-year action plan, including economic implications and a sequencing proposal, for expanding tropical agriculture, geophysics, and astronomy at the University of Hawaii at Hilo.

Your Committee heard testimony in support of this concurrent resolution from the University of Hawaii. Your Committee finds from the testimony that the purpose of this concurrent resolution needs to be clarified. Your Committee would like to see a plan developed and implemented and not studied.

Your Committee has amended this concurrent resolution to clarify the type of report requested for submission to the Legislature and has changed the date of that submission.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.C.R. No. 327, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 327, H.D. 1.

Signed by all members of the Committee except Representative Crozier.

SCRep. 1406-88 Transportation on H.R. No. 139

The purpose of this resolution is to request the Department of Transportation to study the feasibility of the application of the French Minitel system.

Your Committee finds that the Department of Transportation and the intended transportation ridesharing application is unable to solely support a videotex system, but that extensive governmental and commercial applications are necessary to make it functionally and economically viable, and that the Department of Budget and Finance is the best organized and staffed to plan and implement such a system.

Your Committee has received favorable testimony on this resolution from the Department of Transportation and Hawaiian Telephone.

Your Committee has amended this resolution by designating the Department of Budget and Finance the agency responsible for making this study rather than the Department of Transportation. Your Committee has further amended this resolution requesting that the scope of the study be broadened in order to make a comparative study of multiple videotex systems, and to study alternative uses for videotex systems. Also, your Committee has made a nonsubstantive change in the language for the purpose of clarity.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 139, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 139, H.D. 1.

Signed by all members of the Committee except Representatives Crozier and Jones.

SCRep. 1407-88 Transportation on H.C.R. No. 103

The purpose of this concurrent resolution is to request the Department of Transportation to study the feasibility of the application of the French Minitel system.

Your Committee finds that the Department of Transportation and the intended transportation ridesharing application is unable to solely support a videotex system, but that extensive governmental and commercial applications are necessary to make it functionally and economically viable, and that the Department of Budget and Finance is the best organized and staffed to plan and implement such a system.

Your Committee has received favorable testimony on this concurrent resolution from the Department of Transportation and Hawaiian Telephone.

Your Committee has amended this concurrent resolution by designating the Department of Budget and Finance the agency responsible for making this study rather than the Department of Transportation. Your Committee has further amended this concurrent resolution requesting that the scope of the study be broadened in order to make a comparative study of multiple videotex systems, and to study alternative uses for videotex systems. Also, your Committee has made a nonsubstantive change in the language for the purpose of clarity.

Your Committee on Transportation concurs with the intent and purpose of H.C.R. No. 103, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 103, H.D. 1.

Signed by all members of the Committee except Representatives Crozier and Jones.

SCRep. 1408-88 Planning, Energy and Environmental Protection and Housing and Community Development on H.R. No. 470

The purpose of this resolution is to request federal, state, and county environmental and housing agencies to evaluate basalt termite barriers and incorporate them into the foundations of wood buildings wherever feasible and appropriate.

Your Committees find that the newly developed permanent, nonchemical termite barrier of hard, volcanic basalt gravel, which when placed on new foundations or around existing structures cannot be chewed away or penetrated, should be used more extensively to combat damage caused by Formosan Subterranean Termites.

Your Committees on Planning, Energy and Environmental Protection and Housing and Community Development concur with the intent and purpose of H.R. No. 470, and recommend its adoption.

Signed by all members of the Committees except Representative Peters.

SCRep. 1409-88 Planning, Energy and Environmental Protection and Ocean and Marine Resources on H.R. No. 411

The purpose of this resolution is to urge the State Department of Transportation (DOT) and the Board of Land and Natural Resources (BLNR) to expedite the installation and operation of a statewide system of day-use moorings, especially for heavily used recreation sites and marine life conservation districts. The DOT and BLNR are also requested to expedite a general permit system for this purpose, and to involve the ocean recreation industry and the Ocean Recreation Council of Hawaii in the promulgation of such a system.

Your Committees find that several heavily used diving and snorkeling sites throughout the State have been identified as in need of a day-use mooring system. As ocean recreation in the state expands, the increase in damage to coral due to anchoring increases dramatically. Coral is delicate, and when destroyed, may take 25 years to regenerate. A day-use mooring system, such as the Hawaiian Eyebolt system, will only require a one-inch diameter hole in the reef and will eliminate damage from anchors and anchor chains dragging through coral. Thus, further damage will be prevented and the coral will be allowed to regenerate.

Your Committees further find that the snorkeling and diving industry stands ready to support the implementation of day-use moorings, and are volunteering to assist in its installation. Cooperative efforts, involving government and the private sector, are important to the future of the State's ocean use and the management of our resources.

Your Committees on Planning, Energy and Environmental Protection and Ocean and Marine Resources concur with the intent and purpose of H.R. No. 411, and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1410-88 Planning, Energy and Environmental Protection and Ocean and Marine Resources on H.C.R. No. 331

The purpose of this concurrent resolution is to urge the State Department of Transportation (DOT) and the Board of Land and Natural Resources (BLNR) to expedite the installation and operation of a statewide system of day-use moorings, especially for heavily used recreation sites and marine life conservation districts. The DOT and BLNR are also requested to expedite a general permit system for this purpose, and to involve the ocean recreation industry and the Ocean Recreation Council of Hawaii in the promulgation of such a system.

Your Committees find that several heavily used diving and snorkeling sites throughout the State have been identified as in need of a day-use mooring system. As ocean recreation in the state expands, the increase in damage to coral due to anchoring increases dramatically. Coral is delicate, and when destroyed, may take 25 years to regenerate. A day-use mooring system, such as the Hawaiian Eyebolt system, will only require a one-inch diameter hole in the reef and will eliminate damage from anchors and anchor chains dragging through coral. Thus, further damage will be prevented and the coral will be allowed to regenerate.

Your Committees further find that the snorkeling and diving industry stands ready to support the implementation of day-use moorings, and are volunteering to assist in its installation. Cooperative efforts, involving government and the private sector, are important to the future of the State's ocean use and the management of our resources.

Your Committees on Planning, Energy and Environmental Protection and Ocean and Marine Resources concur with the intent and purpose of H.C.R. No. 331, and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1411-88 Planning, Energy and Environmental Protection on H.R. No. 410

The purpose of this resolution is to request the Department of Health to retain as much as possible on a competitive basis in-state private sector industrial or commercial laboratories to provide laboratory sampling and testing services.

Your Committee finds that the role of the Department of Health for monitoring pesticides and other contaminants should be to enforce and inspect; to certify programs for Hawaii labs; to regulate, oversee, and monitor work of existing labs; and to provide testing services for those tests that private sector labs are unable to perform.

Your Committee on Planning, Energy and Environmental Protection concurs with the intent and purpose of H.R. No. 410, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1412-88 Planning, Energy and Environmental Protection on H.C.R. No. 330

The purpose of this concurrent resolution is to request the Department of Health to retain as much as possible on a competitive basis in-state private sector industrial or commercial laboratories to provide laboratory sampling and testing services.

Your Committee finds that the role of the Department of Health for monitoring pesticides and other contaminants should be to enforce and inspect; to certify programs for Hawaii labs; to regulate, oversee, and monitor work of existing labs; and to provide testing services for those tests that private sector labs are unable to perform.

Your Committee on Planning, Energy and Environmental Protection concurs with the intent and purpose of H.C.R. No. 330, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1413-88 Planning, Energy and Environmental Protection on H.R. No. 412

The purpose of this resolution is to urge federal, state, local, and community agencies, as well as individuals, to join in a concerted national effort to address nonpoint source pollution. It further urges that the State Legislature shall act promptly and give due consideration to measures proposed that finance and facilitate programs that address nonpoint source pollution in the State.

Your Committee finds that nonpoint source pollution continues to adversely impact surface and coastal water quality in Hawaii. Unless the sources are recognized, they will be impossible to control. The passage of this resolution will initiate support to develop a program to control nonpoint source pollution in Hawaii.

Your Committee on Planning, Energy and Environmental Protection concurs with the intent and purpose of H.R. No. 412, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1414-88 Planning, Energy and Environmental Protection on H.C.R. No. 332

The purpose of this concurrent resolution is to urge federal, state, local, and community agencies, as well as individuals, to join in a concerted national effort to address nonpoint source pollution. It further urges that the State Legislature shall act promptly and give due consideration to measures proposed that finance and facilitate programs that address nonpoint source pollution in the State.

Your Committee finds that nonpoint source pollution continues to adversely impact surface and coastal water quality in Hawaii. Unless the sources are recognized, they will be impossible to control. The passage of this concurrent resolution will initiate support to develop a program to control nonpoint source pollution in Hawaii.

Your Committee on Planning, Energy and Environmental Protection concurs with the intent and purpose of H.C.R. No. 332, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1415-88 Planning, Energy and Environmental Protection on H.C.R. No. 384

The purpose of this concurrent resolution is to encourage and promote the use of native plants in landscaping and other projects by government agencies and private concerns.

Your Committee finds that by actively promoting the use of native plants in landscaping and other projects, governmental and private concerns would be instrumental in seeing that these plants continue to flourish and avoid the threat of extinction.

Based on the recommendations of the College of Tropical Agriculture and Human Resources of the University of Hawaii, your Committee has amended this concurrent resolution to better coordinate efforts to promote native plants and increase research efforts on the characteristics and use of native plants through increased funding.

Your Committee has further amended this concurrent resolution to transmit a copy of the concurrent resolution to the Dean of the College of Tropical Agriculture and Human Resources.

Your Committee on Planning, Energy and Environmental Protection concurs with the intent and purpose of H.C.R. No. 384, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 384, H.D. 1.

Signed by all members of the Committee.

SCRep. 1416-88 Planning, Energy and Environmental Protection on H.C.R. No. 261

The purpose of this concurrent resolution is to request the Department of Land and Natural Resources (DLNR) to develop a plan for a continuous shoreline park in the area from Hanauma Bay to Makapuu Point. It further requests the DLNR to request planning funds for that purpose in the next biennium budget; to submit a preliminary report to the Legislature prior to the 1990 Regular Session and a final report prior to the 1991 Regular Session, and to take all steps necessary to keep this coastal zone in open space forever for the public's use and enjoyment.

Your Committee finds that this area has exceptional value due to its scenic, natural, cultural, wildland, and shoreline recreational resources. Most of the coastline is currently owned by the City and County of Honolulu. Testimony from the DLNR stated that the overall plan called for in this concurrent resolution would serve to identify the appropriate steps necessary to keep this coastal zone in open space for public benefit. The DLNR's planning would include close County coordination, and would not be intended to preempt the County's responsibilities.

Your Committee has amended this resolution by clarifying, and by changing the resolution title to reflect, that the scenic shoreline park extends from Koko Head to Makapuu, instead of from Hanauma Bay to Makapuu. Your Committee has further amended this resolution by changing the requested preliminary and final reports to be submitted to the Legislature to preliminary and final "plans."

Your Committee on Planning, Energy and Environmental Protection concurs with the intent and purpose of H.C.R. No. 261, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 261, H.D. 1.

Signed by all members of the Committee.

SCRep. 1417-88 Legislative Management on H.C.R. Nos. 3; 33; 82; 108; 109; 162; 168; 192; 200; 214; 221; 242; 248; 257 and 284 (Majority)

H.C.R. No. 3, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE PLANNING, PROGRAMMING AND BUDGETING SYSTEM AND ALTERNATIVE BUDGETING SYSTEMS".

The purpose of this concurrent resolution is to improve on the type and quality of budget information that the Legislature needs to make its budgetary decisions on the executive budget. Under this measure, the Legislative Auditor would be requested to conduct a study on the State's planning, programming and budgeting system (PPBS) as well as on alternative budgeting systems such as zero-base budgeting and management by objectives.

H.C.R. No. 22, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF EMPLOYER-OFFERED CHILD CARE AS AN OPTIONAL PREPAID BENEFIT, PREPAID CHILD CARE AND LONG-TERM CARE BENEFIT OPTIONS".

The purpose of this concurrent resolution is to request a study on the effects of employers in Hawaii offering their employees child care as an optional prepaid benefit, prepaid child care, or long-term care benefit options where the employee agrees to a corresponding decrease in other benefits.

H.C.R. No. 82, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN EXAMINATION OF THE USE OF ETHANOL FUEL AS AN ALTERNATE ENERGY SOURCE".

The purpose of this concurrent resolution is to reduce Hawaii's dependence on outside sources of energy and support the long term viability of the sugar industry by requesting a study on the use of ethanol fuel as an alternate energy source.

H.C.R. No. 108, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY BY THE LEGISLATIVE AUDITOR OF THE IMPACT OF PARKING BY THE UNIVERSITY OF HAWAII'S STUDENTS ON THE SURROUNDING COMMUNITIES AND OTHER ALTERNATIVES AVAILABLE TO THE UNIVERSITY".

The purpose of this concurrent resolution is to address the automobile parking crisis at the University of Hawaii-Manoa campus that has resulted in congested parking in the neighboring community.

H.C.R. No. 109, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LIEUTENANT GOVERNOR WORK WITH THE UNIVERSITY OF HAWAII IN IMPLEMENTING A STAGGERED HOURS PROGRAM AT THE UNIVERSITY OF HAWAII AT MANOA".

The purpose of this concurrent resolution is to address the overall traffic problem on Oahu by requesting that the University of Hawaii at Manoa work with the Lieutenant Governor's office to implement a staggered hours program at the University of Hawaii.

H.C.R. No. 162 entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE NATIVE POPULATION IN HAWAII AS IT PERTAINS TO BENEFICIARIES OF THE HAWAIIAN HOMES COMMISSION ACT OF 1920, AS AMENDED".

The purpose of this concurrent resolution is to conduct a study of the definition of "native Hawaiian" which entitles a qualified person to certain benefits of the Hawaiian Home Lands and other Hawaiian programs. This study would determine the need to reduce or remove the Hawaiian blood quantum and to determine the possible repercussions from such a reduction or removal.

H.C.R. No. 168, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF CHILD PROTECTIVE SERVICES SOCIAL WORKERS".

The purpose of this concurrent resolution is to ensure the provision of effective child protective services by requesting a study to address the problem of recruiting and retaining Child Protective Services social workers.

H.C.R. No. 192 entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON COLLATERALIZATION REQUIREMENTS FOR DEPOSITS OF PUBLIC FUNDS".

The purpose of this concurrent resolution is to ensure that state monies deposited in local banks and savings and loan associations yield a high rate of interest without sacrificing safety and liquidity objectives. Your Committee finds that less restrictive collateralization requirements may be one way to enhance this yield strategy and thereby boost Hawaii's annual interest income of 5.53 per cent closer to the national average of 7 per cent.

H.C.R. No. 200 entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A COMPREHENSIVE EVALUATION OF THE HAWAII PUBLIC EMPLOYEES HEALTH FUND".

The purpose of this concurrent resolution is to find ways that public employers, who are required to provide health insurance coverage to their employees and retirees, can better deal with future increases in health care costs.

H.C.R. No. 214, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY TO DETERMINE THE FEASIBILITY OF STATUTORILY MANDATING EMPLOYERS TO GRANT EMPLOYEES A PARENTAL OR FAMILY LEAVE".

The purpose of this concurrent resolution is to assist working parents in achieving a balance between the responsibilities of work and family life by requesting a study on the feasibility of statutorily mandating employers to grant employees a parental or family leave to care for: a newborn child of the employee; a child placed with the employee for adoption or foster care; or the employee's seriously ill child or parent.

H.C.R. No. 221, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AUDIT OF THE DEPARTMENT OF PERSONNEL SERVICES".

The purpose of this concurrent resolution is to improve the statewide personnel system by requesting a management audit/study of the Department of Personnel Services to identify ways to expedite the current processing time of personnel matters.

H.C.R. No. 242, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO CONDUCT AN AUDIT OF THE PUBLIC UTILITIES COMMISSION".

The purpose of this concurrent resolution is to ensure that the Public Utilities Commission continues to carry out its responsibility in balancing the public interest with those of the public utility companies by requesting a comprehensive audit of Chapter 269, Hawaii Revised Statutes.

H.C.R. No. 248 entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE AVAILABILITY OF RESIDENTIAL CARE, INTERMEDIATE CARE, AND SKILLED NURSING CARE FOR VETERANS".

The purpose of this concurrent resolution is to ensure that Hawaii's military veterans are provided adequate medical care by requesting a study to analyze the availability of various services available to veterans, including consideration as to whether the State should establish a veterans home.

H.C.R. No. 257 entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY OF HAWAIIAN LANGUAGE NEEDS FOR THE MOST EFFECTIVE MEANS OF PRESERVATION".

The purpose of this concurrent resolution is to ensure the survival of the Hawaiian language which faces a real threat of extinction by the 21st century by requesting the Legislative Reference Bureau to study the most effective means of preserving this language.

H.C.R. No. 284, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A COMPREHENSIVE AUDIT OF THE EMERGENCY MEDICAL SERVICES PROGRAM".

The purpose of this concurrent resolution is to address concerns regarding the differences in the quality and costs of service delivery from county to county by requesting an audit of the emergency medical services program.

Your Committee on Legislative Management concurs with the intent and purpose of H.C.R. No.'s 3; 22, HD 1; 82, HD 1; 108, HD 1; 109, HD 1; 162; 168, HD 1; 192; 200; 214, HD 1; 221, HD 1; 242, HD 1; 248; 257; and 284, HD 1, and recommends their adoption.

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

SCRep. 1418-88 Water, Land Use, Development and Hawaiian Affairs on H.C.R. No. 189

The purpose of this concurrent resolution is to request the Board of Land and Natural Resources to determine how best to develop a comprehensive state park interpretive program.

Your Committee received testimony from the Department of Land and Natural Resources, the University of Hawaii, and the Hawaii Nature Center.

Your Committee finds that programs to help our residents and visitors understand the rich natural heritage of Hawaii have been inadequate and without clear direction. There are some excellent non-profit programs; however, these programs have limited resources and are local in nature. Such programs are well received and show that people are willing to pay for quality nature experiences. An interpretive plan should provide a statewide program which incorporates local non-profit interpretive programs.

Your Committee has amended the language to provide that DLNR enlist the assistance of the community college system and private organizations, and that DLNR have flexibility as to whether to do the study through a consultant or "in house."

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 189, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 189, H.D. 1.

Signed by all members of the Committee.

SCRep. 1419-88 Consumer Protection and Commerce on H.C.R. No. 224

The purpose of this House Concurrent Resolution is to request the Legislative Reference Bureau to review the nomination and selection procedures for the board of directors of the Hawaii Life and Disability Guaranty Association and the procedures followed by the Insurance Commissioner for approving or appointing members. The Concurrent Resolution also requests the LRB to study procedures in other states for comparative purposes.

Your Committee received testimony in favor of this resolution from Mitsuru Fujimoto both as a private citizen and as general agent.

Your Committee believes that a study at this point in time may not be productive and has therefore amended this resolution to request the Insurance Commissioner and the Hawaii Life and Disability Guaranty Association to provide information directly to the Legislature twenty days prior to the next Legislation Session.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.C.R. No. 224, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 224, H.D. 1.

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

SCRep. 1420-88 Ocean and Marine Resources on H.C.R. No. 275

The purpose of this resolution is to request that the Department of Land and Natural Resources adopt rules restricting the method of 'O'opu fishing around the County of Kauai to rod or pole fishing.

Your Committee received testimony from the Department of Land and Natural Resources (DLNR) who will be planning Statewide public meetings during the summer to discuss possible regulatory provisions including restricting the method of 'O'opu fishing to rod or pole fishing. The DLNR concurs with the intent and purpose of the resolution and suggests that it be amended to reflect management on a Statewide basis, rather than only for the County of Kauai.

Your Committee, therefore, has adopted the recommendation of DLNR and amended the resolution to reflect their statement. The fourth Whereas clause is also amended to include "spearing, setting traps and the use of clorox in the streams".

Your Committee on Ocean and Marine Resources concurs with the intent and purpose of H.C.R. No. 275, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 275, H.D. 1.

Signed by all members of the Committee except Representatives Lee and Levin.

SCRep. 1421-88 Labor and Public Employment on H.C.R. No. 26

The purpose of this concurrent resolution is to have a five-year assessment of employment needs prepared by the Department of Labor and Industrial Relations, in cooperation with the Office of State Planning and the Department of Business and Economic Development.

Your Committee finds that an assessment of this kind is necessary to help identify job shortages and surpluses; determine the need for training, counseling, and dealing with the needs of the unemployed; locating trained personnel for employers in need of workers; and maintaining a healthy economy throughout the State.

Your Committee finds that the Department of Labor and Industrial Relations is currently developing the Employment Functional Plan for the State, and it would make more sense to include the five-year assessment of employment needs as part of the plan rather than preparing a separate assessment.

Accordingly, your Committee has amended this concurrent resolution to resolve that a five-year assessment of employment needs in the State be included in the Employment Functional Plan currently being prepared by the Department of Labor and Industrial Relations in cooperation with the Office of State Planning, the Department of Business and Economic Development, the Department of Education, the University of Hawaii, and the Department of Human Services.

Your Committee has further amended this concurrent resolution to correct certain typographic, technical, and stylistic errors; no substantive changes were made.

Your Committee on Labor and Public Employment concurs with the intent and purpose of H.C.R. No. 26, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 26, H.D. 1.

Signed by all members of the Committee except Representative Jones.

SCRep. 1422-88 Higher Education and the Arts on H.C.R. No. 77

The purpose of this concurrent resolution is to encourage the University of Hawaii to expand its archaeological program. This concurrent resolution proposes that the University consider the establishment of a State Archaeologist position; the feasibility of publishing a journal in Hawaiian archaeology; and the feasibility of expanding its facilities for laboratory analysis, creation, and display.

Your Committee received testimony from the Dean of Social Sciences at the University of Hawaii, a representative from the Department of Land and Natural Resources (DLNR), and other interested individuals and organizations. While all testifiers supported the expansion of the Archaeology program, DLNR expressed concern over the establishment of a State Archaeologist position under the direction of the University of Hawaii. According to DLNR, such a position should be placed under the administration of DLNR because in approximately 30 states in which such a position has been created, that position resides within the State Historic Preservation program rather than the State University.

Upon further consideration, your Committee has amended the first BE IT FURTHER RESOLVED clause by: renaming the position, "State Archaeologist", with "Hawaiian Archaeologist"; deleting the phrases "and the State" and "and environmental review"; and inserting language suggesting that the Hawaiian Archaeologist also serve as a liaison between the University and the community with regard to archaeological research. Your Committee finds that by taking these steps, there will be less confusion over the separate responsibilities of the University of Hawaii and DLNR with regards to archaeology.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.C.R. No. 77, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 77, H.D. 1.

Signed by all members of the Committee except Representatives Crozier and Hashimoto.

SCRep. 1423-88 Health and Intergovernmental Relations on H.C.R. No. 98

The purpose of this concurrent resolution is to request that the Department of Health review and expand the scope of Chapter 42 of Title 11, Administrative Rules entitled "Vehicular Noise Control for Oahu" and Chapter 43 of Title 11, Administrative Rules entitled "Community Noise Control for Oahu" to include the islands of Hawaii, Maui, Lanai, Molokai, and Kauai to monitor and control the noise caused by sight-seeing helicopters.

Your Committees find that many communities are concerned about the noise generated by sight-seeing helicopters. Numerous complaints have been received, especially on Kauai, attesting to the disruption this noise has caused on residents' lives.

Your Committees also find that although the Department of Health has administrative rules that control community and vehicular noise levels on Oahu, these ordinances do not affect the neighbor islands.

Testimony was received in strong support of this concurrent resolution from the Department of Health. The Department of Transportation and the Hawaii Helicopter Operators Association were in opposition to this concurrent resolution. The Hawaii Helicopter Operators Association felt that the concerns addressed in the concurrent resolution were already being voluntarily complied with or that future legislation which was endorsed by their association would more equitably address the remaining concerns.

Your Committees feel that the concerns and complaints addressed in this concurrent resolution have been long standing and that no substantial efforts to abate the noise generated by these helicopters have been made to date.

Your Committees also find that while the helicopter operators assert that they are voluntarily avoiding overflights of certain designated residential areas and diverting their flights to less populated areas, this does not appear to be the case. Members of your Committees, in fact, recently witnessed non-compliance with suggested guidelines during a tour of a neighbor island airport with some helicopter operators.

Your Committees on Health and Intergovernmental Relations concur with the intent and purpose of H.C.R. No. 98, and recommend its adoption.

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

SCRep. 1424-88 Health on H.C.R. No. 294

The purpose of this concurrent resolution is to request the Department of Health (Department), in cooperation with the Governor's Conference on Health Promotion, to develop and actively support an administrative legislative package and other legislative measures for the 1989 Legislative Session which address and will advance and seek to achieve the 1990 Health Objectives adopted by the Department. The concurrent resolution further requests that the package include administrative procedures which can be achieved within the Department and that the Department expand its health promotion efforts by increasing the amount of budgeted resources allocated to health promotion and disease prevention programs and services.

In December 1985 the initial Governor's Conference on Health Promotion and Disease Prevention was held and since then 15 task forces comprised of more than 300 volunteers developed Hawaii's 1990 Health Objectives. While some steps have been taken to implement the recommendations of the 1990 Health Objectives, a great deal of work remains to be accomplished as 1990 draws closer. Only one Legislative Session remains during which action can be taken to achieve these goals by 1990. Your Committee finds that the need to address these goals and put the necessary mechanisms into effect is urgent and the time in which this may be accomplished is short.

Your Committee received testimony in favor of this concurrent resolution from the Department of Health, the Hawaii Public Health Association, and the Hawaii Nurses' Association. The Department of Health stated that attaining the 1990 Health Objectives would not only improve the health status of Hawaii's residents but will also demonstrate the value of Health Promotion and Disease Prevention as a strategy to improve and maintain health.

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

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

SCRep. 1425-88 Transportation and Education on H.C.R. No. 106

The purpose of this Concurrent Resolution is to request the Department of Transportation to study the development of incentives that will encourage private schools to establish a school bus system.

A 1987 study revealed that fifty percent of all school traffic during peak travel hours on major highways is composed of private school students. A private school bus system would significantly reduce traffic congestion during peak travel hours.

Your Committees received favorable testimony on this Concurrent Resolution from the Department of Transportation and Charley's Taxi.

Your Committees have amended this Concurrent Resolution to designate the Legislative Reference Bureau to perform the study. Your Committees have further amended this Concurrent Resolution by changing all pertinent references to the Department of Transportation to the Legislative Reference Bureau. In addition, your Committees have made minor, non-substantive changes to improve the style and clarity of this Concurrent Resolution.

Your Committees on Transportation and Education concur with the intent and purpose of H.C.R. No. 106, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 106, H.D. 1.

Signed by all members of the Committees.

SCRep. 1426-88 Ocean and Marine Resources and Judiciary on H.C.R. No. 273

The purpose of this resolution is to request that the State and County of Honolulu prohibit the use of State and City shoreline and beach park areas along Maunalua Bay in Hawaii Kai for commercial jet ski activities and related on-site parking.

Your Committees received testimony in support of this resolution. Photographs were also submitted to the Chairmen documenting the existing problems and violations.

Testimony indicated that there is a need for the resolution's adoption since the Department of Transportation, Harbors Division not only lacks sufficient enforcement staff, but their Ocean Recreation Management Plan and Ocean Recreation Rules and Regulations have not yet been promulgated. In addition, the City needs the affirmative directive of Resolutions to stop the tourists use of shoreline lands and park areas for transit to and from jet ski operations.

Your Committees on Ocean and Marine Resources and Judiciary concur with the intent and purpose of H.C.R. No. 273, and recommend its adoption.

Signed by all members of the Committees except Representatives Lee, Levin, Peters and Jones.

SCRep. 1427-88 Ocean and Marine Resources and Transportation on H.C.R. No. 389

The purpose of this concurrent resolution is to authorize the Department of Transportation to dispose of, by lease, certain submerged and tidal lands pursuant to Section 171-53(c), Hawaii Revised Statutes, for a nonprofit maritime center.

Exclusive lease rights for a period of sixty-five years of approximately 45,000 square feet of submerged and tidal lands is authorized by direct negotiation with a private eleemosynary organization to construct, operate and maintain a nonprofit maritime center at Pier 7, Honolulu Harbor, Hawaii.

The Department of Transportation submitted testimony in favor of this concurrent resolution and stated that the submerged lands will be occupied by the Falls of Clyde and the Hokulea.

Your Committees on Ocean and Marine Resources and Transportation concur with the intent and purpose of H.C.R. No. 389, and recommend its adoption.

Signed by all members of the Committees except Representatives Crozier, Lee, Levin, Souki and Jones.

SCRep. 1428-88 Ocean and Marine Resources and Transportation on H.C.R. No. 387

The purpose of this concurrent resolution is to authorize the Department of Transportation to dispose of, by lease, certain submerged and tidal lands pursuant to Section 171-53(c), Hawaii Revised Statutes, for a nonprofit maritime center and a fuel/pump out facility at Lahaina Small Boat Harbor, Lahaina, Maui.

The Department of Transportation presented testimony in favor of the resolution which authorizes the department to lease approximately 7,000 square feet of submerged and tidal lands. A portion of the area will be for the operation of a nonprofit maritime center and the remainder will be for private leasing of a much needed fuel/pump out facility for the harbor.

Your Committees on Ocean and Marine Resources and Transportation concur with the intent and purpose of H.C.R. No. 387, and recommend its adoption.

Signed by all members of the Committees except Representatives Crozier, Lee, Levin, Souki and Jones.

SCRep. 1429-88 Ocean and Marine Resources and Transportation on H.C.R. No. 388

The purpose of this concurrent resolution is to authorize the Department of Transportation to dispose of, by lease, certain submerged and tidal lands pursuant to Section 171-53(c), Hawaii Revised Statutes, for berthing facility purposes.

Approximately 7,500 square feet of submerged and tidal lands are needed to provide a sixty-five year lease by direct negotiation at Nawiliwili Small Boat Harbor, Kauai, Hawaii. The lease will allow the U.S. Coast Guard to moor its vessel and reconstruct and/or reinforce the existing catwalk and the fendering system in order to withstand the forces exerted by its vessels and to operate and maintain a berthing facility.

Your Committee heard testimony by the Department of Transportation in favor of this concurrent resolution. They stated that though the U.S. Coast Guard has just closed their Nawiliwili Station, the Coast Guard still wanted to pursue the lease since they have plans to resume operations in the future.

Your Committees on Ocean and Marine Resources and Transportation concur with the intent and purpose of H.C.R. No. 388, and recommend its adoption.

Signed by all members of the Committees except Representatives Crozier, Lee, Levin, Souki and Jones.

SCRep. 1430-88 Ocean and Marine Resources on H.C.R. No. 239

The purpose of this resolution is to request a study on the feasibility of installing emergency telephones on remote beaches on Windward Oahu.

The Department of Transportation (DOT) and GTE Hawaiian Telephone Inc. submitted testimony in support of this resolution.

Testimony from GTE indicated that the "cellular call box", utilizing cellular communications technology, can be installed quickly and easily since it requires no telephone cables or wires. It is also designed to resist vandalism and adverse environmental conditions, including sand and salt water.

DOT testified that they are not the appropriate agency to provide emergency phone services since they have no authority or jurisdiction over any of the beach areas.

Your Committee has amended the title and body of the resolution to request that the study include beach areas statewide. The resolution was also amended to request that the Office of State Planning conduct the study, in consultation with the Counties, the Departments of Transportation, Defense, and Land and Natural Resources, and GTE Hawaiian Telephone Inc. Other amendments were made to be consistent with these changes.

Your Committee on Ocean and Marine Resources concurs with the intent and purpose of H.C.R. No. 239, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 239, H.D. 1.

Signed by all members of the Committee except Representatives Lee and Levin.

SCRep. 1431-88 Ocean and Marine Resources on H.C.R. No. 211

The purpose of this resolution is to request a feasibility study of the establishment of a Hawaii State Ocean Rangers Program.

Your Committee heard testimony in support of the intent of this resolution. The Department of Transportation (DOT) and the Department of Land and Natural Resources (DLNR) expressed reservation on this resolution as they have been working closely together to coordinate the enforcement of laws and rules which are within their respective jurisdictions. The DOT states that their ocean recreation management plan lists effective enforcement as a top priority and they have asked the legislature for seventeen additional enforcement positions. When this is in place, they can then evaluate the need for the ocean rangers program.

Further testimony revealed that effective enforcement is more than uniformed men with guns at their sides citing people for violations. Effective enforcement includes high visibility, education and an understanding of the ocean and those who use it.

Your Committee, therefore, has amended the resolution by requesting the Department of Transportation to incorporate the feasibility study of a ocean rangers program into their ocean management plan.

Your Committee on Ocean and Marine Resources concurs with the intent and purpose of H.C.R. No. 211, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 211, H.D. 1.

Signed by all members of the Committee.

SCRep. 1432-88 Water, Land Use, Development and Hawaiian Affairs on H.C.R. No. 164

The purpose of this concurrent resolution is to hasten the process by which native Hawaiians can be moved from the Hawaiian Homes waiting list onto the land. It is unconscionable that over 17,000 persons are on the waiting list, some reportedly for three decades. Innovative ways must be found to remedy the situation.

Your Committee received testimony from the Department of Hawaiian Home Lands.

Your Committee has amended the resolution by indicating that there are over 17,000 native Hawaiians on the waiting list for homesteads. Your Committee also has provided that the Department propose specific enabling legislation which would allow exchanges of land either without compensation or at a reduced value.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 164, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 164, H.D. 1.

Signed by all members of the Committee except Representatives Fukunaga, Hiraki, D. Ige and Say.

SCRep. 1433-88 Water, Land Use, Development and Hawaiian Affairs on H.C.R. No. 305

The purpose of this concurrent resolution is to determine the extent of speculation in the Hawaiian real estate market and examine possible solutions to any negative impact it may be having.

Your Committee is aware of widespread public concern over the issue of foreign investment. Nevertheless, it must be recognized that Hawaii, at least for the last century, has depended on foreign investment and, even now, actively encourages investment in order to improve its economic base and create a diversity of jobs for its residents. Therefore, it is important to calm much of the inflammatory rhetoric, distinguish between investment and speculation, and recognize the differences between residential and commercial property.

Your Committee has amended this concurrent resolution by making it clear that our concerns should be focused on speculation in residential real property. Your Committee would also note that "foreign" speculation can be taken to mean speculation by residents of the U.S. mainland as much as by residents of foreign countries.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 305, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 305, H.D. 1.

Signed by all members of the Committee except Representatives Fukunaga, D. Ige, Say and O'Kieffe.

SCRep. 1434-88 Water, Land Use, Development and Hawaiian Affairs on H.C.R. No. 304

The purpose of this concurrent resolution is to urge the preservation of the Toyo Theater.

Your Committee heard testimony from the Department of Land and Natural Resources, the Toyo Preservation Committee, the Historic Hawaii Foundation, the Honolulu Theatre for Youth, and numerous individuals.

Your Committee believes the Toyo Theater is a valuable cultural and historic resource which should not be destroyed. We have amended the concurrent resolution to ask the Department of Land and Natural Resources to do everything possible to prevent the destruction of the theater. We also believe that concerned citizens and organizations need to do what they can without government help, and we encourage their independent efforts. Other non-substantive amendments were made for purposes of style and clarity.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 304, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 304, H.D. 1.

Signed by all members of the Committee except Representatives Bunda, Fukunaga, D. Ige, Lee, Tajiri and Pfeil.

SCRep. 1435-88 Water, Land Use, Development and Hawaiian Affairs on H.C.R. No. 267

The purpose of this concurrent resolution is to ask the Department of Business and Economic Development to determine what assistance they can provide the Hawaii fashion industry and to what extent it may be possible to have a "Hawaiian Aisle" at trade shows.

Your Committee heard testimony from the Department of Business and Economic Development and members of the Hawaii Fashion Industry Association.

Your Committee wants to support the developing fashion industry in Hawaii. We have made minor amendments for purposes of style and clarity.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 267, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 267, H.D.1.

Signed by all members of the Committee except Representatives Bunda, Fukunaga, D. Ige, Lee, Tajiri and Pfeil.

SCRep. 1436-88 Water, Land Use, Development and Hawaiian Affairs on H.C.R. No. 359

The purpose of this concurrent resolution is expressed in the title.

Your Committee received testimony from the Department of Hawaiian Homes Land and several individuals.

Your Committee finds there are many problems relating to Hawaiian Trust Lands. In order to resolve these problems and to develop an effective legislative package, we believe the legislature must undertake a comprehensive study of the problem, gather comprehensive information concerning the rights of the trust beneficiaries, including their right to sue. In order to accomplish this study and present an acceptable legislative package to the 1989 Legislature, it will be necessary for the Legislature to understand the views and positions of all interested groups and to have the full cooperation of state agencies involved in the administration of the program.

We have made minor, non-substantive amendments for purpose of style and clarity.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 359, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 359, H.D. 1.

Signed by all members of the Committee except Representatives Bunda, Fukunaga, D. Ige, Lee, Tajiri and O'Kieffe.

SCRep. 1437-88 Water, Land Use, Development and Hawaiian Affairs on H.C.R. No. 243

The purpose of this concurrent resolution is to recommend nomination of Kealakekua Bay State Historical Park to the World Heritage List.

Your Committee heard testimony from the Department of Land and Natural Resources, the Friends of Kealakekua Bay State Historical Park, and the Kona Hawaiian Civic Club.

Your Committee finds Kealakekua Bay has great historical and cultural significance and is worthy of recognition. Your Committee has amended "Polynesian" to "native Hawaiian," to provide more precise wording, and has made other non-substantive amendments for style, clarity and accuracy.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 243, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 243, H.D. 1.

Signed by all members of the Committee except Representatives Bunda, Fukunaga, D. Ige, Lee, Tajiri and Pfeil.

SCRep. 1438-88 Water, Land Use, Development and Hawaiian Affairs on H.C.R. No. 311

The purpose of the concurrent resolution is described in the title.

Your Committee heard testimony from the Department of Business and Economic Development and the University of Hawaii.

Your Committee has made amendments for accuracy, clarity and style.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 311, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 311, H.D. 1.

Signed by all members of the Committee except Representatives Bunda, Fukunaga, D. Ige, Lee, Tajiri and Pfeil.

SCRep. 1439-88 Agriculture on H.C.R. No. 369

The purpose of this Concurrent Resolution is to request the development of an action plan to assist the Moloaa Papaya Farmers.

The Small Business Administration invested funds in a long-term low-interest loan to assist Best Fruits, Inc., the corporation established to operate the packing and processing plant for the Moloaa Farmers Cooperative. The financial assistance was extended as a result of the damage caused by hurricane Iwa in November of 1982. The management of Best Fruits, Inc. at that time was in the hands of fifteen farmers on Kauai, as well as five Honolulu stockholders.

Your Committee finds that the Department of Agriculture also has loans outstanding with the Moloaa Papaya Farmers.

Because of these outstanding loans the Small Business Administration and the Department of Agriculture have met with the Moloaa Farmers Cooperative and Best Fruits, Inc. and have requested that they come up with a plan of action so both agencies could determine what course of action could be taken to help these entities.

Your Committee has amended this Concurrent Resolution to specify that the study be done by a private consultant and that the study involve the Small Business Administration, the Department of Agriculture, the Moloaa Papaya Farmers, and the mayor and county council members of Kauai.

Your Committee has also made technical non-substantive changes for purposes of style.

Your Committee on Agriculture concurs with the intent and purpose of H.C.R. No. 369, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 369, H.D. 1.

Signed by all members of the Committee.

SCRep. 1440-88 Human Services and Education on H.C.R. No. 183

The purpose of this Concurrent Resolution is to request the Departments of Education, Health, and Human Services to convene a task force to develop a comprehensive health and human services plan for programs directed toward youths from birth to age 24 years on the Waianae Coast.

Your Committee received testimony indicating that a cooperative and collaborative working relationship among the Departments of Education, Health, and Human Services has been established to deliver the wide variety of services offered by these agencies. However, while efforts are being made to coordinate services provided by the State, the private sector is only marginally involved in the coordinated planning effort. Your Committee finds that a comprehensive planning effort to deliver health and human services on the Waianae Coast effectively requires the involvement of private sector agencies as well as public sector agencies.

Your Committee has amended the Concurrent Resolution as follows:

(1) Referred to other people of the Waianae coast besides the youth and the elderly in the second WHEREAS paragraph;

(2) Added reference to the Department of Labor and Industrial Relations and the Judiciary, and deleted reference to private nonprofit agencies in the third WHEREAS clause;

(3) Replaced the reference to a clearinghouse with a reference to a mechanism in the fourth WHEREAS clause;

(4) Added a reference to a potential lack of follow up and networking in the sixth WHEREAS clause;

(5) Modified phrase "the loss of of opportunity and hope for youths" by the phrase "that thereby lessens their chance to become productive adults of the Waianae Coast" in the ninth WHEREAS clause;

(6) Added WHEREAS clauses regarding: (a) community initiative and the Waianae Coast Coalition for Human Services, (b) community support for community-based, coordinated planning, (c) the importance of utilizing existing community-based agencies and resources as implementors of services, (d) expected Leeward Coast redevelopment, and (e) the need for a comprehensive plan;

(7) Deleting the request that the Departments of Education, Health, and Human Services develop a comprehensive plan, and related activities;

(8) Added a request that the Waianae Coast Coalition for Human Services assume responsibility to develop a comprehensive plan of integrated services for the Waianae Coast by convening a planning force to develop such a plan;

(9) Specified the desired outcomes of that planning process; and

(10) Directed that certified copies of the Concurrent Resolution be transmitted to the appropriate individuals.

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

Your Committees on Human Services and Education concur with the intent and purpose of H.C.R. No. 183, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 183, H.D. 1.

Signed by all members of the Committees except Representatives Bunda, Crozier and Peters.

SCRep. 1441-88 Human Services and Intergovernmental Relations on H.C.R. No. 235

The purpose of this Concurrent Resolution is stated in the title.

Our present welfare system discourages AFDC recipients from becoming economically self-sufficient. While deductions are allowed for work expenses. They are inadequate to cover the actual costs of keeping a job, especially one paying the minimum wage. In order to break the cycle of welfare dependency, today's system must change from one of income maintenance to a system that promotes family independence.

This Concurrent Resolution calls for welfare reform legislation that will provide the necessary services for AFDC families to obtain and retain employment.

Your Committee received testimony questioning the feasibility of the proposed Concurrent Resolution, and therefore has made the following amendments:

1. The title has been changed.

2. Although the intent of this Concurrent Resolution has remained the same, the direction to achieve this end has been shifted from retention of greater work income to that of providing the necessary transitional benefits for family self-sufficiency.

Your Committees on Human Services and Intergovernmental Relations concur with the intent and purpose of H.C.R. No. 235, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 235, H.D. 1.

Signed by all members of the Committees except Representatives Crozier, Hirono, Kotani, Leong, Peters, Souki and Jones.

SCRep. 1442-88 Ocean and Marine Resources on H.C.R. No. 286

The purpose of this concurrent resolution is to request that the Department of Land and Natural Resources adopt rules to ban the sale of all nonprecious stony corals of the Fungidae or Pocilloporidae families in Hawaii.

Your Committee received several testimony in support of this concurrent resolution. The Department of Land and Natural Resources (DLNR) indicated that if House Bill 2067, H.D. 2, S.D. 1 (to prohibit the taking of live stony coral from our shore waters) which passed both the House and Senate this current session is enacted into the Hawaii Revised Statutes, the total ban should in time eliminate the presence of all locally taken coral in retail shops, leaving only coral products imported from outside of the State.

Your Committee, however, felt that it is equally important to have an education program directed towards visitors and local residents on the importance of protecting coral resources.

Your Committee, therefore, has amended the resolution by eliminating the adoption of rules to ban the sale of all nonprecious stony corals; requesting that the DLNR examine the necessity of establishing a ban; having the DLNR work with other agencies and departments to develop a plan of action to establish an education program; and requiring that the DLNR report on an evaluation of the proposed ban on the taking and sale of all non-precious stony coral.

In addition, the resolution was amended to insert the proper spelling of Fungidae.

Your Committee on Ocean and Marine Resources concurs with the intent and purpose of H.C.R. No. 288, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 288, H.D. 1.

Signed by all members of the Committee except Representatives Fukunaga, Hiraki, D. Ige, Tajiri and Pfeil.

SCRep. 1443-88 Ocean and Marine Resources on H.C.R. No. 291

The purpose of this resolution is to request the Department of Land and Natural Resources (DLNR) to review the state of aquarium fish resources and catch data and adopt administrative rules to limit the quantity of fish removed and regulate the areas of collection in order to best manage and conserve our valuable tropical fish resources.

Your Committee received several testimony in support of this resolution. The DLNR stated that the commercial collectors of aquarium fish and commercial operators of dive groups and glass-bottom boat tours are in competition over the reef fishes along the Kona Coast of the Big Island. They recommended that the Kona area should be separated into subareas where the dive/snorkel tours would operate and other subareas where the aquarium fish collecting would take place. The DLNR intends to pursue the subarea designation such as a Marine Life Conservation District with non-consumptive use through public meetings conducted with the County Aquatic Life and Wildlife Advisory Committee.

Your Committee has amended the resolution to delete the adoption of administrative rules to limit the quantity of fish removed and require that the DLNR report its review of state aquarium fish resources and catch data and regulation of collection areas to the Legislature.

Your Committee on Ocean and Marine Resources concurs with the intent and purpose of H.C.R. No. 291, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 291, H.D. 1.

Signed by all members of the Committee except Representatives Fukunaga, Hiraki, D. Ige, Lee and Tajiri.

SCRep. 1444-88 Agriculture on H.C.R. No. 274

The purpose of this Concurrent Resolution is to conduct a feasibility study to establish a taro processing plant on the island of Kauai.

Your Committee received testimony from the Department of Business and Economic Development, Hawaiian Farmers of Hanalei, Inc., the Kauai Taro Growers Association, and the College of Tropical Agriculture and Human Resources, University of Hawaii, Manoa.

The Concurrent Resolution as received requests that the study include an estimated budget and timetable for the planning, design and construction of the taro processing plant consisting of a poi mill and mini-hydro.

Your Committee finds the study requested would involve extensive gathering of data on current and future production, present and projected processing on Oahu as well as Kauai, future transportation for taro and taro products, the location of future markets, and the amount of demand for various taro products in those markets.

Your Committee has amended the title and body of the Concurrent Resolution by designating the College of Tropical Agriculture and Human Resources the lead agency, and requesting that the College of Tropical Agriculture and Human Resources report on the means and cost of conducting a feasibility study to establish a taro processing plant on the island of Kauai.

Your Committee on Agriculture concurs with the intent and purpose of H.C.R. No. 274, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 274, H.D. 1.

Signed by all members of the Committee except Representative Lee.

SCRep. 1445-88 Water, Land Use, Development and Hawaiian Affairs on H.C.R. No. 364

The purpose of this concurrent resolution is to have the Department of Land and Natural Resources look for innovative ways to re-open the Haiku Stairs, which admittedly is under the jurisdiction of the federal government rather than the state.

Your Committee received unanimous testimony in support of the resolution from private citizens, Friends of Haiku Stairs, and the Sierra Club. The Department of Land and Natural Resources testified that it was willing to do the requested study if funding in the range of \$10,000 to \$20,000 was provided.

Your Committee believes that the study should be done, and it is asking the Department to accomplish the task within its existing budget. An elaborate study is not necessary; rather, the thrust of the work should be the devotion of some man hours to phone calls and meetings with the federal representatives and the community with a view toward suggesting one or more plans of action to the 1989 Legislature.

Your Committee has made several non-substantive changes for style and clarity.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 364, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 364, H.D. 1.

Signed by all members of the Committee except Representative Fukunaga.

SCRep. 1446-88 Water, Land Use, Development and Hawaiian Affairs and Tourism on H.C.R. No. 259

The purpose of this resolution is to express the support of the House of Representatives for the world corporate games of 1990 which are to be hosted by the State of Hawaii.

Your Committees received written testimony supporting this resolution from the Department of Business and Economic Development, from the Vice President of the World Corporate Games, and other individuals.

Your Committees find that hosting the World Games would draw many visitors promoting Hawaii as both a visitor destination and an international sports center. These games will bring corporate athletes from around the world to Hawaii to gather and participate in the spirit of friendly athletic competition.

Your Committees have made technical, nonsubstantive amendments to the resolution for the purposes of clarity and style.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and Tourism concur with the intent and purpose of H.C.R. No. 259, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 259, H.D. 1.

Signed by all members of the Committees except Representatives Bellinger, Bunda, Crozier, Fukunaga, Hirono, D. Ige, Isbell, Kanoho, Lee, Souki, Tajiri, Takamine, Jones and Marumoto.

SCRep. 1447-88 Judiciary and Intergovernmental Relations on H.C.R. No. 238

The purpose of this concurrent resolution, as received by your Committees, is to urge Japan to abolish its discriminatory practice of fingerprinting lifelong residents of Japan who are ethnic minorities.

Currently in Japan, all residents who are ethnic minorities are required to be fingerprinted and are treated like foreigners, even if they were born in Japan and lived there since birth. This requirement particularly affects Japanese residents of Korean descent who are denied Japanese citizenship unless they officially surrender their Korean names and are registered in the koseki tohon system. This discriminatory requirement is contrary to the Covenant on Human Rights to which Japan is a signatory. Ronald Fujiyoshi, a Hawaii citizen, has been a leading figure in opposing this discriminatory requirement.

Your Committees received testimony in support of this concurrent resolution from the American Friends Service Committee, Kawaiahao Church, and private citizens.

Your Committees have amended this concurrent resolution to request the Department of State to urge Japan to abolish its discriminatory requirement because such international communication is appropriately transmitted on the level of federal government instead of state government. For the purpose of clarity, the concurrent resolution was further amended to change the phrase "Japanese of Korean descent" to "Koreans in Japan" and to provide a better description of the activities of Ronald Fujiyoshi.

Your Committees on Judiciary and Intergovernmental Relations concur with the intent and purpose of H.C.R. No. 238, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 238, H.D. 1.

Signed by all members of the Committees except Representatives Crozier, Hirono, Peters, Taniguchi, Hemmings, Jones and Medeiros.

SCRep. 1448-88 Judiciary and Consumer Protection and Commerce on H.C.R. No. 324

The purpose of this concurrent resolution is to request the Insurance Division of the Department of Commerce and Consumer Affairs to update its recent study and to report on the impact of the tort reform measures enacted by the Legislature in 1986.

Your Committees find that controversy exists about the cost and availability of liability insurance, including medical malpractice insurance, and whether measures should be taken to address the "liability insurance crisis." This resolution will provide the Legislature with the information to better assess these issues.

Your Committees received testimony in support of this resolution from the Hawaii Independent Insurance Agents Association and the Medical Coalition for Tort Reform.

Your Committees have amended this concurrent resolution by deleting the request to the Insurance Division to convene a Blue Ribbon Steering Committee but retaining that the listed parties shall serve as resources for information and consultation as requested by the Insurance Division. The concurrent resolution was also amended by changing the description of the study on medical malpractice insurance to include but not be limited to a compilation of other studies, an overview of the caseload and decisions of the Medical Claims Conciliation Panel, and a study of the practices of insurers and other providers of medical malpractice liability insurance in the State.

Your Committees on Judiciary and Consumer Protection and Commerce concur with the intent and purpose of H.C.R. No. 324, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 324, H.D. 1.

Signed by all members of the Committees except Representatives Peters, Hemmings, Jones and Medeiros.

SCRep. 1449-88 Judiciary and Finance on H.C.R. No. 90 (Majority)

The purpose of this concurrent resolution is to request that the Employees Retirement System of the State immediately begin divesting itself of all State moneys and securities belonging to or held in trust by the State in firms doing business with or in the Republic of South Africa (South Africa), and to be completely divested of these investments by July 1, 1993. The Employees Retirement System is also requested to refrain from making further investments in firms doing business in South Africa until such time when the government of South Africa enforces and maintains a policy of racial desegregation.

Your Committees believe the situation in South Africa is unique and demands such action as provided for by this measure. By the passage of this concurrent resolution, however, your Committees do not intend to set any precedence to govern the trustees of the Employees Retirement System in the management of the funds.

Your Committees on Judiciary and Finance concur with the intent and purpose of H.C.R. No. 90 and recommend its adoption.

Signed by all members of the Committees except Representatives Arakaki, Bellinger, Fukunaga, Hirono, D. Ige, Kawakami, Peters, Tajiri, Hemmings, Jones, Marumoto, Medeiros and Ribellia.
(Representative Cavasso did not concur.)

SCRep. 1450-88 Judiciary on H.C.R. No. 246

The purpose of this Concurrent Resolution is to request the Juvenile Justice Interagency Board, with the assistance of the Hawaii Youth Services Network Deinstitutionalization of Status Offenders Project, to conduct a comprehensive analysis of the youth gang problem in Hawaii and other states and possible measures to alleviate the problem.

The frequency and intensity of violence and other gang-related and gang-supported behavior have been increasing, and attention needs to be given to this situation. More information is needed regarding the specific nature of the problem in Hawaii so that more effective efforts can be made to address it.

Your Committee on Judiciary concurs with the intent and purpose of H.C.R. No. 246, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Bellinger, Hirono, Peters, Takamine, Hemmings and Jones.

SCRep. 1451-88 Judiciary on H.C.R. No. 199

The purpose of this concurrent resolution is to request state agencies to broaden their public information dissemination procedures to include the announcement of information in all neighbor island newspapers with daily circulation at least once.

Your Committee finds that as a result of growing populations on the neighbor islands and other factors, Honolulu newspapers are assuming secondary roles in those communities. The administrative provisions for publishing public information in one newspaper of statewide general circulation have, therefore, become inadequate for disseminating public information to neighbor island communities.

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

Signed by all members of the Committee except Representatives Bellinger, Hirono, Peters, Hemmings and Jones.

SCRep. 1452-88 Judiciary on H.C.R. No. 319

The purpose of this concurrent resolution is to recognize the week of April 17-23, 1988 as Victims' Rights Week in Hawaii.

Your Committee finds that the victims of crime and their families suffer traumatic, immediate and long term effects of victimization that require strength and courage to overcome. In addition to providing services and support to crime victims, it is appropriate that this State reaffirm its support for the victims of crime by recognizing this week in honor of their strength and courage.

Your Committee on Judiciary concurs with the intent and purpose of H.C.R. No. 319 and recommends its adoption.

Signed by all members of the Committee except Representatives Bellinger, Hirono, Peters, Hemmings and Jones.

SCRep. 1453-88 Judiciary on H.C.R. No. 334

The purpose of this concurrent resolution is to urge the Department of Health to postpone its proposed changes to existing swimming pool regulations and to begin discussions with county governments about the appropriate delegation of responsibilities affected by these changes.

The Department of Health has recently proposed changes to swimming pool regulations which would remove its present responsibilities of reviewing and monitoring the plan and design of swimming pools. Before these proposed rule changes take the effect, it is important for the Department to work with county governments to assess the appropriate delegation of these responsibilities.

Your Committee on Judiciary concurs with the intent and purpose of H.C.R. No. 334, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Bellinger, Hirono, Peters, Hemmings and Jones.

SCRep. 1454-88 Judiciary on H.C.R. No. 348

The purpose of this Concurrent Resolution is to urge the Hawaii Congressional Delegation to support S. 1250.

This Concurrent Resolution would extend the Juvenile Justice and Delinquency Prevention Act which would otherwise expire in September 30, 1988.

In testimony before your Committee the State Attorney General expressed support for this Resolution and stated that the Act allows the federal government to provide national "direction, coordination, resources and leadership" in the area of juvenile justice.

Your Committee on Judiciary concurs with the intent and purpose of H.C.R. No. 348 and recommends its adoption.

Signed by all members of the Committee except Representatives Bellinger, Hirono, Peters, Hemmings and Jones.

SCRep. 1455-88 Consumer Protection and Commerce on H.C.R. No. 301

The purpose of this House Concurrent Resolution is to request the Department of Commerce and Consumer Affairs to conduct a feasibility study of requiring cable operators to provide facilities, equipment, training, and operating expenses for free distribution over cable.

Your Committee received testimony from the Hawaii Cable Television Association that all cable systems are already providing substantial assistance to nonprofit groups and community oriented organizations. These services are required by the Federal Cable Act of 1984.

In light of this testimony your committee has amended this resolution to request a study of what is actually being done, island by island, to include additionally the availability of government and educational programming.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.C.R. No. 301, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 301, H.D. 1.

Signed by all members of the Committee except Representative Peters.

SCRep. 1456-88 Consumer Protection and Commerce on H.C.R. No. 338

The purpose of this House Concurrent Resolution is to have Congress and the Securities Exchange Commission modify, as necessary, statutes and rules to counteract the 9th Circuit Court of appeals' ruling in the case of Hocking v. Dubois. In that case the court decided that the sale of a condominium apartment, in a project which as a rental pool, is the sale of a security.

This ruling poses enormous difficulties for condominium apartment owners and real estate brokers alike, including the possibility of having to produce and provide prospectuses and register as securities dealers.

Your Committee received testimony in favor of this resolution from the Real Estate Commission and the Department of Commerce and Consumer Affairs.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.C.R. No. 338, and recommends its adoption.

Signed by all members of the Committee except Representative Peters.

SCRep. 1457-88 Consumer Protection and Commerce on H.C.R. No. 244

The purpose of this House Concurrent Resolution is to request that the Insurance Commissioner, in consultation with the Office of Consumer Protection and Commerce, conduct a study of the cancellation and refusal to renew homeowner's insurance policies by the private insurance industry.

Your Committee received testimony from the Insurance Commissioner that present statutes do not restrict the cancellation and non-renewal of homeowners' policies. The Insurance Commissioner is not aware of a significant problem with the cancellation and non-renewal of homeowners' policies.

Your Committee also received testimony from a homeowner in Kulioouou that their homeowner's policy was not renewed by an insurance policy when it was discovered the neighborhood and their house had problems with ground movement. This policy was not renewed even though claims due to ground movement were excluded under the policy.

Your Committee has decided that the study called for by this resolution is more extensive than presently needed, but that at least some information should be gathered by the Insurance Commissioner to determine the extent of the problem. Your Committee has amended this resolution accordingly.

The amended resolution requests the Insurance Commissioner to conduct a survey and at least one Carrier testified that cooperation in such a survey would be forthcoming.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.C.R. No. 244, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 244, H.D. 1.

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

SCRep. 1458-88 Consumer Protection and Commerce on H.C.R. No. 241

The purpose of this House Concurrent Resolution is to indicate concern that the adoption of local measured service for pricing local telephone calls could have serious adverse effects upon certain segments of society and upon the telephone system as a whole.

Your Committee received testimony from the Executive Office on Aging strongly recommending adoption of this resolution. Your Committee also received testimony from the Division of Consumer Advocacy in support of the resolution and from the Public Utilities Commission stating that the points of caution in the resolution are well taken and that the P.U.C. intends to study the facts and weigh the merits thoroughly before it would render any decision on the subject. Hawaiian Telephone Company testified that it had no objection to the resolution and indicated its support for "frank and open dialogue" on the subject matter.

Your Committee would like to clarify that the reference to the study of the effects of measured rate service in other areas, using for example Great Britain, was intended only as an example of an area which has such service. Your Committee expects areas which would be appropriate and meaningful to be studied. Since your Committee is concerned with both short and long term effects, study should include areas in which measured rate service has been in effect for some period of time.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.C.R. No. 241, and recommends its adoption.

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

SCRep. 1459-88 Consumer Protection and Commerce and Health on H.C.R. No. 240

The purpose of this House Concurrent Resolution is to request the Department of Health to study the need for licensing and regulation of hospices in Hawaii.

Your Committees received testimony that hospice care is highly sensitive and specialized in its nature. The Department of Health currently does not have the authority to license hospices. The Department predicts that expansion of hospice activities will occur and that licensure of these facilities will be needed. In fact, the Department intends to develop legislation for licensure of hospices for submission to the 1989 legislative session.

Your Committees believe that an expression of the Legislature's intent, that this subject matter be addressed and the Legislature's concern for patients and their families using or who could use the services of Hospice Care programs, is important to ensure that the needs of these people are properly addressed.

Your Committees on Consumer Protection and Commerce and Health concur with the intent and purpose of H.C.R. No. 240, and recommend its adoption.

Signed by all members of the Committees except Representative Peters.

SCRep. 1460-88 Human Services on H.C.R. No. 346

The purpose of this concurrent resolution is to reaffirm the State's commitment to children and youth.

Our children and youth represent our most treasured resource and their well-being and optimal development are essential for the future of our society. This concurrent resolution calls for strong policies and a comprehensive and concerted effort on the part of State and County resources. A sizeable financial commitment is required in order to provide our children and youth with the critical services to enable them to become contributing members of our community.

Your Committee has amended this concurrent resolution by adding a paragraph calling on the Governor to carry out the intent and purpose of the concurrent resolution.

Your Committee on Human Services concurs with the intent and purpose of H.C.R. No. 346, as amended herein, and recommends its adoption, in the form attached hereto as H.C.R. No. 346, H.D. 1.

Signed by all members of the Committee except Representative Peters.

SCRep. 1461-88 Human Services on H.C.R. No. 347

The purpose of this resolution is to honor the late Kayo Chung.

Known for his outstanding work and his devotion to the youth of Hawaii in the areas of substance abuse prevention and athletics, your Committee finds it fitting to memorialize this dedicated individual.

As requested by the Department of Corrections, this resolution has been amended by changing the title in order to honor his name appropriately, not after a locked facility, but something more positive.

Your Committee on Human Services concurs with the intent and purpose of H.C.R. No. 347, as amended herein, and recommends its adoption, in the form attached hereto as H.C.R. No. 347, H.D. 1.

Signed by all members of the Committee except Representative Peters.

SCRep. 1462-88 Legislative Management on H.C.R. No. 314

The purpose of this concurrent resolution is to ensure that visitors have the opportunity to learn about the State Capitol by requesting a study to determine the feasibility of establishing a more comprehensive capitol information service program.

Since 1986, when the House of Representatives first established a full-time position in the Sergeant-at-Arms Office to conduct year-round Capitol tours, your Committee finds that visitor interest has been very high. For example, between January and March 1988, more than 144 groups consisting of nearly 7,000 individuals were given tours through the Sergeant-at-Arms Office. In addition, another 1,216 drop-in visitors signed the House guest book while listening to the gallery presentations.

Due to the popularity of these tours, your Committee finds that the demand for more information and tours is exceeding the resources of the Sergeant-at-Arms Office. To maintain the high level of visitor satisfaction in these tours, your Committee believes that there is a need to diversify and expand the existing program. Accordingly, this concurrent resolution proposes a study on the feasibility of establishing a capitol information service program.

Upon further consideration, your Committee has amended the concurrent resolution by: (1) expanding the scope of the study to address sources of funding; (2) requesting the input of the executive offices and the visitor industry; (3) requesting the House Research Office to lend reasonable assistance during the course of the study; (4) providing that the report be submitted to the House and Senate Legislative Management Committees; and (5) making technical, nonsubstantive amendments.

Your Committee on Legislative Management concurs with the intent and purpose of H.C.R. No. 314, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 314, H.D. 1.

Signed by all members of the Committee except Representative Liu.

SCRep. 1463-88 Intergovernmental Relations; Housing and Community Development; and Education on H.C.R. No. 4 (Majority)

The purpose of this concurrent resolution is to urge the U.S. Navy to select Pearl Harbor as the homeport of the USS Missouri and its associated ships in the event that the San Francisco decision for this purpose is reversed or rescinded. In addition, this concurrent resolution requests that the Department of Education, the Department of Business and Economic Development, the Department of Land and Natural Resources, the Office of State Planning, and the Military Affairs Council of the Chamber of Commerce of Hawaii lend their support to this endeavor.

After receiving voluminous testimony, your Committees decided that coordinating the preparation for expanding services, facilities, and logistical support that would be necessary in the event that the USS Missouri is homeported at Pearl Harbor required a legislative plan. Accordingly, your Committees agreed that the Military Affairs Council of the Chamber of Commerce of Hawaii should develop such a plan.

Your Committees have therefore amended this concurrent resolution to name the Military Affairs Council of the Chamber of Commerce of Hawaii as the organization that will oversee the homeporting effort.

Your Committees have also made technical, nonsubstantive amendments to the concurrent resolution for purposes of style and clarity.

Your Committees on Intergovernmental Relations, Housing and Community Development, and Education concur with the intent and purpose of H.C.R. No. 4, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 4, H.D. 1.

Signed by all members of the Committees except Representatives Hagino, Peters and Jones.
(Representative Shon did not concur.)

SCRep. 1464-88 Ocean and Marine Resources and Transportation on H.C.R. No. 386

The purpose of this Concurrent Resolution is to authorize the Department of Transportation to lease and provide for the reclamation and development by a private developer certain fast, tidal, and submerged lands for commercial, recreational, and light industrial purposes.

This Concurrent Resolution has been proposed by the state administration because the reclamation and development of approximately 300 plus acres of submerged and tidal lands in the central triangular section of Ke'ehi Lagoon bordered by and including the former seaplane runways, lying between Honolulu International Airport and Sand Island is necessary for the development of Ke'ehi Lagoon.

Your Committees received testimony from many concerned private as well as public agencies. Proponents for the development testified that they favor private funding of public recreational facilities, and that the development of waterfront commercial space will benefit the maritime, aviation and tourism sectors of the economy. Moreover, the light industrial area would serve both aeronautical and maritime interests.

On the other hand, considerable concern was raised regarding potential environmental and wildlife impacts.

Your Committees received testimony from the Kalihi-Palama Community Council urging the State to continue to involve this organization as well as other affected private organizations in the planning and development phases. Your Committees concur and support this position.

Your Committees have amended this Concurrent Resolution by:

- (1) Specifying that approximately 50% of the 300 acres be designed for recreation, marine related recreation, parks, open space, ocean research, educational purposes with the remainder designated for commercial/light industrial purposes;
- (2) Deleting reference to a public auction and attendant consequences to private developers;
- (3) Referencing additional statutory provisions where appropriate; and
- (4) Requesting the Department of Transportation to apprise the Legislature of its activities with regard to the proposed development at appropriate intervals.

Your Committees on Ocean and Marine Resources and Transportation concur with the intent and purpose of H.C.R. No. 386, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 386, H.D. 1.

Signed by all members of the Committees except Representatives Crozier, Hirono, Souki, Tajiri, Taniguchi, Yoshimura and Jones.

SCRep. 1465-88 Intergovernmental Relations on H.C.R. No. 372

The purpose of this concurrent resolution is to urge the City and County of Honolulu to allow those qualifying for home exemptions to obtain the exemptions within the calendar year in which they attain such status.

There has been a phenomenal rise in the market value of real property. Since real property tax assessment is based on the market value of the property, there has been a corresponding rise in real property taxes.

Currently, the City and County of Honolulu is considering additional increases in home exemptions for owner-occupants. At present time, an application for home exemption must be filed by December 31st prior to the year when the exemption is to be applied.

Your Committee has amended this concurrent resolution by removing references made to foreign investment and speculation based on the recommendations made by the Hawaii Association of Realtors because the rise in real property taxes is not necessarily due primarily to foreign investment and speculation.

Your Committee on Intergovernmental Relations concurs with the intent and purpose of H.C.R. No. 372, as amended herein, and recommends that it be adopted in the form attached hereto as H.C.R. No. 372, H.D. 1.

Signed by all members of the Committee except Representatives Hirono, Horita, Souki, Taniguchi, Yoshimura, Jones and Marumoto.

SCRep. 1466-88 Intergovernmental Relations on H.C.R. No. 159

The purpose of this concurrent resolution is to request the Governor of Hawaii to initiate activities for the establishment of a sister-state relationship between the Federated States of Micronesia (FSM) and the State of Hawaii.

The State of Hawaii has already established sister-state relationships with several other locations in the world, primarily in East Asia. The Department of Business and Economic Development is responsible for developing criteria that govern how the State of Hawaii creates programs of mutual benefit for Hawaii and its sister states in their social, cultural, educational, and economic development.

According to testimony submitted by the FSM Liaison Office in Honolulu, the purpose and intent of the concurrent resolution are desirable to the FSM government and its people.

However, your Committee is of the opinion that the proper designation for the proposed relationship between the FSM and the State of Hawaii should not be "sister state" but "sister island", to recognize the status of the FSM as an independent nation in free association with the United States government. The "sister-island" designation is preferable, and will avoid any problems in intergovernmental relations between the State of Hawaii and the federal government. In this context, a "sister island" designation for the relationship is highly desirable. Your Committee has therefore amended the concurrent resolution, wherever appropriate to denote this preferred designation.

Your Committee on Intergovernmental Relations concurs with the intent and purpose of H.C.R. No. 159, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 159, H.D. 1.

Signed by all members of the Committee except Representatives Hirono, Horita, Souki, Taniguchi, Yoshimura and Jones.

SCRep. 1467-88 Intergovernmental Relations on H.C.R. No. 351

The purpose of this resolution is to request that the United States Air Force: (1) rebuild the bridge at the entrance of Bellows Air Force Station in order to provide a large aperture for the free flow of water; (2) rebuild the damaged bridge near the second guard shed and utilize a free-span design in doing so to prevent debris from being caught and damming the stream; and (3) construct a coral rock jetty like the one in place at the mouth of Waimanalo Stream to prevent sand from blocking the mouth of Inoaole Stream.

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

Your Committee on Intergovernmental Relations concurs with the intent and purpose of H.C.R. No. 351, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 351, H.D. 1.

Signed by all members of the Committee except Representatives Hirono, Souki, Taniguchi, Yoshimura, Jones and Marumoto.

SCRep. 1468-88 Intergovernmental Relations on H.C.R. No. 292

The purpose of this resolution to request Canada not to participate in the shelling of Kahoolawe during the 1988 RIMPAC military training exercises.

Your Committee finds that Kahoolawe is considered by some to be the most archaeologically rich island, having petroglyphs and ancient Hawaiian fishing, burial, and religious sites. Kahoolawe is listed on the United States' National Register of Historic Places and should be cherished and respected like all other national historical places.

In 1986, Australia, France, Japan, and New Zealand all refused to participate in bombing exercises on Kahoolawe. Canada is the only foreign country that joins the United States in using the island as a bombing target.

Your Committee has amended the Concurrent Resolution as follows:

(1) Specified that the RIMPAC training maneuvers are scheduled to being in May rather than in summer in the second WHEREAS clause;

(2) Deleted France and New Zealand from the countries described as refusing to participate in exercises on Kahoolawe, and added Great Britain in the ninth WHEREAS clause;

(3) Added "during the biennial RIMPAC exercises and other times during the year" in the tenth WHEREAS clause;

(4) Replaced Senate with the House of Representatives in the BE IT RESOLVED clause; and

(5) Added the President of the United States, Senator Daniel Inouye, and Senator Spark Matsunaga to the list of individuals to whom copies of the Concurrent Resolution are to be transmitted.

Your Committee on Intergovernmental Relations concurs with the intent and purpose of H.C.R. No. 292, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 292, H.D. 1.

Signed by all members of the Committee except Representatives Hirono, Souki, Taniguchi, Yoshimura, Jones and Marumoto.

SCRep. 1469-88 Finance on H.C.R. No. 188

The purpose of this concurrent resolution is to request a study from the Office of the Governor to examine the benefits of progress photographs of all State capital improvement projects and county capital improvement projects which are funded by the State.

Some capital improvement projects take several years to complete. Progress photographs of a project would serve as historical record of areas in Hawaii which are undergoing dramatic changes. These photographs would also preserve information about the techniques and materials used, problems with weather and soil conditions encountered during construction, and other important information which could be vital for future reviews of the finished project.

Your Committee on Finance concurs with the intent and purpose of H.C.R. No. 188 and recommends its adoption.

Signed by all members of the Committee except Representative M. Ige.

SCRep. 1470-88 Finance on H.C.R. No. 342

The purpose of this concurrent resolution is to request a study from the Department of Taxation to examine whether the State's tobacco taxes are being paid as required by law, who is keeping track of such payments, and the feasibility of affixing stamps on cigarette packs to evidence the payment of the tobacco tax.

It has been alleged that untaxed cigarettes purchased through military outlets are being resold to the public. Such untaxed cigarette sales deprive the State of revenues. This study will determine whether such allegations are founded on facts.

Your Committee on Finance concurs with the intent and purpose of H.C.R. No. 342 and recommends its adoption.

Signed by all members of the Committee except Representative M. Ige.

SCRep. 1471-88 Finance on H.C.R. No. 120

The purpose of this concurrent resolution is to urge the City and County of Honolulu to increase its revenues by raising its property tax rates on all residential properties, but increase its home exemptions accordingly so legitimate homeowners are insulated from the increase, and speculators are forced to carry a tax heavier burden.

Your Committee is concerned about the recent increases in purchases of residential real property by foreigners. Some of these foreigners intend to make purchases of residential real property only for the purposes of speculation and profits. Your Committee believes these investors are artificially increasing the assessed residential land values in Hawaii. The legitimate homeowners must bear the burden of paying increased property taxes to increases in land values caused by speculation.

Your Committee on Finance concurs with the intent and purpose of H.C.R. 120 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1472-88 Finance on H.C.R. No. 55

The purpose of this resolution is to request that the City and County of Honolulu: 1) identify the areas most affected by rapid increases in property assessments and 2) study methods to control unreasonable increases in real property assessments due to the sudden upward shift in prices paid for real estate in some areas of the City and County of Honolulu.

Your Committee believes that the recent fluctuations in both national and international stock prices have encouraged purchase of Hawaii real estate by foreign investors. As a result, these purchases have radically increased the prices paid for real property in certain neighborhoods causing exorbitant increases in real property tax assessments. Consequently, this rise in assessment will mean unaffordable increases in real property taxes.

Your Committee on Finance concurs with the intent and purpose of H.C.R. No. 55, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representative M. Ige.

SCRep. 1473-88 Finance on H.C.R. No. 36

The purpose of this concurrent resolution is to request that the University of Hawaii conduct a study on the feasibility of establishing a Space Education Center. The study shall also consider the purchase of a telescope or the relocation of observatory equipment presently situated at Mauna Kea (which is obsolete due to advancing technology) to the Space Education Center.

Your Committee believes space exploration and development activities offer the State unique opportunities to expand and diversify its economic base. The Space Education Center is part of the ideas currently being explored for development of appropriate space-related activities for the State.

Your Committee on Finance concurs with the intent and purpose H.C.R. No. 36, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1474-88 Finance on H.C.R. No. 161

The purpose of this concurrent resolution is to request that the Department of Defense of the State of Hawaii conduct a study to determine ways in which the State can provide disaster assistance without jeopardy to FEMA (Federal Emergency Management Agency) and SBA (Small Business Administration) funds.

The recent floods which occurred in early 1988 have shown the need for financial aid and support for homeowners in rebuilding their homes after such disasters. State disaster assistance funds may have a detrimental effect on the availability of FEMA and SBA loans and therefore a study should be conducted to determine the effects of such State funding on FEMA and SBA funds.

Your Committee has amended this concurrent resolution by changing the words "conduct a study" to "prepare a report" in paragraph six of the concurrent resolution. This concurrent resolution was also amended to have the report distributed to the Mayors of all the counties and the appropriate State agencies which have assistance programs.

Your Committee on Finance concurs with the intent and purpose of H.C.R. No. 161, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 161, H.D. 1.

Signed by all members of the Committee except Representative M. Ige.

SCRep. 1475-88 Finance on S.B. No. 2856

The purpose of this bill is to authorize the University of Hawaii at Hilo to operate and use the vocational and technical training projects revolving fund.

Your Committee finds that the bill clarifies the authority by which the University of Hawaii at Hilo is able to operate the fund which was established for Hawaii Community College's Vocational Technical Revolving Fund. Currently, the funds are funded by fees assessed to the participants.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2856, S.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1476-88 Intergovernmental Relations on H.R. No. 458

The purpose of this resolution is to urge the City and County of Honolulu to allow those qualifying for home exemptions to obtain the exemptions within the calendar year in which they attain such status.

There has been a phenomenal rise in the market value of real property. Since real property tax assessment is based on the market value of the property, there has been a corresponding rise in real property taxes.

Currently, the City and County of Honolulu is considering additional increases in home exemptions for owner-occupants. At present time, an application for home exemption must be filed by December 31st prior to the year when the exemption is to be applied.

Your Committee has amended this resolution by removing references made to foreign investment and speculation based on the recommendations made by the Hawaii Association of Realtors because the rise in real property taxes is not necessarily due primarily to foreign investment and speculation.

Your Committee on Intergovernmental Relations concurs with the intent and purpose of H.R. No. 458, as amended herein, and recommends 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 Committee except Representatives Ihara and Jones.

SCRep. 1477-88 Finance on H.R. No. 396

The purpose of this resolution is to have the Legislative Auditor in consultation with the Department of Attorney General, assess the fiscal impact and constitutionality of a State tax reduction for brewers based on production levels.

The Internal Revenue Code imposes a reduced tax rate to beer brewers who produce less than a specified number of barrels of beer per calendar year; State tax laws do not provide this tax incentive. This assessment will answer the concerns over legal issues which have been raised by proposals to implement a similar tax incentive for brewers in the State.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 396 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 1478-88 Finance on H.R. No. 246

The purpose of this resolution is to request a study by the Legislative Reference Bureau to examine collateralization requirements and other restrictions applicable to deposits of public funds.

Your Committee believes it is important that the State adopt a safe and prudent investment strategy which yields a high rate of interest without sacrificing safety and liquidity objectives.

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

Signed by all members of the Committee.

SCRep. 1479-88 Judiciary on H.R. No. 379

The purpose of this resolution is to request the Legislative Reference Bureau to conduct a study of state and federal statutes and governing case law which pertain to minors.

There are inconsistencies in the definitions of maturity in various state and federal laws pertaining to minors, including laws governing medical treatment, driving licenses, alcohol purchase, school attendance, and assault. The Legislature frequently considers legislation affecting the legal rights of minors, and legal status is often an issue considered. It is, therefore, important to determine the rationale underlying the inconsistencies in the definitions of maturity.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 379 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee except Representatives Bellinger, Hirono, Peters, Hemmings and Jones.

SCRep. 1480-88 Finance on H.R. No. 241

The purpose of this resolution is to request a study from the Office of the Governor to examine the benefits of progress photographs of all State capital improvement projects and county capital improvement projects which are funded by the State.

Some capital improvement projects take several years to complete. Progress photographs of a project would serve as historical record of areas in Hawaii which are undergoing dramatic changes. These photographs would also preserve information about the techniques and materials used, problems with weather and soil conditions encountered during construction, and other important information which could be vital for future reviews of the finished project.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 241 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1481-88 Finance on H.R. No. 38

The purpose of this resolution is to request that the University of Hawaii conduct a study on the feasibility of establishing a Space Education Center. The study shall also consider the purchase of a telescope or the relocation of observatory equipment presently situated at Mauna Kea (which is obsolete due to advancing technology) to the Space Education Center.

Your Committee believes space exploration and development activities offer the State unique opportunities to expand and diversify its economic base. The Space Education Center is part of the ideas currently being explored for development of appropriate space-related activities for the State.

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. 1482-88 Finance on H.R. No. 161

The purpose of this resolution is to urge the City and County of Honolulu to increase its revenues by raising its property tax rates on all residential properties, but increase its home exemptions accordingly so legitimate homeowners are insulated from the increase, and speculators are forced to carry a heavier tax burden.

Your Committee is concerned about the recent increases in purchases of residential real property by foreigners. Some of these foreigners intend to make purchases of residential real property only for the purposes of speculation and profits. Your Committee believes these investors are artificially increasing the assessed residential land values in Hawaii. The legitimate homeowners must bear the burden of paying increased property taxes due to increases in land values caused by speculation.

Your Committee on Finance concurs with the intent and purpose of H.R. 161 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1483-88 Finance on H.R. No. 445

The purpose of this resolution is to request a study from the Department of Taxation to examine whether the State's tobacco taxes are being paid as required by law, who is keeping track of such payments, and the feasibility of affixing stamps on cigarette packs to evidence the payment of the tobacco tax.

It has been alleged that untaxed cigarettes purchased through military outlets are being resold to the public. Such untaxed cigarette sales deprive the State of revenues. This study will determine whether such allegations are founded on facts.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 445 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1484-88 Water, Land Use, Development and Hawaiian Affairs and Tourism on H.R. No. 331

The purpose of this resolution is to express the support of the House of Representatives for the world corporate games of 1990 which are to be hosted by the State of Hawaii.

Your Committees received written testimony supporting this resolution from the Department of Business and Economic Development, from the Vice President of the World Corporate Games, and other individuals.

Your Committees find that hosting the World Games would draw many visitors promoting Hawaii as both a visitor destination and an international sports center. These games will bring corporate athletes from around the world to Hawaii to gather and participate in the spirit of friendly athletic competition.

Your Committees have made technical, nonsubstantive amendments to the resolution for the purposes of clarity and style.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and Tourism concur with the intent and purpose of H.R. No. 331, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 331, H.D. 1.

Signed by all members of the Committees except Representatives Bellinger, Bunda, Crozier, Fukunaga, Hirono, D. Ige, Isbell, Kanoho, Lee, Souki, Tajiri, Takamine, Jones and Marumoto.

SCRep. 1485-88 Water, Land Use, Development and Hawaiian Affairs on H.R. No. 218

The purpose of this resolution is to hasten the process by which native Hawaiians can be moved from the Hawaiian Homes waiting list onto the land. It is unconscionable that over 17,000 persons are on the waiting list, some reportedly for three decades. Innovative ways must be found to remedy the situation.

Your Committee received testimony from the Department of Hawaiian Home Lands.

Your Committee has amended the resolution by indicating that there are over 17,000 native Hawaiians on the waiting list for homesteads. Your Committee also has provided that the Department propose specific enabling legislation which would allow exchanges of land either without compensation or at a reduced value.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 218, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 218, H.D. 1.

Signed by all members of the Committee except Representatives Fukunaga, Hiraki, D. Ige and Say.

SCRep. 1486-88 Judiciary and Consumer Protection and Commerce on H.R. No. 404

The purpose of this resolution is to request the Insurance Division of the Department of Commerce and Consumer Affairs to update its recent study and to report on the impact of the tort reform measures enacted by the Legislature in 1986.

Your Committees find that controversy exists about the cost and availability of liability insurance, including medical malpractice insurance, and whether measures should be taken to address the "liability insurance crisis." This resolution will provide the Legislature with the information to better assess these issues.

Your Committees received testimony in support of this resolution from the Hawaii Independent Insurance Agents Association and the Medical Coalition for Tort Reform.

Your Committees have amended this resolution by deleting the request to the Insurance Division to convene a Blue Ribbon Steering Committee but retaining that the listed parties shall serve as resources for information and consultation as requested by the Insurance Division. The resolution was also amended by changing the description of the study on medical malpractice insurance to include but not be limited to a compilation of other studies, an overview of the caseload and decisions of the Medical Claims Conciliation Panel, and a study of the practices of insurers and other providers of medical malpractice liability insurance in the State.

Your Committees on Judiciary and Consumer Protection and Commerce concur with the intent and purpose of H.C.R. No. 404, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 404, H.D. 1.

Signed by all members of the Committees except Representatives Hagino, Peters, Hemmings, Jones and Medeiros.

SCRep. 1487-88 Judiciary and Intergovernmental Relations on H.R. No. 310

The purpose of this resolution, as received by your Committees, is to urge Japan to abolish its discriminatory practice of fingerprinting lifelong residents of Japan who are ethnic minorities.

Currently in Japan, all residents who are ethnic minorities are required to be fingerprinted and are treated like foreigners, even if they were born in Japan and lived there since birth. This requirement particularly affects Japanese residents of Korean descent who are denied Japanese citizenship unless they officially surrender their Korean names and are registered in the koseki tohon system. This discriminatory requirement is contrary to the Covenant on Human Rights to which Japan is a signatory. Ronald Fujiyoshi, a Hawaii citizen, has been a leading figure in opposing this discriminatory requirement.

Your Committees received testimony in support of this resolution from the American Friends Service Committee, Kawaiahao Church, and private citizens.

Your Committees have amended this resolution to request the Department of State to urge Japan to abolish its discriminatory requirement because such international communication is appropriately transmitted on the level of federal government instead of state government. For the purpose of clarity, the resolution was further amended to change the phrase "Japanese of Korean descent" to "Koreans in Japan" and to provide a better description of the activities of Ronald Fujiyoshi.

Your Committees on Judiciary and Intergovernmental Relations concur with the intent and purpose of H.R. No. 310, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 310, H.D. 1.

Signed by all members of the Committees except Representatives Crozier, Hirono, Peters, Taniguchi, Hemmings, Jones and Medeiros.

SCRep. 1488-88 Judiciary on H.R. No. 401

The purpose of this resolution is to recognize the week of April 17-23, 1988 as Victims' Rights Week in Hawaii.

Your Committee finds that the victims of crime and their families suffer traumatic, immediate and long term effects of victimization that require strength and courage to overcome. In addition to providing services to crime victims, it is appropriate that this State reaffirm its support for the victims of crime by recognizing this week in honor of their strength and courage.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 401 and recommends its adoption.

Signed by all members of the Committee except Representatives Bellinger, Hirono, Peters, Hemmings and Jones.

SCRep. 1489-88 Judiciary on H.R. No. 250

The purpose of this resolution is to request state agencies to broaden their public information dissemination procedures to include the announcement of information in all neighbor island newspapers with daily circulation at least once.

Your Committee finds that as a result of growing populations on the neighbor islands and other factors, Honolulu newspapers are assuming secondary roles in those communities. The administrative provisions for publishing public information in one newspaper of statewide general circulation have, therefore, become inadequate for disseminating public information to neighbor island communities.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 250 and recommends its adoption.

Signed by all members of the Committee except Representatives Belinger, Hirono, Peters, Hemmings and Jones.

SCRep. 1490-88 Judiciary on H.R. No. 318

The purpose of this resolution is to request the Juvenile Justice Interagency Board, with the assistance of the Hawaii Youth Services Network Deinstitutionalization of Status Offenders Project, to conduct a comprehensive analysis of the youth gang problem in Hawaii and other states and possible measures to alleviate the problem.

The frequency and intensity of violence and other gang-related and gang-supported behavior have been increasing, and attention needs to be given to this situation. More information is needed regarding the specific nature of the problem in Hawaii so that more effective efforts can be made to address it.

Your Committee has amended this resolution to include the Center for Youth Research of the University of Hawaii to participate in the study.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 318, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 318, H.D. 1.

Signed by all members of the Committee except Representatives Bellinger, Hirono, Peters, Hemmings and Jones.

SCRep. 1491-88 Consumer Protection and Commerce on H.R. No. 382

The purpose of this House Resolution is to request the Department of Commerce and Consumer Affairs to conduct a feasibility study of requiring cable operators to provide facilities, equipment, training, and operating expenses for free distribution over cable.

Your Committee received testimony from the Hawaii Cable Television Association that all cable systems are already providing substantial assistance to nonprofit groups and community oriented organizations. These services are required by the Federal Cable Act of 1984.

In light of this testimony your committee has amended this resolution to request a study of what is actually being done, island by island, to include additionally the availability of government and educational programming.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.R. No. 382, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 382, H.D. 1.

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

SCRep. 1492-88 Consumer Protection and Commerce on H.R. No. 316

The purpose of this House Resolution is to request that the Insurance Commissioner, in consultation with the Office of Consumer Protection and Commerce, conduct a study of the cancellation and refusal to renew homeowner's insurance policies by the private insurance industry.

Your Committee received testimony from the Insurance Commissioner that present statutes do not restrict the cancellation and non-renewal of homeowners' policies. The Insurance Commissioner is not aware of a significant problem with the cancellation and non-renewal of homeowners' policies.

Your Committee also received testimony from a homeowner in Kuliouou that their homeowner's policy was not renewed by an insurance policy when it was discovered the neighborhood and their house had problems with ground movement. This policy was not renewed even though claims due to ground movement were excluded under the policy.

Your Committee has decided that the study called for by this resolution is more extensive than presently needed, but that at least some information should be gathered by the Insurance Commissioner to determine the extent of the problem. Your Committee has amended this resolution accordingly.

The amended resolution requests the Insurance Commissioner to conduct a survey and at least one Carrier testified that cooperation in such a survey would be forthcoming.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.R. No. 316, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 316, H.D. 1.

Signed by all members of the Committee except Representative Peters.

SCRep. 1493-88 Consumer Protection and Commerce and Health on H.R. No. 312

The purpose of this House Resolution is to request the Department of Health to study the need for licensing and regulation of hospices in Hawaii.

Your Committees received testimony that hospice care is highly sensitive and specialized in its nature. The Department of Health currently does not have the authority to license hospices. The Department predicts that expansion of hospice activities will occur and that licensure of these facilities will be needed. In fact, the Department intends to develop legislation for licensure of hospices for submission to the 1989 Legislative session.

Your Committees believe that an expression of the legislature's intent, that this subject matter be addressed and the legislature's concern for patients and their families using or who could use the services of Hospice Care programs, is important to ensure that the needs of these people are properly addressed.

Your Committees on Consumer Protection and Commerce and Health concur with the intent and purpose of H.R. No. 312, and recommend its adoption.

Signed by all members of the Committees except Representative Peters.

SCRep. 1494-88 Consumer Protection and Commerce on H.R. No. 313

The purpose of this House Resolution is to indicate concern that the adoption of local measured service for pricing local telephone calls could have serious adverse effects upon certain segments of society and upon the telephone system as a whole.

Your Committee received testimony from the Executive Office on Aging strongly recommending adoption of this resolution. Your Committee also received testimony from the Division of Consumer Advocacy in support of the resolution and from the Public Utilities Commission stating that the points of caution in the resolution are well taken and that the P.U.C. intends to study the facts and weigh the merits thoroughly before it would render any decision on the subject. Hawaiian Telephone Company testified that it had no objection to the resolution and indicated its support for "frank and open dialogue" on the subject matter.

Your Committee would like to clarify that the reference to the study of the effects of measured rate service in other areas, using for example Great Britain, was intended only as an example of an area which has such service. Your Committee expects areas which would be appropriate and meaningful to be studied. Since your Committee is concerned with both short and long term effects, study should include areas in which measured rate service has been in effect for some period of time.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.R. No. 313, and recommends its adoption.

Signed by all members of the Committee except Representative Peters.

SCRep. 1495-88 Consumer Protection and Commerce on H.R. No. 295

The purpose of this House Resolution is to request the Legislative Reference Bureau to review the nomination and selection procedures for the board of directors of the Hawaii Life and Disability Guaranty Association and the procedures followed by the Insurance Commissioner for approving or appointing members. The Resolution also requests the LRB to study procedures in other states for comparative purposes.

Your Committee received testimony in favor of this resolution from Mitsuru Fujimoto both as a private citizen and as general agent.

Your Committee believes that a study at this point in time may not be productive and has therefore amended this resolution to request the Insurance Commissioner and the Hawaii Life and Disability Guaranty Association to provide information directly to the Legislature twenty days prior to the next Legislation Session.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.R. No. 295, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 295, H.D. 1.

Signed by all members of the Committee except Representative Peters.

SCRep. 1496-88 Intergovernmental Relations on H.R. No. 417

The purpose of this resolution is to request that the United States Air Force: (1) rebuild the bridge at the entrance of Bellows Air Force Station in order to provide a large aperture for the free flow of water; (2) rebuild the damaged bridge near the second guard shed and utilize a free-span design in doing so to prevent debris from being caught and damming the stream; and (3) construct a coral rock jetty like the one in place at the mouth of Waimanalo Stream to prevent sand from blocking the mouth of Inoaole Stream.

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

Your Committee on Intergovernmental Relations concurs with the intent and purpose of H.R. No. 417, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 417, H.D. 1.

Signed by all members of the Committee except Representatives Ihara and Jones.

SCRep. 1497-88 Intergovernmental Relations on H.R. No. 374

The purpose of this resolution to request Canada not to participate in the shelling of Kahoolawe during the 1988 RIMPAC military training exercises.

Your Committee finds that Kahoolawe is considered by some to be the most archaeologically rich island, having petroglyphs and ancient Hawaiian fishing, burial, and religious sites. Kahoolawe is listed on the United States' National Register of Historic Places and should be cherished and respected like all other national historical places.

In 1986, Australia, France, Japan, and New Zealand all refused to participate in bombing exercises on Kahoolawe. Canada is the only foreign country that joins the United States in using the island as a bombing target.

Your Committee has amended the Resolution as follows:

(1) Specified that the RIMPAC training maneuvers are scheduled to being in May rather than in summer in the second WHEREAS clause;

(2) Deleted France and New Zealand from the countries described as refusing to participate in exercises on Kahoolawe, and added Great Britain in the ninth WHEREAS clause;

(3) Added "during the biennial RIMPAC exercises and other times during the year" in the tenth WHEREAS clause;

(4) Replaced Senate with the House of Representatives in the BE IT RESOLVED clause; and

(5) Added the President of the United States, Senator Daniel Inouye, and Senator Spark Matsunaga to the list of individuals to whom copies of the Resolution are to be transmitted.

Your Committee on Intergovernmental Relations concurs with the intent and purpose of H.R. No. 374, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 374, H.D. 1.

Signed by all members of the Committee except Representatives Ihara and Jones.

SCRep. 1498-88 Intergovernmental Relations; Housing and Community Development; and Education on H.R. No. 7 (Majority)

The purpose of this Resolution is to urge the U.S. Navy to select Pearl Harbor as the homeport of the USS Missouri and its associated ships in the event that the San Francisco decision for this purpose is reversed or rescinded. In addition, this Resolution requests that the Department of Education, the Department of Business and Economic Development, the

Department of Land and Natural Resources, the Office of State Planning, and the Military Affairs Council of the Chamber of Commerce of Hawaii lend their support to this endeavor.

After receiving voluminous testimony, your Committees decided that coordinating the preparation for expanding services, facilities, and logistical support that would be necessary in the event that the USS Missouri is homeported at Pearl Harbor required a legislative plan. Accordingly, your Committees agreed that the Military Affairs Council of the Chamber of Commerce of Hawaii should develop such a plan.

Your Committees have therefore amended this Resolution to name the Military Affairs Council of the Chamber of Commerce of Hawaii as the organization that will oversee the homeporting effort.

Your Committees have also made technical, nonsubstantive amendments to the Resolution for purposes of style and clarity.

Your Committees on Intergovernmental Relations; Housing and Community Development; and Education concur with the intent and purpose of H.R. No. 7, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 7, H.D. 1.

Signed by all members of the Committees except Representatives Hagino, Peters and Jones.
(Representative Shon did not concur.)

SCRep. 1499-88 Labor and Public Employment on H.R. No. 29

The purpose of this resolution is to have a five-year assessment of employment needs prepared by the Department of Labor and Industrial Relations, in cooperation with the Office of State Planning and the Department of Business and Economic Development.

Your Committee finds that an assessment of this kind is necessary to help identify job shortages and surpluses; determine the need for training, counseling, and dealing with the needs of the unemployed; locating trained personnel for employers in need of workers; and maintaining a healthy economy throughout the State.

Your Committee finds that the Department of Labor and Industrial Relations is currently developing the Employment Functional Plan for the State, and it would make more sense to include the five-year assessment of employment needs as part of the plan rather than preparing a separate assessment.

Accordingly, your Committee has amended this resolution to resolve that a five-year assessment of employment needs in the State be included in the Employment Functional Plan currently being prepared by the Department of Labor and Industrial Relations in cooperation with the Office of State Planning, the Department of Business and Economic Development, the Department of Education, the University of Hawaii, and the Department of Human Services.

Your Committee has further amended this resolution to correct certain typographic, technical, and stylistic errors; no substantive changes were made.

Your Committee on Labor and Public Employment concurs with the intent and purpose of H.R. No. 29, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 29, H.D. 1.

Signed by all members of the Committee except Representative Jones.

SCRep. 1500-88 Health on H.R. No. 375

The purpose of this resolution is to request the Department of Health (Department), in cooperation with the Governor's Conference on Health Promotion, to develop and actively support an administrative legislative package and other legislative measures for the 1989 Legislative Session which address and will advance and seek to achieve the 1990 Health Objectives adopted by the Department. The resolution further requests that the package include administrative procedures which can be achieved within the Department and that the Department expand its health promotion efforts by increasing the amount of budgeted resources allocated to health promotion and disease prevention programs and services.

In December 1985 the initial Governor's Conference on Health Promotion and Disease Prevention was held and since then 15 task forces comprised of more than 300 volunteers developed Hawaii's 1990 Health Objectives. While some steps have been taken to implement the recommendations of the 1990 Health Objectives, a great deal of work remains to be accomplished as 1990 draws closer. Only one Legislative Session remains during which action can be taken to achieve these goals by 1990. Your Committee finds that the need to address these goals and put the necessary mechanisms into effect is urgent and the time in which this may be accomplished is short.

Your Committee received testimony in favor of this resolution from the Department of Health, the Hawaii Public Health Association, and the Hawaii Nurses' Association. The Department of Health stated that attaining the 1990 Health Objectives would not only improve the health status of Hawaii's residents but will also demonstrate the value of Health Promotion and Disease Prevention as a strategy to improve and maintain health.

Your Committee on Health concurs with the intent and purpose of H.R. No. 375 and recommends its adoption.

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

SCRep. 1501-88 Human Services and Education on H.R. No. 235

The purpose of this Resolution is to request the Departments of Education, Health, and Human Services to convene a task force to develop a comprehensive health and human services plan for programs directed toward youths from birth to age 24 years on the Waianae Coast.

Your Committee received testimony indicating that a cooperative and collaborative working relationship among the Departments of Education, Health, and Human Services has been established to deliver the wide variety of services offered by these agencies. However, while efforts are being made to coordinate services provided by the State, the private sector is only marginally involved in the coordinated planning effort. Your Committee finds that a comprehensive planning effort to deliver health and human services on the Waianae Coast effectively requires the involvement of private sector agencies as well as public sector agencies.

Your Committee has amended the Resolution as follows:

(1) Referred to other people of the Waianae coast besides the youth and the elderly in the second WHEREAS paragraph;

(2) Added reference to the Department of Labor and Industrial Relations and the Judiciary, and deleted reference to private nonprofit agencies in the third WHEREAS clause;

(3) Replaced the reference to a clearinghouse with a reference to a mechanism in the fourth WHEREAS clause;

(4) Added a reference to a potential lack of follow up and networking in the sixth WHEREAS clause;

(5) Modified the phrase "the loss of of opportunity and hope for youths" by the phrase "that thereby lessens their chance to become productive adults of the Waianae Coast" in the ninth WHEREAS clause;

(6) Added WHEREAS clauses regarding: (a) community initiative and the Waianae Coast Coalition for Human Services, (b) community support for community-based, coordinated planning, (c) the importance of utilizing existing community-based agencies and resources as implementors of services, (d) expected Leeward Coast redevelopment, and (e) the need for a comprehensive plan;

(7) Deleting the request that the Departments of Education, Health, and Human Services develop a comprehensive plan, and related activities;

(8) Added a request that the Waianae Coast Coalition for Human Services assume responsibility to develop a comprehensive plan of integrated services for the Waianae Coast by convening a planning force to develop such a plan;

(9) Specified the desired outcomes of that planning process; and

(10) Directed that certified copies of the Resolution be transmitted to the appropriate individuals.

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

Your Committees on Human Services and Education concur with the intent and purpose of H.R. No. 235, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 235, H.D. 1.

Signed by all members of the Committees except Representatives Bunda and Peters.

SCRep. 1502-88 Human Services and Intergovernmental Relations on H.R. No. 306

The purpose of this resolution is stated in the title.

Our present welfare system discourages AFDC recipients from becoming economically self-sufficient. While deductions are allowed for work expenses. They are inadequate to cover the actual costs of keeping a job, especially one paying the minimum wage. In order to break the cycle of welfare dependency, today's system must change from one of income maintenance to a system that promotes family independence.

This resolution calls for welfare reform legislation that will provide the necessary services for AFDC families to obtain and retain employment.

Your Committee received testimony questioning the feasibility of the proposed resolution, and therefore has made the following amendments:

1. The title has been changed.

2. Although the intent of this resolution has remained the same, the direction to achieve this end has been shifted from retention of greater work income to that of providing the necessary transitional benefits for family self-sufficiency.

Your Committees on Human Services and Intergovernmental Relations concur with the intent and purpose of H.R. No. 306, as amended herein, and recommend its adoption, in the form attached hereto as H.R. No. 306, H.D. 1.

Signed by all members of the Committees except Representatives Crozier, Hirono, Peters, Souki and Jones.

SCRep. 1503-88 Health and Intergovernmental Relations on H.R. No. 131

The purpose of this resolution is to request that the Department of Health review and expand the scope of Chapter 42 of Title 11, Administrative Rules entitled "Vehicular Noise Control for Oahu" and Chapter 43 of Title 11, Administrative Rules entitled "Community Noise Control for Oahu" to include the islands of Hawaii, Maui, Lanai, Molokai, and Kauai to monitor and control the noise caused by sight-seeing helicopters.

Your Committees find that many communities are concerned about the noise generated by sight-seeing helicopters. Numerous complaints have been received, especially on Kauai, attesting to the disruption this noise has caused on residents' lives.

Your Committees also find that although the Department of Health has administrative rules that control community and vehicular noise levels on Oahu, these ordinances do not affect the neighbor islands.

Testimony was received in strong support of this resolution from the Department of Health. The Department of Transportation and the Hawaii Helicopter Operators Association were in opposition to this resolution. The Hawaii Helicopter Operators Association felt that the concerns addressed in the resolution were already being voluntarily complied with or that future legislation which was endorsed by their association would more equitably address the remaining concerns.

Your Committees feel that the concerns and complaints addressed in this resolution have been long standing and that no substantial efforts to abate the noise generated by these helicopters have been made to date.

Your Committees also find that while the helicopter operators assert that they are voluntarily avoiding overflights of certain designated residential areas and diverting their flights to less populated areas, this does not appear to be the case. Members of your Committees, in fact, recently witnessed non-compliance with suggested guidelines during a tour of a neighbor island airport with some helicopter operators.

Your Committees on Health and Intergovernmental Relations concur with the intent and purpose of H.R. No. 131, and recommend its adoption.

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

SCRep. 1504-88 Human Services on H.R. No. 449

The purpose of this resolution is to reaffirm the State's commitment to children and youth.

Our children and youth represent our most treasured resource and their well-being and optimal development are essential for the future of our society. This resolution calls for strong policies and a comprehensive and concerted effort on the part of State and County resources. A sizeable financial commitment in order to provide our children and youth with the critical services to enable them to become contributing members of our community.

Your Committee has amended this resolution by adding a paragraph calling on the Governor to carry out the intent and purpose of the resolution.

Your Committee on Human Services concurs with the intent and purpose of H.R. No. 449, as amended herein, and recommends its adoption, in the form attached hereto as H.R. No. 449, H.D. 1.

Signed by all members of the Committee except Representative Peters.

SCRep. 1505-88 Human Services on H.R. No. 450

The purpose of this resolution is to honor the late Kayo Chung.

Known for his outstanding work and his devotion to the youth of Hawaii in the areas of substance abuse prevention and athletics, your Committee finds it fitting to memorialize this dedicated individual.

As requested by the Department of Corrections, this resolution has been amended by changing the title in order to honor his name appropriately, not after a locked facility, but something more positive.

Your Committee on Human Services concurs with the intent and purpose of H.R. No. 450, as amended herein, and recommends its adoption, in the form attached hereto as H.R. No. 450, H.D. 1.

Signed by all members of the Committee except Representative Peters.

SCRep. 1506-88 Planning, Energy and Environmental Protection on H.R. No. 333

The purpose of this resolution is to request the Department of Land and Natural Resources (DLNR) to develop a plan for a continuous shoreline park in the area from Hanauma Bay to Makapuu Point. It further requests the DLNR to

request planning funds for that purpose in the next biennium budget; to submit a preliminary report to the Legislature prior to the 1990 Regular Session and a final report prior to the 1991 Regular Session, and to take all steps necessary to keep this coastal zone in open space forever for the public's use and enjoyment.

Your Committee finds that this area has exceptional value due to its scenic, natural, cultural, wildland, and shoreline recreational resources. Most of the coastline is currently owned by the City and County of Honolulu. Testimony from the DLNR stated that the overall plan called for in this resolution would serve to identify the appropriate steps necessary to keep this coastal zone in open space for public benefit. The DLNR's planning would include close County coordination, and would not be intended to preempt the County's responsibilities.

Your Committee has amended this resolution by clarifying, and by changing the resolution title to reflect, that the scenic shoreline park extends from Koko Head to Makapuu, instead of from Hanauma Bay to Makapuu. Your Committee has further amended this resolution by changing the requested preliminary and final reports to be submitted to the Legislature to preliminary and final "plans."

Your Committee on Planning, Energy and Environmental Protection concurs with the intent and purpose of H.R. No. 333, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 333, H.D. 1.

Signed by all members of the Committee.

SCRep. 1507-88 Ocean and Marine Resources on H.R. No. 373

The purpose of this resolution is to request the Department of Land and Natural Resources (DLNR) to review the state of aquarium fish resources and catch data and adopt administrative rules to limit the quantity of fish removed and regulate the areas of collection in order to best manage and conserve our valuable tropical fish resources.

Your Committee received several testimony in support of this resolution. The DLNR stated that the commercial collectors of aquarium fish and commercial operators of dive groups and glass-bottom boat tours are in competition over the reef fishes along the Kona Coast of the Big Island. They recommended that the Kona area should be separated into subareas where the dive/snorkel tours would operate and other subareas where the aquarium fish collecting would take place. The DLNR intends to pursue the subarea designation such as a Marine Life Conservation District with non-consumptive use through public meetings conducted with the County Aquatic Life and Wildlife Advisory Committee.

Your Committee has amended the resolution to delete the adoption of administrative rules to limit the quantity of fish removed and require that the DLNR report its review of state aquarium fish resources and catch data and regulation of collection areas to the Legislature.

Your Committee on Ocean and Marine Resources concurs with the intent and purpose of H.R. No. 373, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 373, H.D. 1.

Signed by all members of the Committee except Representatives Fukunaga, Hiraki, D. Ige, Lee and Tajiri.

SCRep. 1508-88 Ocean and Marine Resources on H.R. No. 370

The purpose of this resolution is to request that the Department of Land and Natural Resources adopt rules to ban the sale of all nonprecious stony corals of the Fungidae or Pocilloporidae families in Hawaii.

Your Committee received several testimony in support of this resolution. The Department of Land and Natural Resources (DLNR) indicated that if House Bill 2067, H.D. 2, S.D. 1 (to prohibit the taking of live stony coral from our shore waters) which passed both the House and Senate this current session is enacted into the Hawaii Revised Statutes, the total ban should in time eliminate the presence of all locally taken coral in retail shops, leaving only coral products imported from outside of the State.

Your Committee, however, felt that it is equally important to have an education program directed towards visitors and local residents on the importance of protecting coral resources.

Your Committee, therefore, has amended the resolution by eliminating the adoption of rules to ban the sale of all nonprecious stony corals; requesting that the DLNR examine the necessity of establishing a ban; having the DLNR work with other agencies and departments to develop a plan of action to establish an education program; and requiring that the DLNR report on an evaluation of the proposed ban on the taking and sale of all non-precious stony coral.

In addition, the resolution was amended to insert the proper spelling of Fungidae.

Your Committee on Ocean and Marine Resources concurs with the intent and purpose of H.R. No. 370, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 370, H.D. 1.

Signed by all members of the Committee except Representatives Fukunaga, Hiraki, D. Ige, Lee, Tajiri and Pfeil.

SCRep. 1509-88 Ocean and Marine Resources on H.R. No. 311

The purpose of this resolution is to request a study on the feasibility of installing emergency telephones on remote beaches on Windward Oahu.

The Department of Transportation (DOT) and GTE Hawaiian Telephone Inc. submitted testimony in support of this resolution.

Testimony from GTE indicated that the "cellular call box", utilizing cellular communications technology, can be installed quickly and easily since it requires no telephone cables or wires. It is also designed to resist vandalism and adverse environmental conditions, including sand and salt water.

DOT testified that they are not the appropriate agency to provide emergency phone services since they have no authority or jurisdiction over any of the beach areas.

Your Committee has amended the title and body of the resolution to request that the study include beach areas statewide. The resolution was also amended to request that the Office of State Planning conduct the study, in consultation with the Counties, the Departments of Transportation, Defense, and Land and Natural Resources, and GTE Hawaiian Telephone Inc. Other amendments were made to be consistent with these changes.

Your Committee on Ocean and Marine Resources concurs with the intent and purpose of H.R. No. 311, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 311, H.D. 1.

Signed by all members of the Committee except Representatives Lee and Levin.

SCRep. 1510-88 Ocean and Marine Resources on H.R. No. 365

The purpose of this resolution is to request that the Department of Land and Natural Resources adopt rules restricting the method of 'O'opu fishing around the County of Kauai to rod or pole fishing.

Your Committee received testimony from the Department of Land and Natural Resources (DLNR) who will be planning Statewide public meetings during the summer to discuss possible regulatory provisions including restricting the method of 'O'opu fishing to rod or pole fishing. The DLNR concurs with the intent and purpose of the resolution and suggests that it be amended to reflect management on a Statewide basis, rather than only for the County of Kauai:

Your Committee, therefore, has adopted the recommendation of DLNR and amended the resolution to reflect their statement. The fourth Whereas clause is also amended to include "spearing, setting traps and the use of clorox in the streams".

Your Committee on Ocean and Marine Resources concurs with the intent and purpose of H.R. No. 365, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 365, H.D. 1.

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

SCRep. 1511-88 Ocean and Marine Resources on H.R. No. 270

The purpose of this resolution is to request a feasibility study of the establishment of a Hawaii State Ocean Rangers Program.

Your Committee heard testimony in support of the intent of this resolution. The Department of Transportation (DOT) and the Department of Land and Natural Resources (DLNR) expressed reservation on this resolution as they have been working closely together to coordinate the enforcement of laws and rules which are within their respective jurisdictions. The DOT states that their ocean recreation management plan lists effective enforcement as a top priority and they have asked the legislature for seventeen additional enforcement positions. When this is in place, they can then evaluate the need for the ocean rangers program.

Further testimony revealed that effective enforcement is more than uniformed men with guns at their sides citing people for violations. Effective enforcement includes high visibility, education and an understanding of the ocean and those who use it.

Your Committee, therefore, has amended the resolution by requesting the Department of Transportation to incorporate the feasibility study of a ocean rangers program into their ocean management plan.

Your Committee on Ocean and Marine Resources concurs with the intent and purpose of H.R. No. 270, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 270, H.D. 1.

Signed by all members of the Committee.

SCRep. 1512-88 Ocean and Marine Resources on H.R. No. 14

The purpose of this resolution is to publish an annual update to the Compendium of State Ocean and Marine Policies.

The resolution was amended to delete the Ramseyer format and the Legislative Reference Bureau and request that the Ocean Resources Branch of the Department of Business and Economic Development publish an update to the Compendium with certified copies of the resolution be transmitted to the Director.

Your Committee on Ocean and Marine Resources concurs with the intent and purpose of H.R. 14, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 14, H.D.2.

Signed by all members of the Committee except Representative Andrews.

SCRep. 1513-88 Ocean and Marine Resources on H.R. No. 266

The purpose of this resolution is to request the establishment of a Mamala Bay artificial reef zone for research and other non-consumptive uses.

Your Committee received numerous testimony in support of the intent of this resolution, however, the Department of Land and Natural Resources (DLNR) and the Department of Transportation (DOT) expressed opposition since the suggested area between Honolulu Harbor and Kewalo Basin is not compatible with the ongoing use of the waters at the site. They stated that the proposed area is one of the most congested locations in the Honolulu area with regard to commercial and recreational water traffic. In addition, the activities proposed would conflict with the commercial traffic in the area and create a safety hazard, thus placing the State in liability.

Your Committee has amended the resolution by amending the title and body to delete Mamala Bay. The suggested specific site between Honolulu Harbor and Kewalo Basin has also been deleted and language has been incorporated to be non-site specific and that the users of the Artificial Reef Zone are responsible for the safety and welfare of their own property and liable for injuries or harm to others.

Your Committee on Ocean and Marine Resources concurs with the intent and purpose of H.R. No. 266, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 266, H.D. 1.

Signed by all members of the Committee.

SCRep. 1514-88 Ocean and Marine Resources on H.R. No. 267

The purpose of this resolution is to request a study of the feasibility of expanding the Hawaii Ocean Center concept by including major ocean exhibits and displays in the actual marine environment.

Your Committee received testimony (including a slide and video presentation) in support of this resolution. The Office of State Planning stated that the notion of incorporating displays in actual, selected marine environments is one that has not yet been fully explored and such an approach would appear to complement the idea of a networked system of centers, in contrast to the concept of a single, all-encompassing facility.

They further stated that steps toward establishing the Hawaii Ocean Center Policy Council are currently underway. Though funds are not available to undertake the studies to the level of detailed specificity in the resolutions, it is possible that the Hawaii Ocean Center concept can be supported by and proceed in concert with overall planning for the Honolulu Waterfront.

Your Committee has amended the language of the resolution for the purpose of clarity.

Your Committee on Ocean and Marine Resources concurs with the intent and purpose of H.R. No. 267, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 267, H.D. 1.

Signed by all members of the Committee.

SCRep. 1515-88 Ocean and Marine Resources and Planning, Energy and Environmental Protection on H.R. No. 418

The purpose of this resolution is to request the Department of Health to assist the United States Environmental Protection Agency and the National Oceanic and Atmospheric Administration in implementing the Plastic Pollution Research and Control Act, Annex V, Regulations for the Prevention of Pollution by Garbage from Ships, relating to the International Convention for the Prevention of Pollution Ships, 1973 more commonly known as "MARPOL Annex V".

Your Committees find that plastic pollution and lost, floating fish net have adverse effects upon the marine environment. Federal legislation addressing concerns of plastic and net pollution should be implemented in the State through prevention, education, and enforcement.

Your Committees on Ocean and Marine Resources and Planning, Energy, and Environmental Protection concur with the intent and purpose of H.R. No. 418, and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1516-88 Ocean and Marine Resources and Intergovernmental Relations on H.R. No. 173

The purpose of this resolution is to urge Hawaii's Congressional Delegation to support the inclusion of tuna in the Magnuson Act.

Your Committees received several testimony in support of this resolution.

Because of the archaic policies of the Magnuson Act, Hawaii and other American flag areas are not able to directly manage their largest fishery resource. Non U.S. flag Pacific Island nations have asserted control over their tuna resources, and their position has been recognized under an access agreement which the U.S. has signed with 16 independent nations. By signing this access agreement and paying fees for the right to fish for tuna, the U.S. position not to manage tuna under the Magnuson Act is no longer defensible.

The inclusion of tuna under the Magnuson Fishery Conservation and Management Act (MFCMA) would permit management, control and allocation of tuna resources among all fishermen, domestic and foreign, and provide security for domestic fisheries. It would also greatly assist efforts to responsibly manage fisheries, both commercial and recreational, which target other pelagic species. In Hawaii, the complete domestication of the tuna industry inside the EEZ could derive at least an additional \$6 million dollars annually for Hawaiian tuna fishermen.

Your Committees on Ocean and Marine Resources and Intergovernmental Relations concur with the intent and purpose of H.R. No. 173, and recommend its adoption.

Signed by all members of the Committees except Representatives Andrews, Crozier, Souki and Jones.

SCRep. 1517-88 Ocean and Marine Resources and Intergovernmental Relations on S.C.R. No. 16

The purpose of this resolution is to request that the Coast Guard Station at Nawiliwili, Kauai, remain open.

Your Committees received testimony in support of this resolution.

As part of the U.S. Coast Guard's attempt to meet a \$100 million cutback in its 1988 operational budget, they closed down its Nawiliwili Search and Rescue Station on Kauai and restricted the available hours for airborne search and rescue patrols by aircraft operating from the Coast Guard Air Station, Barbers Point.

The safety of boaters and fishermen operating in the vicinity of Kauai, Niihau, and the Northwest Hawaiian Islands would be jeopardized due to the greater response time needed by surface and airborne units. Troubled boaters will be faced with the possibility of having only voluntary assistance from other boaters who happen to be in the area. In addition, the State Harbors Division on Kauai has only limited resources to meet the additional responsibilities as a result of the closure.

Your Committees on Ocean and Marine Resources and Intergovernmental Relations concur with the intent and purpose of S.C.R. No. 16, S.D. 1, and recommend its adoption.

Signed by all members of the Committees except Representatives Crozier, Souki and Jones.

SCRep. 1518-88 Ocean and Marine Resources and Intergovernmental Relations on S.C.R. No. 30

The purpose of this resolution is to request the United States Congress to enact legislation to require that artificial islands, installations, structures, and United States flag vessels engaged in economic activity in the United States Exclusive Economic Zone (EEZ) be registered with one of the States of the United States.

Your Committees heard testimony from the Department of Business and Economic Development (DBED) who stated that the registry provision would give Hawaii and other coastal states management responsibilities over activities that have potential economic and social spillover effects within their EEZ's.

Your Committees on Ocean and Marine Resources and Intergovernmental Relations concur with the intent and purpose of S.C.R. No. 30, H.D. 1, and recommend its adoption.

Signed by all members of the Committees except Representatives Crozier, Souki and Jones.

SCRep. 1519-88 Water, Land Use, Development and Hawaiian Affairs on H.R. No. 451

The purpose of this resolution is to have the Department of Land and Natural Resources look for innovative ways to re-open the Haiku Stairs, which admittedly is under the jurisdiction of the federal government rather than the state.

Your Committee received unanimous testimony in support of the resolution from private citizens, Friends of Haiku Stairs, and the Sierra Club. The Department of Land and Natural Resources testified that it was willing to do the requested study if funding in the range of \$10,000 to \$20,000 was provided.

Your Committee believes that the study should be done, and it is asking the Department to accomplish the task within its existing budget. An elaborate study is not necessary; rather, the thrust of the work should be the devotion of some man hours to phone calls and meetings with the federal representatives and the community with a view toward suggesting one or more plans of action to the 1989 Legislature.

Your Committee has made several non-substantive changes for style and clarity.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 451, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 451, H.D. 1.

Signed by all members of the Committee except Representative Fukunaga.

SCRep. 1520-88 Agriculture on H.R. No. 454

The purpose of this Resolution is to request the development of an action plan to assist the Moloaa Papaya Farmers.

The Small Business Administration invested funds in a long-term low-interest loan to assist Best Fruits, Inc., the corporation established to operate the packing and processing plant for the Moloaa Farmers Cooperative. The financial assistance was extended as a result of the damage caused by hurricane Iwa in November of 1982. The management of Best Fruits, Inc. at that time was in the hands of fifteen farmers on Kauai, as well as five Honolulu stockholders.

Your Committee finds that the Department of Agriculture also has loans outstanding with the Moloaa Papaya Farmers.

Because of these outstanding loans the Small Business Administration and the Department of Agriculture have met with the Moloaa Farmers Cooperative and Best Fruits, Inc. and have requested that they come up with a plan of action so both agencies could determine what course of action could be taken to help these entities.

Your Committee has amended this Resolution to specify that the study be done by a private consultant and that the study involve the Small Business Administration, the Department of Agriculture, the Moloaa Papaya Farmers, the Mayor and County Council members of Kauai.

Your Committee has also made technical non-substantive changes for purposes of style.

Your Committee on Agriculture concurs with the intent and purpose of H.R. No. 454, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 454, H.D. 1.

Signed by all members of the Committee.

SCRep. 1521-88 Agriculture on H.R. No. 364

The purpose of this Resolution is to conduct a feasibility study to establish a taro processing plant on the island of Kauai.

Your Committee received testimony from the Department of Business and Economic Development, Hawaiian Farmers of Hanalei, Inc., the Kauai Taro Growers Association, and the College of Tropical Agriculture and Human Resources, University of Hawaii, Manoa.

The Resolution as received requests that the study include an estimated budget and timetable for the planning, design and construction of the taro processing plant consisting of a poi mill and mini-hydro.

Your Committee finds the study requested would involve extensive gathering of data on current and future production, present and projected processing on Oahu as well as Kauai, future transportation for taro and taro products, the location of future markets, and the amount of demand for various taro products in those markets.

Your Committee has amended the title and body of the Resolution by designating the College of Tropical Agriculture and Human Resources the lead agency, and requesting that the College of Tropical Agriculture and Human Resources report on the means and cost of conducting a feasibility study to establish a taro processing plant on the island of Kauai.

Your Committee on Agriculture concurs with the intent and purpose of H.R. No. 364, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 364, H.D. 1.

Signed by all members of the Committee.

SCRep. 1522-88 Consumer Protection and Commerce on S.B. No. 2461

The purpose of this bill is to amend Section 514A-83.2, Hawaii Revised Statutes, to provide that only proxies coupled with a financial interest shall be irrevocable. In all other cases, proxies under this Chapter shall be revocable.

Your Committee believes this bill to be a reaffirmation of what is presently the common law but desires to put to rest any confusion in this area.

Your Committee received only neutral or positive testimony on this bill from the Hawaii State Bar Association, the Hawaii Council of Associations of Apartment Owners, the Condo/Coop Owners Panel and the Blue Ribbon Panel.

Your Committee received testimony that the term "financial interest" is a term of art, is readily understood, and in fact relates to mortgage holders and sellers on agreements of sale.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 2461, 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. 1523-88 Consumer Protection and Commerce on S.B. No. 2793

The purpose of this bill is to permit the Director of Commerce and Consumer Affairs (Director) to set fees by rules adopted pursuant to Chapter 91, Hawaii Revised Statutes.

Under Section 26-9(k), the Director is authorized to adopt rules to establish, amend, or repeal registration renewal and late renewal fees; to increase or decrease fees charged by boards and commissions; and to maintain a reasonable relation between the revenues derived from fees and the cost or fair value of services rendered. This bill would grant the Director similar authority under Chapter 514A, the Horizontal Property Regime law, to set fees, including filing fees, issuance fees for public reports, related reimbursement fee amounts, and managing agents' registration fees.

Your Committee received testimony in favor of this administration bill from the Real Estate Commission.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 2793, 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. 1524-88 Consumer Protection and Commerce on S.B. No. 2322

The purpose of this bill is to allow industrial loan companies to use recent real property tax assessments for the purpose of valuing residential properties if certain conditions are met.

Your Committee received favorable testimony from the Hawaii Financial Services Association that this bill would, in some cases, reduce the costs which a consumer would incur in trying to get a loan by saving on the cost of appraisals. Your Committee also received testimony that county tax assessors are qualified appraisers and that in the vast majority of cases the tax assessed values are less than appraisals. This conservative valuation would provide an adequate safeguard for sound lending.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 2322 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1525-88 Consumer Protection and Commerce on S.B. No. 3000

The purpose of this bill is to allow resorts to serve liquor to guests on non-motor vehicles such as gondolas or horse-drawn carriages.

Your Committee received testimony that some of the newer resorts desire to serve liquor in horse-drawn carriages and other non-motorized vehicles on their premises. The bill would not affect the status of liquor service in vehicles permitted in section 291-3.4 of the Hawaii Revised Statutes.

Your Committee received testimony in favor of this bill from the Hawaii Hotel Association and the Hawaii Transportation Association.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 3000, 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. 1526-88 Consumer Protection and Commerce on S.B. No. 2870

The purpose of this bill is to provide graduates of foreign medical schools with an alternate method of qualifying for a Hawaii medical license.

Under current law, in order to obtain a license to practice medicine in Hawaii, a graduate of a foreign medical school must:

- (1) Have at least two years of residence in an approved program;
- (2) Hold the national certificate of the Educational Commission for Foreign Medical Graduates (ECFMG), or the Certificate of the Fifth Pathway Program; and
- (3) Pass the Federation Licensing Examination (FLEX).

This bill would allow licensure to foreign medical graduates who have:

- (1) Passed the FLEX;
- (2) Passed the qualifying examination of the ECFMG prior to 1984; and
- (3) Have at least three years of training or experience in an approved hospital.

The major difference in qualifications proposed by this bill is that the applicant need not have the certificate of the ECFMG but instead must only present evidence of passing the ECFMG examination.

Your Committee received supporting testimony from the Department of Health, who noted that the bill does not lessen the qualifications for licensure but merely eliminates the requirement for the ECFMG certificate for applicants who have passed all examinations required for the certificate. The Department of Health strongly supported the bill because it has the potential to increase the number of trained physicians available for recruitment for Department of Health vacant positions.

Your Committee also received favorable testimony from the Board of Medical Examiners.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 2870, 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. 1527-88 Consumer Protection and Commerce on S.B. No. 3011

The purpose of this bill is to exclude non-residential condominium apartments from the parking stall requirements of section 514A-14.5, Hawaii Revised Statutes.

Your Committee received favorable testimony on this bill from the Real Estate Commission, the Hawaii State Bar Association, and the Horizontal Property Regime Blue Ribbon Panel.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 3011, 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. 1528-88 Consumer Protection and Commerce and Judiciary on S.B. No. 2784

The purpose of this bill is to provide that an unlicensed person is guilty of a misdemeanor for advertising as a contractor in a paid listing in any directory.

This administration bill would clarify an ambiguity in Section 444-9.2, Hawaii Revised Statutes, which has resulted in litigation, by creating a standard of advertising for contractors which would be easily understood and applied.

The original form of this bill was previously amended by the Senate to include the following provisions:

(1) Clarified Section 444-9.2(a) to firmly establish that the prohibited practice of an unlicensed contractor advertising is not limited, and that advertising includes any listing or heading which includes the word contractor;

(2) Amended Section 444-9.2(b) by providing that a publisher or producer who obtains a signed statement from the contractor to the effect that the contractor has read the advertisement or listing, is licensed as advertised, has included all applicable license numbers in the advertisement or listing, and knows of the law against false advertising, has a rebuttable presumption of compliance with the law;

(3) Added subsection (c) to Section 444-9.2 to provide that a contractor who has advertised falsely shall have the telephone number contained in the advertisement or listing disconnected; and

(4) Provided in new subsection (d) of Section 444-9.2, previously subsection (c), that good faith compliance by a public utility with subsection (c) is a complete defense to any civil or criminal action brought against it arising from the termination of telephone service.

Your Committees received testimony basically in favor of this bill, including the above amendments previously made by the Senate, from the Department of Commerce and Consumer Affairs, the Hawaii Business League and Hawaiian Telephone Company. Your Committees also received testimony that Hawaiian Telephone and the Department have reached a separate agreement between themselves to avoid any possible confusion or conflict, as a result of this bill, similar to the litigation which arose between them under the previous law. The terms of this agreement are:

1. Hawaiian Telephone/GTE Directories will provide educational messages under certain directory headings for the purpose of advising consumers of the contractors licensing laws. The placement and content of the messages will be agreed to by Hawaiian Telephone/GTE Directories and the Department/Contractors License Board annually;

2. The Department, in cooperation with the Contractors License Board, will provide educational programs concerning the application of the contractors licensing laws to Hawaiian Telephone/GTE Directories personnel upon request;

3. Hawaiian Telephone/GTE Directories and the Department/Contractors License Board will negotiate in good faith to identify and, when necessary, modify headings under which significant numbers of unlicensed contractors are found to be advertising;

4. Where a classification of heading which includes the word "contractor" is used only to refer consumers to another heading which does not include the word "contractor" (e.g., 'Contractors-Fire Protection See Sprinklers-Automatic-Fire'), the classification to which consumers are referred shall be deemed to fall within the scope of § 444-9.2(a);

5. If necessary, Hawaiian Telephone will file and pursue a modification of its tariff before the Public Utilities Commission to permit it to disconnect telephone service in the manner prescribed in this bill;

6. Where a contractor's telephone number is disconnected as prescribed in this bill, Hawaiian Telephone will not provide 'intercept' service to refer callers to the contractor's new telephone number;

7. Hawaiian Telephone will promptly honor requests by contractors for voluntary disconnection of service to allow unlicensed contractors to ameliorate the harm they have caused by voluntarily withdrawing their telephone service; and

8. The Department shall not pursue any action under this proposed amendment for any directory published by Hawaiian Telephone/GTE Directories on or before December 31, 1988.

Your Committees on Consumer Protection and Commerce and Judiciary are in accord with the intent and purpose of S.B. No. 2784, 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 except Representative Peters.

SCRep. 1529-88 Consumer Protection and Commerce on S.B. No. 2794

The purpose of this bill is to clarify certain provisions with respect to licensure of the practice of medicine and surgery. The bill clarifies that commissioned medical officers in the U.S. armed forces are exempt. The bill deletes a reference to temporary licenses being issued without regard to Section 453-4(4), Hawaii Revised Statutes (HRS), relative to residency, since that section has been repealed. The title of HRS Section 453-4, is amended by this bill to reflect the application of that section to licensure as well as examination. The bill adds a provision for denying the certification of physician assistants and repeals the provision with respect to examination proctoring. The bill also makes disciplinary action taken by a federal agency a basis for revocation, limitation, suspension, or denial of a license by the Board of Medical Examiners, as well as adding the revocation, suspension, or other disciplinary action of a medical privilege by another state or federal agency as a basis for the same action.

The bill also amends Sections 453-5.3 and 453-32.5, Hawaii Revised Statutes, to provide that temporary certification provisions for physician assistants and emergency ambulance personnel will be allowed only for those applicants who have graduated from an approved training program within twelve months of the date of application.

Your Committee received testimony in favor of this bill from the Board of Medical Examiners and no testimony in opposition.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 2794, 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. 1530-88 Consumer Protection and Commerce on S.B. No. 2798

The purpose of this bill is to clarify and strengthen the statutes relating to fees, licensing, authority, and applicability of the real estate laws.

Chapter 467, Hawaii Revised Statutes, specifies the amount of fees for real estate licensees, schools, and instructors, including initial license, renewals, registration, late penalty fees, and additional assessments. This bill deletes such wording and permits the Director of Commerce and Consumer Affairs to establish fees in accordance with Chapter 91, Hawaii Revised Statutes. Further, this bill clarifies that condominium hotel operators must register with the Real Estate Commission and pay an appropriate registration fee. Finally, this bill amends the definition of real estate salesman to include real estate salesperson.

Your Committee received supporting testimony from the Real Estate Commission to the effect that this bill is primarily a housekeeping measure intended to incorporate technical changes into the law and make timely fee authorization and definition clarifications.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 2798, 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. 1531-88 Consumer Protection and Commerce on S.B. No. 2790

The purpose of this bill is to clarify the authority of the Director of the Department of Commerce and Consumer Affairs to set fees with respect to Chapter 444, Hawaii Revised Statutes. The bill also clarifies that licensees are required to submit proof that the licensee has maintained financial integrity before the board renews a license.

Your Committee received testimony from the Department of Commerce and Consumer Affairs that this bill is basically a housekeeping measure to conform Chapter 444 with Section 26-9 (k), Hawaii Revised Statutes, with respect to the Director's power to set fees. The Director has already promulgated administrative rules setting fees for Chapter 444 requirements.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 2790, 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. 1532-88 Consumer Protection and Commerce on S.B. No. 2797

The purpose of this bill is to correct spelling, to clarify provisions for licensure and discipline and to conform the acts or conditions for discipline to those applicable to physicians under Chapter 453, Hawaii Revised Statutes. This bill will allow the Board of Medical Examiners to accept notification of passage of the National Board of Podiatric Medical Examiners examination as valid evidence that the applicant has met the requirement that such an examination has been passed by the applicant.

Your Committee received testimony from the Board of Medical Examiners that, as of January 1987, certificates will no longer be issued by the National Board of Podiatric Medical Examiners.

The bill also makes "gross negligence" a cause for the revocation or suspension of license. The previous law used the term "gross carelessness". Revocation, suspension or other disciplinary action by a federal agency, of licensure, or of a practice privilege by another state or federal agency, will also be cause under this bill for revocation or suspension of license.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 2797, 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 Peters.

SCRep. 1533-88 Consumer Protection and Commerce and Judiciary on S.B. No. 2803

The purpose of this bill is to ensure the continued smooth functioning of the Medical Claims Conciliation Panel process and the Design Claims Conciliation Panel process.

Currently under sections 671-13 and 672-5, Hawaii Revised Statutes, members of the Medical Claims Conciliation Panel and the Design Claims Conciliation Panel have the authority to sign subpoenas. This bill will expand the authority to sign subpoenas to the Director of the Department of Commerce and Consumer Affairs and any person designated by the director.

Your Committees received testimony in favor of this bill from the Department of Commerce and Consumer Affairs who explained that historically, the executive secretaries of the panels have signed subpoenas for records. However, the Hawaii Supreme Court has recently ruled that under the literal words of the respective statutes, only the panels themselves could sign subpoenas. This construction of the statutes poses substantial administrative problems for the department. Since panels are often not appointed until a case is ready for hearing, the inability of departmental personnel to sign subpoenas makes it difficult, if not impossible, to schedule hearings. This bill will permit the long-standing practice of having the subpoenas signed by the departmental personnel.

Your Committees on Consumer Protection and Commerce and Judiciary are in accord with the intent and purpose of S.B. No. 2803, 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 except Representative Peters.

SCRep. 1534-88 Consumer Protection and Commerce on S.B. No. 2789

The purpose of this bill is to require applicants for a license to practice chiropractic to pass the National Board of Chiropractic Examiners' Written Examination and Written Clinical Competency Examination (WCCE), effective of as November 1, 1988.

Currently, Section 442-6, Hawaii Revised Statutes, requires applicants to pass parts I and II of the National Board of Chiropractic Examiners' examination in order to qualify for the state chiropractic examination. This bill will specify that applicants must pass both the Written Examination and the WCCE.

Your Committee heard supporting testimony from the Board of Chiropractic Examiners stating that the WCCE is designed to assess clinical competence and skills that are nationally accepted as necessary in light of common practice requirements. It is an objective examination which will be administered and defended by a national agency. Furthermore, it will reduce the scope of the practical examination now administered by the State since some test areas overlap; thus it will reduce potential liability for the State. Moreover, the WCCE has been accepted by over fifty percent of the state boards in the nation.

Your Committee also heard favorable testimony from the Hawaii State Chiropractic Association, Inc.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 2789, 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 Peters.

SCRep. 1535-88 Consumer Protection and Commerce on S.B. No. 2796

The purpose of this bill is to clarify language, establish the authority of the Department of Commerce and Consumer Affairs to adopt fees by rule, and delete a reference to a federal statute that has been repealed.

Your Committee received testimony from the Department of Commerce and Consumer Affairs in favor of this bill and no testimony in opposition.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 2796 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 Peters.

SCRep. 1536-88 Consumer Protection and Commerce on S.B. No. 2795

The purpose of this bill is to establish a uniform grading system for the Board of Pharmacy's Federal Drug Law and State Jurisprudence licensing examination consistent with the scoring for the National Association of Boards of Pharmacy Licensure Examination.

Your Committee received testimony that the bill's change from "per cent" to a point score will have very little impact to the final score since the grading system converts raw scores to "points". This change will essentially impact only those scores of 74.5 or greater but below 75. Under the "point system" this would not be a passing score but under the present "per cent" system the score would be rounded up to 75%, or passing.

Your Committee received testimony from the Board of Pharmacy in favor of this bill and no testimony in opposition to this bill.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 2795 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 Peters.

SCRep. 1537-88 Water, Land Use, Development and Hawaiian Affairs on H.R. No. 369

The purpose of this resolution is to protect Heeiea Meadowlands from development.

Your Committee received unanimous testimony in support of this resolution from numerous individuals as well as Friends of He'eiea State Park, the Ali'i Cluster Park Owners' Association, and the Sierra Club.

Your Committee recognizes the sensitivity expressed by Bishop Estate in the past to outright sale of land. Therefore, your Committee has amended both the title and the body of the resolution to indicate that acquisition could be by land exchange, and not necessarily by purchase, and has asked the Governor to determine the feasibility of such a transfer.

Your Committee has also added a paragraph asking Bishop Estate to refrain from further negotiations while the study is being completed. Several non-substantive amendments have also been made.

Based on the testimony received, there is a question as to whether the Heeiea Meadowlands has been given a suitable designation by the Land Use Commission in light of its natural resources. Your Committee believes that this would be a suitable question for the community to raise with the Commission.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 369, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 369, H.D. 1.

Signed by all members of the Committee except Representatives Bunda, Hashimoto, Isbell and Kanoho.

SCRep. 1538-88 Water, Land Use, Development and Hawaiian Affairs on H.R. No. 442

The purpose of this resolution is to ask the Department of Land and Natural Resources to develop rules which will permit and encourage the use of kuleana within the conservation districts.

Your Committee received testimony from the Department of Land and Natural Resources, the Native Hawaiian Legal Corporation, HPACH and others.

Your Committee heard testimony pointing out how current regulations discourage present kuleana owners from using their property when it is located within the conservation districts. The Department of Land and Natural Resources testified in support of the resolution and indicated its willingness to resolve the problem.

Your Committee has made minor, non-substantive amendments.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 442, as amended herein, and recommends that it be referred to the Committee on Judiciary in the form attached hereto as H.R. No. 442, H.D. 1.

Signed by all members of the Committee except Representatives Bunda, Fukunaga, Honda, Say, O'Kieffe and Pfeil.

SCRep. 1539-88 Water, Land Use, Development and Hawaiian Affairs on H.R. No. 448

The purpose of this resolution is to attempt to find a way in which the blood quantum requirement for homestead leases can be administered without disrupting families and causing great emotional stress to people who are already suffering the sorrow over the loss of a loved one.

Your Committee heard testimony from the Department of Hawaiian Home Lands and HPACH.

Testimony revealed that the Department believes it does not have the legal authority to apply the 25% blood quantum standard to families if the leasee died before the standard was changed. In response to questions, it was indicated that it would take at least thirty days to get such an opinion in writing from the Attorney General.

Also in response to questions, it was agreed that only a handful of families would likely be impacted even by full retroactive application of the standard, but at least two such families are presently occupying homestead lots. It would seem that the humane approach would be to assist these families as much as is legally possible. If there are legal problems with retroactivity (and we do not have written confirmation of that yet), then legislative action might be required at both the state and federal level.

As is so often the case, the Department is in a bind. If it allows the families to stay, it faces criticism for violating its trust obligations to native Hawaiians on the waiting list; if it evicts the families, it is perceived as cruel and heartless. In either case, it potentially faces a legal challenge.

Your Committee has amended this resolution to call for a written Attorney General's opinion or the retroactive application of the amended blood quantum standard. We further request a report from the Department of Hawaiian Home Lands to the next legislative session so that legislation can be introduced next year if it is deemed necessary and appropriate to amend the Act. Other non-substantive amendments were made for purposes of style and clarity.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 448, as amended herein, and recommends that it be referred to the Committee on Judiciary, in the form attached hereto as H.R. No. 448, H.D. 1.

Signed by all members of the Committee except Representatives Bunda, Fukunaga and Pfeil.

SCRep. 1540-88 Ocean and Marine Resources and Judiciary on H.R. No. 354

The purpose of this resolution is to request that the State and County of Honolulu prohibit the use of State and City shoreline and beach park areas along Maunalua Bay in Hawaii Kai for commercial jet ski activities and related on-site parking.

Your Committees received testimony in support of this resolution. Photographs were also submitted to the Chairmen documenting the existing problems and violations.

Testimony indicated that there is a need for the resolution's adoption since the Department of Transportation, Harbors Division not only lacks sufficient enforcement staff, but their Ocean Recreation Management Plan and Ocean Recreation Rules and Regulations have not yet been promulgated. In addition, the City needs the affirmative directive of Resolutions to stop the tourists' use of shoreline lands and park areas for transit to and from jet ski operations.

Your Committees on Ocean and Marine Resources and Judiciary concur with the intent and purpose of H.R. No. 354, and recommend its adoption.

Signed by all members of the Committees except Representatives Lee, Levin, Peters and Jones.

SCRep. 1541-88 Labor and Public Employment on S.C.R. No. 56

The purpose of this concurrent resolution is to request a study on the feasibility of providing long-term care insurance coverage through the Public Employees Health Fund.

The financing of long-term care is a major social issue because of its tremendous impact on Hawaii's medicaid budget. Group coverage protects more employees while spreading the costs over a large number of individuals. It is conceivable that the Hawaii Public Employees Health Fund, which services nearly 54,000 enrollees, could obtain reasonably priced long-term care insurance. Therefore, it is requested that a study be conducted on the feasibility of the Public Employees Health Fund obtaining such long-term care insurance.

Your Committee received supporting testimony from the Executive Office on Aging, the Hawaii Public Employees Health Fund, and the Coalition of State-Counties Retirees and finds that the issue of financing long-term care is significant. The State is committed to the development of a financing strategy which will reasonably and equitably allow for the financial coverage of the long-term care needs of our citizens.

Based on the recommendation of the Executive Office on Aging, your Committee has amended this concurrent resolution to have the Executive Office on Aging assist the Board of Trustees in conducting its study.

Your Committee on Labor and Public Employment concurs with the intent and purpose of S.C.R. No. 56, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 56, H.D. 1.

Signed by all members of the Committee except Representatives Crozier, Hirono, Souki, Yoshimura, Jones and Medeiros.

SCRep. 1542-88 Water, Land Use, Development and Hawaiian Affairs on H.R. No. 427

The purpose of this resolution is expressed in the title.

Your Committee received testimony from the Department of Hawaiian Homes Land and several individuals.

Your Committee finds there are many problems relating to Hawaiian trust lands. In order to resolve these problems and to develop an effective legislative package, we believe the Governor, the Office of Hawaiian Affairs, and the Legislature must undertake a comprehensive study of the problem, and gather comprehensive information concerning the rights of the trust beneficiaries, including their right to sue. In order to accomplish this study and present an acceptable legislative package to the 1989 Legislature, it will be necessary for the parties to understand the views and positions of all interested groups and to have the full cooperation of state agencies involved in the administration of the programs.

Your Committee has amended the bill accordingly, as well as making minor, non-substantive amendments for the purpose of style and clarity.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 427, as amended herein, and recommends that it be referred to the Committee on Legislative Management, in the form attached hereto as H.R. No. 427, H.D. 1.

Signed by all members of the Committee except Representatives Bunda, Fukunaga, Honda, Say, O'Kieffe and Pfeil.

SCRep. 1543-88 Judiciary on H.R. No. 344

The purpose of this resolution is to urge the Department of Health to examine the problem of sex offenders, including "Peeping Tom" behavior, and to recommend measures, if any, to remedy this problem. The examination should consider avenues for collaboration among the Honolulu Police Department, the Prosecutor's Office, the Department of Corrections, and the Department of Social Services and Housing.

Cases of misdemeanor offenses, such as trespassing and "peeping tom" activities, are given low priority in the law enforcement and judicial system. Repeat offenders often escape identification and treatment for any mental health problems effecting such behavior.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 344, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Bellinger, Hirono, Peters, Hemmings and Jones.

SCRep. 1544-88 Judiciary on H.R. No. 434

The purpose of this resolution is to urge the Department of Health to postpone its proposed changes to existing swimming pool regulations and to begin discussions with county governments about the appropriate delegation of responsibilities affected by these changes.

The Department of Health has recently proposed changes to swimming pool regulations which would remove its present responsibilities of reviewing and monitoring the plan and design of swimming pools. Before these proposed rule changes

take the effect, it is important for the Department to work with county governments to assess the appropriate delegation of these responsibilities.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 434, H.D. 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Bellinger, Hirono, Peters, Hemmings and Jones.

SCRep. 1545-88 Judiciary and Consumer Protection and Commerce on H.R. No. 256

The purpose of this resolution is to request the Department of Commerce and Consumer Affairs to review the adverse effects of realistic toy guns in the State of Hawaii and to recommend to the Legislature courses of action which state and local agencies should take to resolve the problem.

Your Committees find that the use of realistic toy guns to commit violent crimes has been increasing and that there is a substantial concern in the community that the use of realistic toy guns, and other toys that promote violence, encourages aggressive behavior and violence in young children.

Your Committees on Judiciary and Consumer Protection and Commerce concur with the intent and purpose of H.R. No. 256, and recommend its adoption.

Signed by all members of the Committees except Representatives Hagino, Peters, Hemmings, Jones and Medeiros.

SCRep. 1546-88 Consumer Protection and Commerce on H.R. No. 438

The purpose of this House Resolution is to have Congress and the Securities Exchange Commission modify, as necessary, statutes and rules to counteract the 9th Circuit Court of Appeals' ruling in the case of Hocking v. Dubois. In that case the court decided that the sale of a condominium apartment, in a project which has a rental pool, is the sale of a security.

This ruling poses enormous difficulties for condominium apartment owners and real estate brokers alike, including the possibility of having to produce and provide prospectuses and register as securities dealers.

Your Committee received testimony in favor of this resolution from the Real Estate Commission and the Department of Commerce and Consumer Affairs.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.R. No. 438, and recommends its adoption.

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

SCRep. 1547-88 Health and Agriculture on S.C.R. No. 59

The purpose of this concurrent resolution is to request that the Department of Health, the University of Hawaii School of Public Health, the Center for Environmental Health, and the National Institute of Occupational Safety and Health investigate and study in a quick and timely manner the burning of sugarcane as a potential health risk.

This concurrent resolution further requests that the Cancer Research Center of Hawaii review its file to determine the cancer mortality experience of Hawaii sugarcane workers, with particular note of the diagnosis of lung cancer, including mesothelioma, leukemia, broncho-pulmonary disorders, and carcinoma of the conjunctiva and provide that the data compiled be available for review and analysis by the appropriate study groups.

Furthermore it requests that the Department of Health submit a status report on the research and investigations being carried out by the above groups along with any recommendations for further action or legislation.

Your Committees received testimony in support of this concurrent resolution from the Department of Health, Hawaii Medical Association, and Hazel Cunningham, MPH and finds that due to the potentially carcinogenic effect of silica fibers found in sugarcane ashes, there is a potential health risk to those who have been exposed. Your Committees concur with the Senate that the impact of sugarcane smoke and fibers on the health of those sugarworkers and others who have been exposed to it has not yet been determined and support efforts to develop information on the potential health risks of this exposure.

Your Committees on Health and Agriculture concur with the intent and purpose of S.C.R. No. 59, S.D. 1, and recommend its adoption.

Signed by all members of the Committees except Representatives Bunda, Hashimoto, Hayes, Hiraki, Lee, Leong, Peters, Say, Tajiri, Tom and Pfeil.

SCRep. 1548-88 Agriculture on H.R. No. 251

The purpose of this Resolution is to request a study to determine the feasibility of developing Waipio Valley as an agricultural park.

Because it has rich fertile soil and natural water resources, Waipio Valley is the only site on the Big Island presently under extensive cultivation for wetland taro.

Your Committee finds that the principal landowner in Waipio Valley is the Bishop Museum; however, there are also a number of privately owned parcels which would be affected by any plans of the State to acquire the Bishop Museum properties for an agricultural park.

Your Committee received favorable testimony from the Chairperson of the Board of Agriculture, the Board of Land and Natural Resources, and the Waipio Taro Farmers Association.

Your Committee has amended this Resolution to request the cooperation of the Waipio Taro Farmers Association in the study.

Technical non-substantive changes were also made for the sake of style and clarity.

Your Committee on Agriculture concurs with the intent and purpose of H.R. No. 251, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 251, H.D. 1.

Signed by all members of the Committee.

SCRep. 1549-88 Intergovernmental Relations on H.R. No. 213

The purpose of this resolution is to request the Governor of Hawaii to initiate activities for the establishment of a sister-state relationship between the Federated States of Micronesia (FSM) and the State of Hawaii.

The State of Hawaii has already established sister-state relationships with several other locations in the world, primarily in East Asia. The Department of Business and Economic Development is responsible for developing criteria that govern how the State of Hawaii creates programs of mutual benefit for Hawaii and its sister states in their social, cultural, educational, and economic development.

According to testimony submitted by the FSM Liaison Office in Honolulu, the purpose and intent of the concurrent resolution are desirable to the FSM government and its people.

However, your Committee is of the opinion that the proper designation for the proposed relationship between the FSM and the State of Hawaii should not be "sister state" but "sister island", to recognize the status of the FSM as an independent nation in free association with the United States government. The "sister-island" designation is preferable, and will avoid any problems in intergovernmental relations between the State of Hawaii and the federal government. In this context, a "sister island" designation for the relationship is highly desirable. Your Committee has therefore amended the concurrent resolution, wherever appropriate to denote this preferred designation.

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

Signed by all members of the Committee except Representatives Ihara and Jones.

SCRep. 1550-88 Health and Planning, Energy and Environmental Protection on S.C.R. No. 117

The purpose of this concurrent resolution is to urge the Department of Health's Ad Hoc Committee on Genetically Engineered Organisms to include in its final report to the Legislature the current and future urgency or dangers to Hawaii from genetically modified organisms, including worker safety and environmental concerns. In addition, this concurrent resolution urges the Ad Hoc Committee to develop recommendations as to which state agencies or departments should be involved in the review of proposed testing or commercialization of bioproducts and to determine costs estimates to gather needed information or to expand staff to increase the Departments' or other agencies' expertise in this area.

Your Committees received testimony which supported the adoption of this concurrent resolution from the Departments of Health and Agriculture.

The Department of Health noted in verbal testimony that the Ad Hoc Committee is staffed by inter-agency volunteers.

Your Committees amended this concurrent resolution by further resolving that the Ad Hoc Committee examine ways in which proposed legislation may have secondary impacts on the commercialization of genetic modification activities.

Your Committees on Health and Planning, Energy and Environmental Protection concur with the intent and purpose of S.C.R. No. 117, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 117, H.D. 1.

Signed by all members of the Committees except Representatives Hashimoto, Hiraki, Leong, Peters and Say.

SCRep. 1551-88 Finance and Legislative Management on H.R. No. 473

The purpose of this resolution is to request that the House Finance Committee continue budget oversight during the 1988 interim on the execution of the appropriation acts of the State agencies.

The budget oversight plan of the House Finance Committee shall, among other things, include the following:

- (1) Monitoring of selected programs through the review of information and program data secured from State agencies and departments;
- (2) Conducting site visits to review the program issues and costs to implement the programs; and
- (3) Holding public hearings on program implementation plans and progress of State agencies in attaining the short and long range objectives of the programs.

The budget oversight conducted by the House Committee on Finance during the 1987 interim contributed towards the formulation of the public policies and establishment of programs in accordance with the policies. During the hearing, several members of the Committees stated that the previous budget oversight was helpful because it provided information to the legislators prior to the start of the upcoming session.

Your Committees believe a budget oversight during the 1988 interim will insure the efficiency and accountability of the administrative operations through the legal and fiscal review and analysis of the program and expenditure plans developed by the agencies.

Your Committees on Finance and Legislative Management concur with the intent and purpose of H.R. No. 473 and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1552-88 Finance on H.R. No. 135

The purpose of this resolution is to make a request to the Department of Health to sample and analyze nearshore marine life such as mollusks and seaweed as part of their routine food testing program.

Many residents catch various marine life for food. Their fishing grounds, especially on the neighbor islands, may be affected by the development of resorts in these areas. These resorts may be using pesticides, herbicides and other chemicals which may enter the food chain and affect resident consumers of nearshore marine life.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 135, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1553-88 Finance on H.R. No. 68

The purpose of this resolution is to request that the City and County of Honolulu: 1) identify the areas most affected by rapid increases in property assessments and 2) study methods to control unreasonable increases in real property assessments due to the sudden upward shift in prices paid for real estate in some areas of the City and County of Honolulu.

Your Committee believes that the recent fluctuations in both national and international stock prices have encouraged purchase of Hawaii real estate by foreign investors. As a result, these purchases have radically increased the prices paid for real property in certain neighborhoods causing exorbitant increases in real property tax assessments. Consequently, this rise in assessment will mean unaffordable increases in real property taxes.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 68, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1554-88 Finance on H.R. No. 214

The purpose of this resolution is to request that the Department of Defense of the State of Hawaii conduct a study to determine ways in which the State can provide disaster assistance without jeopardy to FEMA (Federal Emergency Management Agency) and SBA (Small Business Administration) funds.

The recent floods which occurred in early 1988 have shown the need for financial aid and support for homeowners in rebuilding their homes after such disasters. State disaster assistance funds may have a detrimental effect on the availability of FEMA and SBA loans and therefore a study should be conducted to determine the effects of such State funding on FEMA and SBA funds.

Your Committee has amended this resolution by changing the words "to conduct a study" to "prepare a report" in paragraph six of the resolution. The resolution was also amended to have the report distributed to the Mayors of all the counties and the appropriate State agencies which have assistance programs.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 214, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 214, H.D. 1.

Signed by all members of the Committee.

SCRep. 1555-88 Finance on S.C.R. No. 178

The purpose of this concurrent resolution is to request the Legislative Reference Bureau conduct a study examining the impact fees and impact fee legislation including a review of practices in other states and communities.

Your Committee recognizes that while new developments bring many benefits to the community, they also place an increased burden upon government services and facilities. As a result, there is an increased demand on State and local governments to provide services and facilities within limited financial resources. Consequently, your Committee believes the use of impact fees is one means of relieving the impact of growth and adverse financial conditions placed on State and local governments.

Your Committee on Finance concurs with the intent and purpose of S.C.R. 178, S.D. 1, and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 1556-88 Education on H.R. No. 298

The purpose of this resolution is to request the Legislative Reference Bureau to conduct a study of classification of librarians.

Your Committee finds that librarians perform a very important function in state government and that the importance of their role will increase as we enter the information age.

Since the Board of Education has control over the public library system, your Committee has amended this resolution to request the board to conduct this study rather than the Legislative Reference Bureau.

Your Committee on Education concurs with the intent and purpose of H.R. No. 298, as amended herein, and recommends that it be referred to the Committee on Legislative Management, in the form attached hereto as H.R. No. 298, H.D. 1.

Signed by all members of the Committee except Representatives Honda, Say and Ribellia.

SCRep. 1557-88 Education on H.R. No. 296

The purpose of this resolution is to request the Legislative Auditor to assess the need to lower the counselor to student ratio in the public schools.

The Department of Education and the Hawaii State Teachers Association testified in favor of this resolution.

Your Committee supports the intent of this resolution, but feels that it would be more appropriate for the Department of Education to conduct the assessment of the counselor to student ratio. This resolution has been amended accordingly.

Your Committee on Education concurs with the intent and purpose of H.R. No. 296, as amended herein, and recommends that it be referred to the Committee on Legislative Management, in the form attached hereto as H.R. No. 296, H.D. 1.

Signed by all members of the Committee except Representatives Say and Ribellia.

SCRep. 1558-88 Education on H.R. No. 301

The purpose of this Resolution is to request the Department of Accounting and General Services (DAGS) to adopt and implement its newly developed systematic maintenance program as a permanent program.

Your Committee received testimony in support of this Resolution from the Department of Education and DAGS. According to DAGS, its systematic maintenance program consists of three components: (1) emergency repairs, (2) minor repairs, and (3) major projects. DAGS has begun to implement the emergency repairs and minor repairs components, and has scheduled to implement the major projects component in July, 1989.

When fully implemented the systematic maintenance program is expected to streamline overall operational procedures. Emergency repairs and minor repairs are already being performed on a more timely basis. The management of major projects will be enhanced by classifying them into workable categories, expediting the submission and approval process, and developing a six-year budgeting plan.

Your Committee on Education concurs with the intent and purpose of H.R. No. 301 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Say and Ribellia.

SCRep. 1559-88 Finance on S.B. No. 3135

The purpose of this bill, as received by your Committee, is to appropriate \$150,541 to implement an intensive parole supervision pilot program.

This program offers a support system to parolees who have served their period of incarceration and are making the transition back into the community. Chances for a positive adjustment for parolees with particular problems or needs are enhanced through monitoring that is more intensive than that currently provided by parole officers.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 3135 and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1560-88 Finance on S.B. No. 3169

The purpose of this bill is to appropriate funds to the Criminal Injuries Compensation Fund to be used in fiscal year 1988-1989 to compensate the victims of certain crimes or the dependents of deceased victims. The funds would also be used to indemnify private citizens for personal injuries or personal damages suffered in the prevention of criminal activity or the apprehension of a criminal.

The funds appropriated and deposited into the Criminal Injuries Compensation Fund shall be used for compensation and indemnification as authorized by the Criminal Injuries Compensation Commission. The Commission authorizes compensation to victims of certain crimes or to their service providers for such expenses as out-of-pocket medical costs, loss of earning power, pain, and suffering. The Criminal Injuries Compensation Fund and Commission are governed by Chapter 351, Hawaii Revised Statutes.

Your Committee has reviewed the details of the appropriation for each victim as contained in appendix A of the Criminal Injuries Compensation Commission, 1987 annual report. Your Committee agrees with the sum of \$557,809.91 as appropriated.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 3169 and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1561-88 Finance on S.B. No. 2213

The purpose of this bill is to provide for the issuance of special purpose revenue bonds in a total amount not to exceed \$15,000,000 to assist International Pacific Energy Consortium, Inc., or a partnership in which International Pacific Energy Consortium, Inc., is a general partner, in the establishment of a wind energy farm and related facilities.

Your Committee finds that the proposed project, which is located on the flattened ridges of the upper slopes of the West Maui Mountains, adjacent to the Honokahua Valley near Honolua, is consistent with the State's objectives for the development of alternate energy sources and that the bonds authorized by this bill are in the public interest.

Wind energy has been identified as having the potential to produce a significant proportion of Hawaii's electricity needs. At present, however, less than one per cent of Maui's electricity is produced from the wind. In addition, Maui has a number of excellent wind regimes. This project could increase manyfold the amount of wind-generated electricity on Maui.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2213, S.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1562-88 Finance on S.B. No. 2171

The purpose of this bill is to increase the salary of district and family district court judges from \$59,500 to \$64,500 a year by amending sections 571-8.2 and 604-2.5, Hawaii Revised Statutes.

Your Committee believes that salaries should be commensurate with responsibilities. As such, this bill will bring the salaries of state district and family district court judges into parity with certain executive salaries which were increased in 1986.

Your Committee on Finance is in accord with the intent and purpose of S.B. 2171, S.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1563-88 Finance on S.B. No. 2389

The purpose of this bill is to give certain retirees a special cost-of-living bonus for each year of the retirant's service.

Prior to enactment of chapter 89, Hawaii Revised Statutes (collective bargaining), the practice of the Legislature was to grant to retirees the same pay increases it approved for employees in active service. Since the enactment of chapter 89, retirees have had to approach the Legislature to request adjustments.

The bill would increase the amount of the special cost-of-living bonus received by retirants or pensioners having over ten years of service, as follows:

(1) \$3.50 a month for each year of the retirant's or pensioner's credited service, if the person retired prior to July 1, 1965;

(2) \$2.50 a month for each year of the retirant's or pensioner's credited service, if the person retired after June 30, 1965, but prior to July 1, 1970;

(3) \$1.50 a month for each year of the retirant's or pensioner's credited service, if the person retired after June 30, 1970, but prior to July 1, 1975; and

(4) \$1.00 a month for each year of the retirant's or pensioner's credited service, if the person retired after June 30, 1975, but prior to July 1, 1982.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2389, S.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1564-88 Finance on H.R. No. 458

The purpose of this resolution is to urge the City and County of Honolulu to allow those qualifying for home exemptions to obtain those exemptions within the calendar year in which they attain such status.

There has been a recent increase in real property sales which has been primarily due to purchases made for investment and speculation. As a result, real property market values have increased substantially in some neighborhoods on Oahu.

Presently, owner-occupants currently pay a reduced real property tax with added exemptions for the elderly and physically disabled. The City and County of Honolulu is currently considering additional real property tax exemptions for owner-occupants as a means of alleviating the burden caused by purchases made for investment and speculation.

At the present time, an application for a home exemption in the City and County of Honolulu must be filed by December 31st in the year prior to when the exemption is to be applied. Your Committee believes the City and County of Honolulu should allow those qualifying for home exemptions to obtain the exemptions within the calendar year in which they attain such status.

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. 1565-88 Planning, Energy and Environmental Protection and Ocean and Marine Resources on H.R. No. 170

The purpose of this resolution is to request the Department of Land and Natural Resource to implement interim procedures for the development of shoreline determination.

Your Committees find that as the State's shorelines become more valuable, more public input is needed to protect and maintain Hawaii's precious shorelines for the people of Hawaii and for generations to come. Requesting the Department of Land and Natural Resources to implement procedures would help to better protect and maintain State shorelines.

Your Committees received testimony from the Department of Land and Natural Resources that public hearings on the proposed administrative rules on shoreline determination and appeal are scheduled in May, 1988, and rules are expected to be adopted within three months of the hearings. Based on this information, your Committees have amended this resolution to request the Department to adopt and implement rules with provisions for departmental surveyors making checks for accuracy, public notice, and public input.

Your Committees also received testimony from the Department of Land and Natural Resources pointing out that shoreline determination does not determine ownership boundaries, therefore, public lands cannot be converted to private ownership by this process. The Department testified that property boundaries are determined through the judicial process.

Accordingly, your Committees have amended this resolution by deleting the reference stating that the shoreline determination process can result in converting public to private property.

Your Committees have further amended this resolution by making technical, nonsubstantive amendments for the purposes of style and clarity.

Your Committees on Planning, Energy and Environmental Protection and Ocean and Marine Resources concur with the intent and purpose of H.R. No. 170, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 170, H.D. 1.

Signed by all members of the Committees.

SCRep. 1566-88 Planning, Energy and Environmental Protection on S.C.R. No. 131

The purpose of this concurrent resolution is to request the Department of Health (DOH) to provide the Legislature with a status report on the development of a comprehensive Hazardous Waste Management Plan for the State.

Hawaii's hazardous wastes are presently being shipped to mainland facilities for disposal at a site approved by the United States Environmental Protection Agency (EPA). Since the cost for treatment and disposal of these wastes is high, it is believed that some persons are disposing of hazardous wastes illegally to avoid this expense. The mainland facilities may be reluctant and eventually refuse to accept hazardous wastes generated by other states for disposal.

The DOH recognizes the need to develop a comprehensive Hazardous Waste Management Plan for Hawaii and testified in favor of this concurrent resolution. DOH is currently in the process of working with the EPA to negotiate an agreement to finance and develop a long-range management plan and strategy for hazardous wastes in this State.

Your Committee on Planning, Energy and Environmental Protection concurs with the intent and purpose of S.C.R. No. 131, S.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1567-88 Health and Intergovernmental Relations on S.C.R. No. 134 (Majority)

The purpose of this concurrent resolution is to urge Congress to resolve the issue of escalating health care costs by establishing a comprehensive national health insurance program.

According to the United States Department of Health and Human Services, there are approximately thirty million Americans who lack health insurance and another ten million whose insurance is inadequate to protect against the costs of catastrophic illness.

Your Committees received testimony in support of this resolution from the Department of Health, Dr. Robert Gibson of Founders Group, Kokua Council and Kokua Council for Senior Citizens and find that the cost of health care, unlike other consumer products, does not follow the market place and increases even with competition. Some form of national health insurance is needed to address the "gap group" of individuals who earn too much to qualify for welfare but not enough to afford basic health care. This group currently constitutes five percent of Hawaii's population and twelve percent of the population nationwide.

Your Committees on Health and Intergovernmental Relations concur with the intent and purpose of S.C.R. No. 134 and recommend its adoption.

Signed by all members of the Committees except Representatives Cachola, M. Ige, Oshiro, Peters, Souki, Tam, Taniguchi, Tom, Yoshimura, Jones and Medeiros.
(Representative Cavasso did not concur.)

SCRep. 1568-88 Health and Intergovernmental Relations on H.R. No. 305 (Majority)

The purpose of this resolution is to urge Congress to resolve the issue of escalating health care costs by establishing a national health care insurance program.

According to the United States Department of Health and Human Services, there are approximately thirty million Americans who lack some form of health insurance and another ten million who lack adequate insurance coverage to meet the costs of catastrophic illness.

Your Committees received testimony in support of this resolution from the Department of Health, Dr. Robert Gibson of Founders Group, Kokua Council and Kokua Council for Senior Citizens and find that some form of national health insurance is needed to address the "gap group" of individuals who earn too much to qualify for welfare but not enough to afford basic health care. The Director of Health testified that this group constitutes five percent of Hawaii's population and twelve percent nationwide.

Your Committees on Health and Intergovernmental Relations concur with the intent and purpose of H.R. No. 305 and recommend its adoption.

Signed by all members of the Committees except Representatives Cachola, M. Ige, Oshiro, Peters, Souki, Tam, Taniguchi, Tom, Yoshimura, Jones and Medeiros.
(Representative Cavasso did not concur.)

SCRep. 1569-88 Health and Legislative Management on S.C.R. No. 163

The purpose of this concurrent resolution is to request the University of Hawaii John A. Burns School of Medicine (Medical School) in consultation with representatives of Queen's Medical Center and other teaching hospitals, the Hawaii Medical Association and the Board of Medical Examiners to conduct a study and report to the Legislature the conditions under which medical interns and residents are expected to work including the number of scheduled hours, the amount of sleep these medical personnel are able to get during their schedule, the duties required, the necessity of or reasons for extended hours, and the effect of extended hours and sleep deprivation on performance. The study is to include the results of a survey mailed to each first-year and second-year resident and intern in the integrated residency programs.

Since the 1800's internships and residencies have been required to provide doctors with continuous, intensive practical experience. However, with the technological advancements in identification, detection, and treatment of diseases, the stress on interns and residents has rapidly increased to the point where they are frequently required to make life and death decisions under conditions of extreme sleep deprivation.

Your Committees received testimony from a participant in the integrated surgical residency program presenting a personal view of the stress and the inability to make reasoned judgments about the treatment of patients under his care.

Your Committees agree that it is prudent to undertake a study of the internship and residency programs and their effect on the care of patients and on the abilities of the participants. However, your Committees feel that the Medical School is not the proper agent to perform the study since the Medical School is directly involved with the development of the programs. In addition, your Committees feel that those contacted to provide information for the survey will be more willing to candidly answer the questions presented if the surveyor is not connected to the Medical School.

Your Committees has therefore amended this concurrent resolution to request the Department of Health, in consultation with the University and others, to undertake the study including the development and analysis of the survey and preparation of the report to the Legislature.

Your Committees on Health and Legislative Management concur with the intent and purpose of S.C.R. No. 163, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 163, H.D. 1.

Signed by all members of the Committees except Representatives M. Ige, Metcalf, Souki, Tom, Anderson, Hemmings and Liu.

SCRep. 1570-88 Water, Land Use, Development and Hawaiian Affairs on H.R. No. 428

The purpose of this resolution is to look at the potential for a space camp on the Island of Hawaii.

Your Committee heard testimony from the Department of Business and Economic Development in support of the resolution.

Your Committee amended this resolution to broaden its scope and made several non-substantive amendments.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 428, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 428, H.D. 1.

Signed by all members of the Committee.

SCRep. 1571-88 Water, Land Use, Development and Hawaiian Affairs on H.R. No. 339

The purpose of this resolution is to ask the Department of Business and Economic Development to determine what assistance they can provide the Hawaii fashion industry and to what extent it may be possible to have a "Hawaiian Aisle" at trade shows.

Your Committee heard testimony from the Department of Business and Economic Development and members of the Hawaii Fashion Industry Association.

Your Committee wants to support the developing fashion industry in Hawaii. Your Committee has made minor amendments for purposes of style and clarity.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 339, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 339, H.D. 1.

Signed by all members of the Committee.

SCRep. 1572-88 Water, Land Use, Development and Hawaiian Affairs on H.R. No. 315

The purpose of this resolution is to recommend nomination of Kealahou Bay State Historical Park to the World Heritage List.

Your Committee heard testimony from the Department of Land and Natural Resources, the Friends of Kealahou Bay State Historical Park, and the Kona Hawaiian Civic Club.

Your Committee finds Kealahou Bay has great historical and cultural significance and is worthy of recognition. Your Committee has amended "Polynesian" to "native Hawaiian," to provide more precise wording, and has made other non-substantive amendments for style, clarity and accuracy.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 315, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 315, H.D. 1.

Signed by all members of the Committee.

SCRep. 1573-88 Water, Land Use, Development and Hawaiian Affairs on H.R. No. 431

The purpose of this resolution is to be sure the Puako petroglyph field is protected.

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

Your Committee has determined that the division of responsibilities between the Department of Land and Natural Resources and Mauna Lani Resort, Inc. is unclear, and that the petroglyph fields are not receiving the protection they require.

Your Committee has amended this resolution to pinpoint the problem and to call on the Department of Land and Natural Resources to clarify responsibilities, to fulfill its own obligations, and to assure that Mauna Lani Land Company and its subsidiary, Mauna Lani Resort, Inc., expeditiously carry out their responsibilities.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 431, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 431, H.D. 1.

Signed by all members of the Committee.

SCRep. 1574-88 Water, Land Use, Development and Hawaiian Affairs on H.R. No. 391

The purpose of this resolution is described in the title.

Your Committee heard testimony from the Department of Business and Economic Development and the University of Hawaii.

Your Committee has made amendments for accuracy, clarity and style.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 391, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 391, H.D. 1.

Signed by all members of the Committee.

SCRep. 1575-88 Water, Land Use, Development and Hawaiian Affairs on H.R. No. 388

The purpose of this resolution is to urge the preservation of the Toyo Theater.

Your Committee heard testimony from the Department of Land and Natural Resources, the Toyo Preservation Committee, the Historic Hawaii Foundation, the Honolulu Theatre for Youth, and numerous individuals.

Your Committee believes the Toyo Theater is a valuable cultural and historic resource which should not be destroyed. We have amended the resolution to ask the Department of Land and Natural Resources to do everything possible to prevent the destruction of the theater. We also believe that concerned citizens and organizations need to do what they can without government help, and we encourage their independent efforts. Other non-substantive amendments were made for purposes of style and clarity.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 388, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 388, H.D. 1.

Signed by all members of the Committee.

SCRep. 1576-88 Water, Land Use, Development and Hawaiian Affairs on H.R. No. 429

The purpose of this resolution is to make public the lists of those awaiting homestead awards, to better assure the fair administration of the program through greater government openness.

Your Committee heard testimony from the Hawaiian Homes Commission and the Native Hawaiian Legal Corporation.

Your Committee was told by the administration that it believes current law prevents making the lists public without the consent of the people on the list. However, making the list public would give people more confidence in the list and would avoid any possibility of favoritism.

Your Committee has amended this resolution to call for disclosure unless the Attorney General provides a written opinion barring disclosure; if that happens, we require the Department of Hawaiian Homes to prepare legislation which would permit disclosure. Other amendments were made for purposes of style and clarity.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 429, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 429, H.D. 1.

Signed by all members of the Committee.

SCRep. 1577-88 Water, Land Use, Development and Hawaiian Affairs on H.R. No. 439

The purpose of this resolution is stated in the title.

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

Testimony was to the effect that the primary activity of the historic preservation office is the review of over one thousand land use projects per year. These reviews are prompted by CZM, SMA, LUC, CDUA and a variety of other agency requirements. This review process is said to be far more effective than the protection provided by the state and federal historic registers.

Despite this testimony, destruction of sites such as the Toyo Theater continues, without adequate public review or protection. Your Committee is deeply concerned with the inability to adequately protect known historic sites.

Minor, non-substantive amendments were made for purposes of style and clarity.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 439, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 439, H.D. 1.

Signed by all members of the Committee.

SCRep. 1578-88 Labor and Public Employment on H.R. No. 347

The purpose of this resolution is to urge the Employees' Retirement System to determine the cost implications of a purchase of military credits program or to suggest other alternatives to deal with the current inequity.

Your Committee finds that the Employee's Retirement System is unable to determine the cost implications unless the Department of Personnel Services and the Department of Civil Service of each county obtain information of when the individual entered into the military with relation to government employment when hiring an individual.

Your Committee has thus amended this resolution to request the Department of Personnel Services and the Department of Civil Service for each county to survey their employees who are members of the Employees' Retirement System and submit its findings to the Employees' Retirement System. The Employees' Retirement System will then be able to ascertain the cost to the Legislature as requested in this resolution.

Your Committee has also amended the title of this resolution to better encompass the scope of the resolution. Your Committee has further amended the resolution by making some technical, nonsubstantive changes for the purposes of style and clarity.

Your Committee on Labor and Public Employment concurs with the intent and purpose of H.R. No. 347, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 347, H.D. 1.

Signed by all members of the Committee.

SCRep. 1579-88 Labor and Public Employment on S.C.R. No. 213

The purpose of this concurrent resolution, as received by your Committee, is to secure legislative approval for the report submitted by the personnel directors of the State, the Judiciary, and the counties, including the report published by the Public Employees Compensation Appeals Board (PECAB).

Sections 77-4 and 77-5, Hawaii Revised Statutes, require all personnel directors of the State, the Judiciary, and the counties to meet in joint conference each odd-numbered year to review the general condition of the compensation plan for civil service employees and to compile their views and recommendations for submission to the Public Employees Compensation Appeals Board for its consideration.

Your Committee received testimony in favor of the senate concurrent resolution, stating that the adoption of said concurrent resolution will result in the implementation of the compensation plans effective July 1, 1988.

Your Committee on Labor and Public Employment concurs with the intent and purpose of S.C.R. No. 213 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1580-88 Labor and Public Employment on H.R. No. 359 (Majority)

The purpose of this resolution is to request the Employees' Retirement System to study the ramifications of allowing State and County employees in contributory and non-contributory retirement plans to retire after twenty-five years of credited service regardless of age to receive a normal retirement allowance.

This resolution would also require that the Administrator of the Employees' Retirement System, in cooperation with the Superintendent of Education, the President of the University of Hawaii, and all other affected departments, report findings and recommendations to the Legislature twenty days before the convening of the Regular Session of 1989.

Your Committee received testimony from Employees' Retirement System and Hawaii State Teachers Association supporting the intent and purpose of the resolution.

Your Committee on Labor and Public Employment concurs with the intent and purpose of H.R. No. 359 and recommends its adoption.

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

SCRep. 1581-88 Education on H.R. No. 303

The purpose of this Resolution is to request the Department of Education (DOE) to formulate and implement a plan for a Statewide Center for the Sensory Impaired.

Your Committee received testimony in support of this Resolution from the Department of Health, the Commission on the Handicapped, the State Coordinating Council on Deafness, the Aloha State Association of the Deaf, the Hawaii Church for the Deaf, Hawaii Services on Deafness, Communication for the Hearing Impaired, and a parent of a hearing impaired child.

According to testimony which was presented, in the past the large majority of hearing impaired students received public education at a centralized location on Oahu. However, pursuant to Public Law 94-142, The Education for All Handicapped Children Act, these students have been "mainstreamed" into regular classrooms throughout the public schools. While the "least restrictive environment" for each student mandated by Public Law 94-142 may result in benefits to the hearing impaired, it has also resulted in a fragmenting of services. A Statewide Center for the Sensory Impaired could serve as a vehicle for the systematic coordination of educational services for the hearing impaired.

While much of the testimony submitted in response to this Resolution focused on the hearing impaired, your Committee would like to take this opportunity to clarify that the Statewide Center for the Sensory Impaired would serve other handicapped populations as well.

Your Committee on Education concurs with the intent and purpose of H.R. No. 303 and recommends its adoption.

Signed by all members of the Committee except Representatives Say and Ribellia.

SCRep. 1582-88 Education on H.R. No. 353

The purpose of this resolution is to request the Department of Education to study the feasibility of establishing a foreign exchange program for public high school students

The Hawaii State Teachers Association testified in favor of this resolution. The Superintendent of Education testified that The United States Office of Information has already established guidelines for foreign exchange programs and advised against having the Department of Education becoming involved in the direct operation of exchange programs. The Department indicated that established agencies such as the American Field Service are best able to conduct foreign exchange programs.

Your Committee believes that living and studying abroad can be a significant educational benefit in a young persons life and that Hawaii's public school students should be encouraged to participate in foreign exchange programs.

This title and the body of this resolution have been amended to request Hawaii's Delegation to Congress to pursue the feasibility of developing an extensive foreign exchange program for Hawaii high school students. The reference to establishing guidelines for the selection of students has been deleted.

Your Committee on Education concurs with the intent and purpose of H.R. No. 353, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 353, H.D. 1.

Signed by all members of the Committee except Representatives Say and Ribellia.

SCRep. 1583-88 Education on H.R. No. 302

The purpose of this Resolution is to request the Board of Education to prepare a report on the status of its efforts to provide for increased community use of school facilities.

Your Committee received testimony in support of this Resolution from the Department of Education (DOE) and the Hawaii State Teachers Association. While in support of an increase in the use of school facilities by the community and surrounding neighborhoods, the DOE has found that the high cost of liability insurance often prevents these groups from doing so. The report called for in this Resolution is expected to address this and other relevant issues.

Your Committee on Education concurs with the intent and purpose of H.R. No. 302 and recommends its adoption.

Signed by all members of the Committee except Representatives Say and Ribellia.

SCRep. 1584-88 Education on H.R. No. 324

The purpose of this resolution is to request the establishment of a task force to examine the problem of teacher retention in the Waianae-Nanakuli school complex.

The Department of Education, the Hawaii State Teachers Association, the Waianae Coast School Concerns Coalition, and other individuals and groups from the Waianae-Nanakuli community testified in favor of this resolution.

Your Committee finds that the creation of this task force will provide useful information to the Department of Education and may assist the department in developing a strategy to address the problem of high teacher turnover in Waianae-Nanakuli public schools. In order to provide for maximum diversity in the composition of the task force, this resolution has been amended to delete the request that community representatives be selected from the professional and business sectors. Although we believe that representatives from the professional and business community should be included, there may also be others in the community who could contribute to the work of the task force.

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

Signed by all members of the Committee except Representatives Say and Ribellia.

SCRep. 1585-88 Education on H.R. No. 349

The purpose of this Resolution is to request the Department of Education (DOE) to conduct a feasibility study of a Young Scholars Program affording students opportunities to gain first-hand experiences and study in foreign countries.

Your Committee received testimony in support of this resolution from the Department of Education and the Hawaii State Teachers Association. While recognizing the potential for the program, the Department of Education testified that several concerns must be addressed prior to implementation. For example, the liaison functions of the DOE should be specifically determined, as well as the number of operational work hours needed to administer the scholarship aspect of the program for public high school graduates. The study called for by this Resolution is expected to address these and other relevant concerns.

Your Committee on Education concurs with the intent and purpose of H.R. No. 349 and recommends its adoption.

Signed by all members of the Committee except Representatives Say and Ribellia.

SCRep. 1586-88 Education on H.R. No. 330

The purpose of this Resolution is to support the continued operation and development of Hawaiian immersion/medium classes by the Department of Education (DOE).

Testimony in support of this Resolution was received from the Department of Education, the University of Hawaii, the Office of Hawaiian Affairs, Punana Leo Hawaiian Immersion Preschool, Komike Punana Leo of the Punana Leo O Hilo, and parents of children in the Hawaiian immersion K-1 Class at Keaukaha School.

According to testimony presented, immersion is the best way to assure the survival of the Hawaiian language, based upon the experiences in other parts of the world. The Hawaiian immersion programs which have recently been implemented by the DOE have achieved a remarkable degree of success. Students in these programs are able to express themselves in Hawaiian and are performing well academically.

Your Committee on Education concurs with the intent and purpose of H.R. No. 330 and recommends its adoption.

Signed by all members of the Committee except Representatives Say and Ribellia.

SCRep. 1587-88 Judiciary on S.B. No. 2765

The purpose of this bill is to amend Chapter 846, Hawaii Revised Statutes, to conform with current practices.

This chapter presently contains outdated provisions which apply to the system of mandatory registration practiced under martial law during the Second World War.

This measure would delete the now inappropriate sections of this chapter, and would also make available information collected pursuant to this chapter for law enforcement purposes.

Your Committee received testimony in support of this bill from the Office of the State Attorney General.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2765 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1588-88 Judiciary on S.B. No. 3172

The purpose of this bill is to delete the statutory words "or has reason to believe" as an element of the offenses of cable television and telecommunication service fraud in the first degree.

The phrase is deleted in order to be considered with the state of mind described in the Hawaii Penal Code. "Or has reason to believe" is not a suitable description of a state of mind and therefore should be deleted.

Your Committee has received testimony from the Office of the Public Defender in support of this bill.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 3172 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 Peters, Shito, Yoshimura and Jones.

SCRep. 1589-88 Judiciary on S.B. No. 2029

The purpose of this bill is to repeal Section 26-40, Hawaii Revised Statutes, which requires heads of state departments or offices and subordinate officials to furnish surety bonds, which are paid for by the state government.

Your Committee heard testimony in support of this bill from the Department of Commerce and Consumer Affairs. Testimony indicated that the requirement of surety bonds under this section does not serve any useful purpose and that surety bonds have not been furnished by the designated official.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2029, 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 Hirono and Peters.

SCRep. 1590-88 Judiciary on S.B. No. 3200

The purpose of this bill is to change the title of the Hawaii State Guard to the Hawaii State Defense Force.

Your Committee finds that a change in the title of Hawaii State Guard to the Hawaii State Defense Force will eliminate the confusion between the Hawaii State Guard, Hawaii Army National Guard, and Hawaii Air National Guard. Presently, confusion in organizational identity is due to the similar title designations within the active State Defense Forces.

Your Committee further finds that by changing the title to Hawaii State Defense Force, Hawaii will be in conformity with national designations for local defense forces and there would be no confusion in force identifications should the Hawaii State Guard be activated in the future.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 3200, 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 Hirono and Peters.

SCRep. 1591-88 Judiciary on S.B. No. 2030

The purpose of this bill is to repeal certain obsolete sections of Chapter 27, Hawaii Revised Statutes, which transfer certain facilities, functions, and programs to the State, from the counties, and require the Legislative Auditor to report on these transfers.

This Act will repeal certain obsolete provisions of the Hawaii Revised Statutes which were enacted to transfer certain public health, and public school facilities, functions, and programs to the State from several counties. This transfer was completed many years ago, and these provisions are not longer needed.

The Department of Health submitted testimony and supports this housekeeping measure.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2030 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1592-88 Judiciary on S.B. No. 2718

The purpose of this bill is to change the age qualification for voting to include persons who will attain the age of 18 on or before December 31 of the year in which the election is held.

Your Committee on Judiciary finds that those individuals who have not attained the age of eighteen on or before the day of the election, but who will attain the age of eighteen on or before December 31 of the year in which the election is held, would be responsible voters and should be qualified and afforded the right to vote under the State Constitution.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2718 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 Peters and Jones.

SCRep. 1593-88 Judiciary on S.B. No. 2172

The purpose of this bill is to amend Section 61-1 relating to boundaries and Section 4-1 relating to districts, Hawaii Revised Statutes, to include Kaula within the boundaries and districts of the County of Kauai.

Kaula, located about 20 miles southwest of Niihau, has a land area of 256 acres, and has been set aside under Governor's Executive Order No. 173 for the United States of America. Title to the island is vested in the United States of America with the State of Hawaii possessing a reversionary interest.

Your Committee received testimony indicating that Kauai has long considered Kaula under its jurisdiction and has acted accordingly. Kaula is represented as part of Kauai under the real property tax maps, zoning maps, the federal Coastal Zone Management Act, and geological survey maps of the U.S. Department of the Interior. Also, there is a strong perception by the residents of Kauai that Kaula has historically been a part of Kauai County.

Your Committee therefore finds that the inclusion of the island of Kaula within the boundaries of Kauai County is appropriate.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2172, 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. 1594-88 Judiciary on S.B. No. 2060

The purpose of this bill is to require the Legislative Reference Bureau to furnish to the Legislature at least once a year, not later than twenty days before the beginning of each regular session, a list of the most recent Attorney General opinions. Current law requires that such list be provided not less than four times a year. This bill also makes references to the Attorney General gender neutral.

Your Committee finds that the number of Attorney General opinions fluctuates from year to year, and that sometimes the small number of opinions does not warrant provision of a list of opinions as often as presently required.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2060 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1595-88 Judiciary on S.B. No. 2031

The purpose of this bill is to repeal Sections 5-1, 5-2, and 5-3, Hawaii Revised Statutes (HRS).

Sections 5-1 and 5-2, HRS, permit the Department of Accounting and General Services to provide the United States Flag to public schoolhouses and courthouses and to sell such flags at cost to interested citizens whenever suitable appropriations have been authorized. Section 5-3, HRS, provides for accounting for the proceeds of flag sales. However, the testimony submitted by the Department of Accounting and General Services states that it does not provide flags for schools or courts and has no record of ever having sold flags to the general public. The Superintendent of Education

testified that the Department of Education provides flags to to all of its schools. Therefore, deletion of these sections will conform the law to current practices.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2031 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1596-88 Judiciary on S.B. No. 2563

The purpose of this bill is to increase the penalty of promoting pornography for minors from a misdemeanor to a class C felony.

Your Committee finds that it is important to keep pornography away from children. Increasing the penalty to the felony level should give pornography dealers an incentive to inquire as to the age of their customers and to refuse to sell to those who are minors.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2563 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 Peters and Jones.

SCRep. 1597-88 Judiciary on S.B. No. 2521

The purpose of this bill is to allow the court to order persons extradited to Hawaii to pay the costs of the extradition unless the court finds that person indigent.

The Department of the Attorney General and the Prosecutors and Police Chiefs of the City and County of Honolulu, and the Counties of Kauai, Maui, and Hawaii presented favorable testimony indicating that the costs of extraditions are significant and that persons returned for post-conviction proceedings are currently mandated to reimburse the State.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2521, 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. 1598-88 Judiciary on S.B. No. 2517

The purpose of this housekeeping measure is to correct an inadvertent deletion in the statute relating to Assault in the Second Degree.

Recent statutory additions omitted the phrase "to another person" in paragraph 707-711(1)(d), Hawaii Revised Statutes. Without this phrase, the statute could be interpreted to include persons injuring themselves. Furthermore, assault in the third degree includes this phrase to prevent such an interpretation. This bill would correct this error.

Your Committee received testimony in support of this bill from the State Attorney General and prosecutors and police chiefs of the City and County of Honolulu, and the Counties of Kauai, Maui and Hawaii.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2517 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1599-88 Judiciary on S.B. No. 2761

The purpose of this bill is to make the Director of Corrections an ex officio voting member of the Criminal Justice Data Interagency Board and to authorize the members of the Board to designate substitute representatives to attend meetings in their place.

Your Committee has received favorable testimony indicating that the creation of a new Department of Corrections apart from the Department of Social Services has necessitated the inclusion of the Director of Corrections as an ex officio member. Testimony also indicates that allowing the designation of substitute members of the same department assures the presence of a quorum at Board meetings.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2761 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1600-88 Judiciary on S.B. No. 2760

The purpose of this bill is to increase the membership of the Juvenile Justice Interagency Board by including the Directors of the Departments of Health and Human Services and by providing that all members participate as voting members.

Your Committee has received favorable testimony from the affected agencies indicating that juveniles often have multifaceted problems that overlap the jurisdictions of the various agencies involved.

Your Committee finds that incorporating input from the Departments of Health and Human Services will enhance the ability of the juvenile justice system to provide coordinated services.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2760 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1601-88 Judiciary on S.B. No. 2186

The purpose of this bill is to amend or repeal various provisions of the Hawaii Revised Statutes for the purpose of correcting errors, clarifying language, correcting references, and deleting obsolete or unnecessary provisions.

L 1987, Act 209, section 1, amended section 11-72, and, in so doing, inadvertently changed the phrase in paragraph (4)(B), "in the event that a party's proportion of votes cast exceeds" to "in that event that a party's proportion of votes cast exceed". Pursuant to section 23G-15, the revisor of statutes has made the appropriate changes as indicated by the bracketing of the word "the" and by changing the word "exceed" back to "exceeds". The section is amended by deleting the brackets to ratify the actions of the revisor.

Section 11-213(a), concerns primary and special primary elections. The first sentence in subsection (a) originally referred to primary and special primary elections, but L 1987, Act 369, section 1(11) dropped the second "primary" so that the sentence now refers to primary and special elections. Since special elections differ from special primary elections and are covered in section 11-213(b), section 11-213(a) should be corrected. The revisor, pursuant to section 23G-15, has made the correction and indicated the change by inserting the word "primary" in brackets. The section is amended by deleting the brackets to ratify the actions of the revisor.

Section 11-216 was partially amended by L 1987, Act 369, section 1(13). The prefatory language of section 1(13) stated that subsections (c) and (f) were amended. When subsection (f) was set out, however, it was erroneously labeled subsection (d), although the actual text was that of subsection (f). The revisor, pursuant to section 23G-15, has corrected this typographical error, and has indicated the change by bracketing. This subsection is amended by deleting the brackets to ratify the actions of the revisor.

Section 26-9(c) refers to a board by its obsolete title. Under L 1983, Act 155, section 2, the board of registration of professional engineers, architects, and surveyors became the board of registration of professional engineers, architects, surveyors, and landscape architects. Section 26-9(c) is amended to reflect this change.

Section 46-4(a) concerns county zoning. The second to the last paragraph originally stated that this section is not to be construed to "limit or repeal" the counties' powers. L 1987, Act 109, section 2, through an apparent clerical error, changed "repeal" to "appeal". The use of the word "appeal" makes no sense in this context. Pursuant to section 23G-15, the revisor has changed "appeal" back to "repeal", as indicated by brackets. Section 46-4(a) is amended by deleting the brackets to ratify the actions of the revisor.

Section 46-4(d) contains a reference to elderly persons as defined in section 359-52. L 1987, Act 354, section 2, repealed part III of chapter 359, which contained section 359-52, with the result that section 46-4(d) now contains a reference to a nonexistent section. Act 354, section 2, also enacted a new section, 359G-71, which contains the definition, but was moved to another chapter by L 1987, Act 337, section 23. The section has been codified by the revisor as section 201E-230. Section 46-4(d) is amended to reflect the correct statutory reference.

Section 46-15.4(a) contains a reference to section 445-91. That section was repealed by L 1987, Act 333, section 8. Section 46-15.4 is amended to delete the reference to the repealed section.

Section 53-84(3)(E) refers to the word "council" as used in section 53-16(e). Section 53-16(e), however, does not refer to "council", but refers to "members". The original version of section 53-84(3)(E), as enacted in L 1974, Act 123, section 2, also refers to "members". The change of the word "members" to "council" appears to have been a clerical error. The revisor, pursuant to section 23G-15, has corrected this error, as indicated by brackets, to replace "council" with "members". Section 53-84 is amended by deleting the brackets to ratify the actions of the revisor, and to make other nonsubstantive changes to conform to appropriate drafting style.

Section 92-24(4) refers to the fund authorized by section 416-97. Chapter 416 was repealed by L 1987, Act 135, section 208. As a result, section 92-24(4) refers to a section which no longer exists. Section 415-128 is the current reference to the same fund originally created by section 416-97. Section 92-24 is amended to reflect the appropriate reference.

Section 92-28 contains references to provisions that have been repealed. Chapter 6 was repealed by L 1976, Act 104, section 4; L 1980, Act 293, section 6; and L 1981, Act 135, section 2. Chapter 28, part III, was repealed by L 1983, Act

78, section 2, and current provisions are located in chapter 846, part II, pursuant to the same Act. Chapter 434 is repealed effective July 1, 1988, under L 1987, Act 347, section 1. Chapter 443A was repealed by L 1987, Act 191, section 4. Section 92-28 is amended to reflect these changes.

Section 104-1 contains numbered definitions, two of which refer to "subsection (6)". Both of these references are changed to "paragraph (6)" to conform to appropriate drafting style.

Section 174C-5(11) refers to the department of planning and economic development. L 1987, Act 336, section 3, changed the department's name to the department of business and economic development. Section 174C-5 is amended to reflect this change. Technical nonsubstantive changes have also been made.

Section 201E-2 contains a definition of "eligible developer" that refers to chapter 421G. This chapter was repealed by L 1987, Act 105, section 2. The current reference, as established by the same Act and as numbered by the revisor under section 23G-15 is chapter 421H. Section 201E-2 is amended to reflect this change.

Section 201E-3 refers to the department of planning and economic development. L 1987, Act 336, section 3, changed this agency's name to the department of business and economic development. Section 201E-3 is amended to reflect this change.

Section 201E-161(a), enacted by L 1987, Act 337, section 15, contains two sets of paragraphs numbered (1) and (2). The use of two sets of numbered paragraphs in one subsection is ambiguous and may lead to confusion because a reference to "subsection (a)(1)" could be to either of two different provisions. Section 201E-161(a) has been divided into two separate subsections.

Section 208-4 refers to the members of the board of planning and economic development, as constituted in section 26-18. However, L 1983, Act 239, section 2, abolished that board. Section 208-4 is amended to reflect this change.

Section 209E-2 contains references to the department of planning and economic development. L 1987, Act 336, section 3, changed the department's name to the department of business and economic development. Section 209E-2 is amended to reflect this change.

As enacted by L 1987, Act 336, section 4(5), section 226-55(12) referred to sections 226-57 "an" 226-58. The word "an" is a clerical misspelling of the word "and". Under the authority of section 23G-15, the revisor has changed "an" to "and" as indicated by brackets. The statute is amended by deleting the brackets to ratify the actions of the revisor, and to make other corrections to conform to accepted drafting style.

Section 235-4 refers to professional corporations incorporated under chapter 416 which was the general corporation law. L 1985, Act 259, section 1, enacted a new chapter, 415A, for professional corporations. As professional corporations are no longer formed under chapter 416, which was repealed by L 1987, Act 135, section 208, section 235-4 is amended to include the reference to chapter 415A. The reference to chapter 416 is retained in recognition of professional corporations which were validly incorporated under chapter 416 before chapter 415A took effect.

Section 235-55.8 contains a reference to the department of social services and housing. The department was divided in 1987, and the social services component was renamed the department of human services by L 1987, Act 339, section 2. Section 235-55.8 is amended to reflect this change.

Section 235-110.7 refers to capital goods excise tax credits. As enacted by L 1987, Act 239, section 1(1), section 235-110.7(a) refers to the year in which the credit is "property" claimed. The correct phrase should be "properly" claimed. Pursuant to section 23G-15, the revisor has changed the typographical error "property" to "properly", as indicated by the brackets. Other technical and nonsubstantive changes have been made. This section is amended by deleting the brackets to ratify the actions of the revisor.

Sections 304-66.2 and 304-66.4 concern the need for medical residents needed by correctional facilities and rural communities. The sections contain a reference to the department of social services and housing. That designation is obsolete as that agency has been divided and renamed by L 1987, Act 338, which created the department of corrections, and L 1987, Act 339, which changed the "department of social services and housing" to the "department of human services". Pursuant to L 1987, Act 338, the agency having jurisdiction over correctional facilities is now the department of corrections. Sections 304-66.2 and 304-66.4 are amended to change "department of social services and housing" to "department of corrections".

Section 321-11.2 originally consisted of three sections in L 1986, Act 328. Pursuant to section 23G-15, the revisor consolidated them into one section composed of three subsections, all of which are indicated by brackets. Section 321-11.2 also refers to the department of social services and housing, which has been divided and renamed under L 1987, Acts 338 and 339. The correct reference here is now to the department of human services. Finally, the last word in subsection (b) was originally "part". As part of the consolidation, the revisor changed the term to "section" and indicated the change through the use of brackets. This section is amended to reflect the change of "department of social services and housing" to "department of human services", of "part" to "section", and to add subsection references, and to ratify the actions of the revisor by deleting the brackets.

Sections 321D-1 and 333F-13 refer to the department of social services and housing, the former title of the department of human services. The department of social services and housing was divided in 1987, and the social services component was renamed the department of human services by L 1987, Act 339, section 2. Sections 321D-1 and 333F-13 are amended to change "department of social services and housing" to "department of human services".

Section 338-21(a)(1) as enacted by L 1987, Act 100, section 2, referred to the marriage of the natural "parent" with each other. The correct term should be "parents". Pursuant to section 23G-15, the revisor has changed "parent" to "parents" as indicated by the brackets. This section is amended by deleting the brackets to ratify the revisor's actions.

Section 347D-1 refers to the department of social services and housing, the former title of the department of human services. The department of social services and housing was divided in 1987, and the social services component was renamed the department of human services by L 1987, Act 339, section 2. Section 347D-1 is amended to reflect this change.

Section 350-1 refers to children who are victims of, among other things, rape and sodomy. Those terms are not currently in use under Hawaii's penal code as they were replaced by the term "sexual assault", by L 1986, Act 314, sections 56 and 57. Section 350-1 is amended to conform to the language currently in use.

Section 351-84(c) as proposed by S.B. No. 592-86, S.D. 1, H.D. 1, contained a clause pertaining to disbursement of moneys to a judgment creditor. Page 5 of the draft, at subsection (c), began: "The commission shall disburse to a judgment creditor for the purposes of satisfying a judgment moneys from the special account if" certain requirements were met. However, C.D. 1 of the bill changed the grammatical structure of the phrase to "Moneys remaining after disbursement under subsection (b) shall be disbursed to a judgment creditor, for the purpose of satisfying a judgment, moneys from the special account if" the specified requirements are met. This language was enacted by L 1986, Act 155, section 1. The repetition of "moneys" is confusing, grammatically awkward, and the revisor of statutes has indicated through the use of brackets and a note that the second reference to the word "moneys" should be deleted. Section 351-84(c) is amended to delete the unnecessary term.

Section 353-11.5(a) refers to sections 353-47, which was repealed by L 1987, Act 338, section 3(2). The current reference is section 353-29, established by the same Act. Section 353-11.5 is amended to reflect this change.

Section 353-22.6 refers to work furlough moneys earned pursuant to section 353-22.5. Section 353-22.5 was repealed by L 1987, Act 338, section 3(2). The new section referring to work furloughs is section 353-17 enacted by the same Act. Section 353-22.6 is amended to reflect the current reference.

Section 353-62(a) refers to the Hawaii paroling authority. L 1987, Act 338, section 5, dropped the word "paroled" from paragraph (5) so that instead of having supervisory power over paroled individuals, the authority has that power over all individuals. This section is amended to restore the word "paroled".

Section 353D-4, which relates to the offender family service center, refers to the director of social services. The department of social services and housing has been divided into the department of human services and the department of corrections by L 1987, Acts 338 and 339. The appropriate reference in section 353D-4 should be to the director of corrections, and this section is amended to reflect that change.

Section 392-5(21), as established in L 1987, Act 345, section 4, originally referred to a supported work "component" under a new section which was ultimately codified by the revisor of statutes as section 346-205. However, the actual phrase used by section 346-205 is "subcomponent". Pursuant to section 23G-15, the revisor substituted "subcomponent" for "component", and indicated the change by the use of brackets. The section is amended by deleting the brackets to ratify the actions of the revisor.

Section 394-9 refers to the "department of planning and economic development" which was changed by L 1987, Act 336, section 3, to be the "department of business and economic development". Section 394-9 is amended to reflect the department's present title.

The title to section 403-65 originally read "Directors meetings; examination of reports." The word "of" was inadvertently dropped from L 1987, Act 103, section 1. The title to section 403-65 is amended to include this word, because the section concerns the examination by bank directors of reports concerning certain loans and investments and does not concern examinations.

As originally enacted by L 1931, Act 177, section 56, section 403-94, restricted bank loans made to officers and other enumerated personnel of the bank, and to certain companies in which officers or directors had an interest. The language restricting loans made to officers and other personnel of the bank was omitted by L 1987, Act 104, section 1. The omission appears to have been inadvertent as there is no reference to this change in the committee reports, and the deletion was not accomplished in the bill by bracketing, but by simple omission. Section 403-94 is amended to include the omitted phrase.

Section 403-196.5(4) refers to priority of unsecured claims in the event of a bank liquidation or insolvency. The paragraph states that certain claims of controlling persons are not entitled to priority "under this subsection". The term is changed to "paragraph" to conform to accepted drafting style.

Section 415-5(d) was amended by L 1987, Act 135, section 3. The amendment consisted of removing the words "defense of" and substituting the word "defending". In so doing, a clause appears to have been dropped inadvertently. Pursuant to section 23G-15, the revisor has restored the language and indicated the change by the use of brackets. This section is amended by deleting the brackets to ratify the actions of the revisor in restoring the omitted clause, and to make a grammatical correction.

In amending section 415B-7, L 1987, Act 135, section 135, inadvertently omitted a clause in the introductory paragraph. Pursuant to section 23G-15, the revisor has restored the clause and indicated the change by the use of brackets. The section is amended by deleting the brackets to ratify the actions of the revisor.

L 1987, Act 135, section 169, inadvertently omitted a phrase in amending section 415B-92(1). Pursuant to section 23G-15, the revisor has restored the language and indicated the change by the use of brackets. The section is amended by deleting the brackets to ratify the actions of the revisor.

L 1987, Act 135, section 172, inadvertently omitted a phrase in amending section 415B-96. Pursuant to section 23G-15, the revisor has restored the language and indicated the change by the use of brackets. The section is amended by deleting the brackets to ratify the actions of the revisor. Additionally, the word "theretofore" was accidentally changed to "therefore". This too is restored, as it is the appropriate term in that context.

L 1987, Act 135, section 180, inadvertently omitted three phrases in amending section 415B-108. Pursuant to section 23G-15, the revisor has restored the language and indicated the change by the use of brackets. The section is amended by deleting the brackets to ratify the actions of the revisor.

L 1987, Act 135, section 201, inadvertently omitted the word "of" in amending section 415B-155. Pursuant to section 23G-15, the revisor has restored the language and indicated the change by the use of brackets. The section is amended by deleting the brackets to ratify the actions of the revisor.

L 1987, Act 135, section 203, inadvertently omitted a phrase in amending section 415B-157. Pursuant to section 23G-15, the revisor has restored the language and indicated the change by the use of brackets. The section is amended by deleting the brackets to ratify the actions of the revisor.

Section 421H-1(2), refers to certain types of corporations "organized as a nonprofit corporation under sections 416-19 and 416-26". Chapter 416 was repealed by L 1987, Act 135, section 208. Nonprofit corporations are now organized under chapter 415B, as enacted by L 1985, Act 270, section 1. The section is amended to add a reference to chapter 415B. The reference to chapter 416 is retained to apply to nonprofit corporations incorporated prior to the effective date of chapter 415B.

Section 425-12(b) refers to the fund authorized by section 416-97. Chapter 416 was repealed by L 1987, Act 135, section 208. Section 415-128 is the current reference to the same fund originally created by section 416-97. Section 425-12(b) is amended to reflect the current reference.

Section 425-22 refers to the fund authorized by section 416-97. Chapter 416 was repealed by L 1987, Act 135, section 208. Section 415-128 is the current reference to the same fund originally created by section 416-97. Section 425-22 is amended to reflect the current reference.

Section 444-16.5 referred to wages, "as defined in section 104-1(5)". That section was amended by L 1987, Act 288, section 2, and as a result, the definition of wages was renumbered as section 104-1(6). Pursuant to section 23G-15, the revisor has made the appropriate change in section 444-16.5 so that it refers to the correct provision. Section 444-16.5 is reenacted to ratify the actions of the revisor.

Section 478-9 states that certain federal provisions are inapplicable to the State "by the terms on this Act". The word "Act" was included as part of the renumbering of and amendments made to the section by L 1986, Act 137, section 1. As used in the text of a statutory section, however, the term is ambiguous as after the merger into the larger codification of the Hawaii Revised Statutes, specific acts are no longer demarcated. Accordingly, the term "section" states more clearly what is being referred to. Section 478-9 is amended to substitute the word "section".

L 1987, Act 274, section 5, inadvertently omitted one word from the original text, and substituted another, in two separate places when amending section 480-14. As enacted, subsection (a) referred to recovery of "the action damages" rather than "actual" damages, and the last part of subsection (d) referred to the distribution of damages "of" the indirect purchasers, rather than "to" them. Pursuant to section 23G-15, the revisor has restored the original language, and indicated the change by the use of brackets. Subsections 480-14(a) and (d) are amended by deleting the brackets to ratify the actions of the revisor.

Section 482-3 refers to names of corporations or partnerships registered in accordance with, among others, chapters 416 and 418. Chapters 416 and 418 were repealed by L 1987, Act 135, section 208. Business corporations are now organized under chapter 415, nonprofit corporations under chapter 415A, and foreign corporations under chapter 415B. Section 482-3 is amended to include references to the new provisions, although the reference to chapters 416 and 418 are retained in recognition of corporations previously organized.

Prior to 1987, section 485-2 concerned the commissioner of securities, administrative rules, deputies, and the filling of vacancies. L 1987, Act 373, section 1, deleted provisions relating to all subjects other than the commissioner of securities. However, the title of the section was not amended to reflect the restricted scope of the section. The title is amended to reflect the changes to the text of the section by reading simply "Commissioner of securities".

In amending section 502-17(a), L 1987, Act 303, section 1, inadvertently changed an "or" to an "of" so that the phrase "ahupuaa or ili" read "ahupuaa of ili". Pursuant to section 23G-15, the revisor has restored the word "or" and indicated the change by the use of brackets. The section is amended by deleting the brackets to ratify the actions of the revisor.

Section 560:2-105.5 refers to passing title to certain real property when a person dies without a will. As originally enacted by L 1987, Act 307, section 1, the section referred to the "decendent's" interest in the property. That word should read "decendent's", meaning the one who has died, rather than "decendent's", meaning an offspring. Pursuant to section 23G-15, the revisor has changed the word back to "decendent's" and indicated the change by the use of brackets. The section is amended by deleting the brackets to ratify the actions of the revisor.

Sections 586-10.5 and 588-4 refer to the department of social services and housing. L 1987, Act 339, renamed the pertinent part of the department the department of human services. These sections are amended to reflect this change.

Section 710-1077 was amended by L 1987, Act 176, section 3. In so doing, a phrase was inadvertently dropped from subsection (1)(i). The omission appears unintentional as it was not accomplished in the bill by bracketing. The phrase was simply omitted. Section 710-1077(1)(i) is amended to restore the correct wording.

Section 804 refers to the right of criminal defendants to bail. An amendment to this section by L 1987, Act 139, section 4, states that a defendant who has filed a "writ or certiorari" be "detain" unless certain circumstances occur. The appropriate language should be "writ of certiorari" and "detained". Pursuant to section 23G-15, the revisor has made the appropriate changes: "detained" has been corrected, and "of" inserted in the same sentence. Section 804-4 is amended to ratify the actions of the revisor.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2186, 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 Peters and Jones.

SCRep. 1602-88 Judiciary on S.B. No. 2713

The purpose of this bill is to allow jurors who are excused, excused for cause, or summoned but not called into the courtroom, to be returned to the juror pool to await reassignment to another trial conducting voir dire that same day.

Your Committee has received testimony from the Judiciary indicating that the one day/one trial system enacted in 1987 will increase the number of potential jurors needed from the approximately 9,000 per year currently needed to approximately 36,000 jurors per year, a fourfold increase. Allowing excused jurors to be returned to the juror pool will provide for more efficient juror utilization and minimize the cost of juror fees.

Moreover, your Committee has received testimony from the State Bar Association indicating that the efficient utilization of jurors gives them (the jurors) a more satisfactory experience and a favorable attitude toward jury service.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2713, 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. 1603-88 Judiciary on S.B. No. 2926

The purpose of this bill is to amend 853-1, HRS, to provide that for a plea of guilty or nolo contendere to a petty misdemeanor, a court may defer the proceedings for a period not to exceed one year.

Under Chapter 853, when a defendant voluntarily pleads guilty or nolo contendere, the court may defer proceedings and not accept the plea if it appears to the court that the defendant is not likely again to engage in a criminal course of conduct and the ends of justice and the welfare of society do not require that the defendant presently suffer the penalty imposed by law. The court may defer proceedings for a period not to exceed the maximum sentence allowable. The maximum sentence for a petty misdemeanor is thirty days, and your Committee finds that thirty days is too short a period for the purposes of the statute and that a maximum of one year is more appropriate.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2926, 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 Peters and Jones.

SCRep. 1604-88 Judiciary on S.B. No. 2578

The purpose of this measure is to clarify the statute relating to reckless endangering in the first degree.

In 1978, the Legislature amended this statute to include the offense of intentionally firing "a firearm in a manner which places another person in danger of death or serious bodily injury." This measure will further define the offense by limiting it to those whose manner in firing the firearm "recklessly" endangers another.

In testimony before your Committee, the State Attorney General and prosecutors and police chiefs of the City and County of Honolulu, and the Counties of Kauai, Maui and Hawaii stated that "if a person intentionally places another person in danger of death or serious bodily injury, as opposed to recklessly, the offense committed should properly be classified as an Attempted Murder or Attempted Assault in the First Degree." The law enforcement community is, therefore, in support of this measure.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2578, 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. 1605-88 Judiciary on S.B. No. 2575

The purpose of this bill is to allow police officers to issue citations to nonresidents in lieu of arrests.

Under current law, the issuing officer must ascertain that the individual to whom the officer wishes to issue a citation in lieu of arrest is a citizen of the State of Hawaii. This requirement has led to situations in which nonresidents have had to be arrested although a citation would have sufficed.

This bill retains the requirements that the officer must be reasonably satisfied that the offender will appear in court, has no outstanding arrest warrants, and that the offense is of such a nature that there will be no further police contacts on the date in question or in the immediate future.

Your Committee received testimony in support of this bill from the State Attorney General and prosecutors and police chiefs of the City and County of Honolulu, and the Counties of Kauai, Maui and Hawaii that the requirements appear sufficient to guarantee the orderly administration of justice in the State.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2575 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1606-88 Judiciary on S.B. No. 2032

The purpose of this bill is to repeal Part I of Chapter 29, Hawaii Revised Statutes, which established the office, powers, and duties of a federal programs coordinator.

Your Committee finds that the State Administrative Director in the Governor's office effectively serves as the federal coordinator. Because the functions of the federal programs coordinator have been and are currently being handled through other means, the statutorily created position of the federal programs coordinator is unnecessary, and should be abolished.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2032, 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. 1607-88 Judiciary on S.B. No. 2712

The purpose of this bill is to permit the court to order any party and minor child involved in custody proceedings to attend counseling, parenting classes, or any type of educational activity that the court deems appropriate to meet the best interests of the child.

Your Committee has received testimony from the Family Court of the First Circuit indicating that the number of single parent households is increasing, and that divorce disrupts the child-rearing functions and obligations of parents and creates a stressful situation for the child.

Your Committee finds that these problems are avoidable by making parents aware of the impact of divorce on children through appropriate educational and counseling programs.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2712 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1608-88 Judiciary and Intergovernmental Relations on S.B. No. 2070

The purpose of this bill, as received by your Committees, is to provide that the individual counties may regulate, including by licensure, other animals including cats.

Currently, Chapter 143 only relates to the regulation of dogs. This bill's provision would allow the counties to regulate other animals.

Your Committees on Judiciary and Intergovernmental Relations are in accord with the intent and purpose of S.B. No. 2070, 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 except Representatives Cachola, Horita, Peters, Souki, Taniguchi, Jones and Marumoto.

SCRep. 1609-88 Human Services and Judiciary on S.B. No. 2980

The purpose of this bill is to require a committed person, if determined by the Department of Corrections to be suitable for participation, to engage in and complete to the department's satisfaction, an academic, vocational education, or prison industry program, in order to be eligible for parole.

Currently, participation in these programs is on a voluntary basis, and a large number of committed persons remain uninvolved in these meaningful activities. This bill will help to prepare committed persons to reintegrate into the community upon their eventual release.

Your Committees on Human Services and Judiciary concur with the intent and purpose of S.B. No. 2980, 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 except Representatives Bellinger, Cachola, M. Ige, Kawakami, Peters, Tom, Yoshimura, Cavasso and Medeiros.

SCRep. 1610-88 Judiciary on S.B. No. 2052

The purpose of this bill is to repeal Section 325-11, Hawaii Revised Statutes, which prohibits spitting in public.

Testimony indicated that when this law was enacted, spitting was believed to be a method of transmitting tuberculosis. However, tuberculosis is spread by means of close contact and airborne spread of tuberculosis requires sharing a common air space such as in a crowded household or prison. Thus, spitting in public is no longer considered a significant source of the transmission of tuberculosis or any other disease.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2052 and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1611-88 Judiciary on S.B. No. 2044

The purpose of this bill is to repeal Section 5-11, HRS.

Your Committee has received favorable testimony from the Office of Hawaiian Affairs indicating that the "Calabash Cousin" award has outlived its appropriateness, and that the concept of calabash cousins is significant to native Hawaiian culture.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2044 and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1612-88 Judiciary on S.B. No. 2050

The purpose of this bill is to repeal Section 321-8, Hawaii Revised Statutes, which establishes the rodent control revolving fund within the Department of Health.

Your Committee received testimony from the Department of Health in support of this bill. The Department's testimony indicated that the use of state employees to ratproof structures with materials purchased out of the fund has been gradually phased out, while greater emphasis has been placed on a public self-help program whereby trained staff assist householders after a thorough inspection of the property.

Your Committee finds that the rodent control revolving fund is obsolete and that other methods of rodent control are available which are satisfactory to meet the needs of the public.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2050 and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1613-88 Tourism on S.C.R. No. 238

The purpose of this Concurrent Resolution is to request the Legislative Auditor to conduct a financial and management audit of the State Tourism Office, Department of Business and Economic Development.

Your Committee received testimony from the Department of Business and Education agreeing to cooperate with the Legislative Auditor.

Your Committee finds that tourism is the dominant industry in Hawaii. Due to this dominance the industry pays a major role in the overall economic and social well-being of the State and its people, that it is the Legislature's duty to ensure that appropriated funds are expended for tourism are expended according to the state and legislative policies and

objectives. Furthermore, the State Tourism Office, Department of Business and Economic Development is charged by the State with the primary responsibility for overseeing the expenditure of public funds for the benefit of the industry.

Your Committee feels that an audit by an independent party will provide information to the Legislature verifying that the State Tourism Office and the Hawaii Visitors Bureau are expending funds in compliance with the state and legislative intent, and are making the best use of Hawaii's taxpayers' dollars.

Your Committee on Tourism concurs with the intent and purpose of S.C.R. No. 238, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 238.

Signed by all members of the Committee.

SCRep. 1614-88 Health on H.R. No. 323

The purpose of this resolution is to urge the development of equitable compensation plans for local nurses in Hawaii's hospitals.

Your Committee received testimony in support of this resolution from the Department of Health and the Hawaii Nurses' Association Collective Bargaining Organization.

Your Committee received non-supportive testimony from the Healthcare Association and the Kapiolani Medical Center for Women and Children. Kapiolani testimony was against the resolution as worded, because it would shift collective bargaining responsibilities outside the Medical Center. Both Kapiolani and the Healthcare Association testified that the resolution would charge the Healthcare Association with inappropriate responsibilities.

Your Committee finds, however, that there was concurrence with regards to the nurses' shortage in Hawaii and the need to address this serious and complex problem. The problem involves a number of interrelated factors which include, but are not limited to, higher salaries, employee job satisfaction, and nursing education.

Your Committee amended the resolution by shifting the immediate responsibility for developing an equitable plan from the Healthcare Association to the Hawaii's hospitals. In accordance, the notion of an equitable plan was referred to in plural form in the amendments. In addition, the Healthcare Association of Hawaii shall get input from its membership and the County/State Hospitals System of the Department of Health in its preparation of its recommendations to alleviate the problems of inequity found in nursing and other health care professions.

Your Committee on Health concurs with the intent and purpose of H.R. No. 323, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 323, H.D. 1.

Signed by all members of the Committee except Representatives M. Ige, Peters, Tam, Tom and Ribellia.

SCRep. 1615-88 Water, Land Use, Development and Hawaiian Affairs on S.C.R. No. 179

The purpose of this concurrent resolution is for the State of Hawaii and the County of Hawaii to work together in a collaborative effort to ensure that the public view and open space currently existing makai of the Kawaihae-Mahukona-Hawi Road be preserved by discouraging subdivision and building development in the area.

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

Your Committee made a non-substantive amendment to correct punctuation and spelling in the term KAWAIHAE-MAHUKONA-HAWI.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of S.C.R. No. 179, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 179, H.D. 1.

Signed by all members of the Committee.

SCRep. 1616-88 Water, Land Use, Development and Hawaiian Affairs and Intergovernmental Relations on H.R. No. 432

The purpose of this resolution is to ask the County of Hawaii and the Department of Land and Natural Resources to conduct studies and develop an action plan which will maximize recreational opportunities on the west coast of the island of Hawaii.

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

The resolution was prompted by concern over the impact of development on outdoor recreational opportunities along the West Hawaii coast, particularly the Hapuna complex including "Beach 69." Your Committee believes it is necessary to take a comprehensive look at both development impacts and opportunities. Quality, unified planning can benefit the lives of the community; whereas, fractured individual plans can waste resources, adversely impact support infrastructure, and

create undesirable living conditions. West Hawaii is at a cross roads, but still has time to avoid many of the problems of Waikiki.

Your Committee made minor, non-substantive amendments.

Your Committees on Water, Land Use, Development and Hawaiian Affairs and Intergovernmental Relations concur with the intent and purpose of H.R. No. 432, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 432, H.D. 1.

Signed by all members of the Committees except Representatives Bellinger, Souki and Yoshimura.

SCRep. 1617-88 Consumer Protection and Commerce on S.C.R. No. 157

The purpose of this concurrent resolution is to request the Insurance Commissioner to study and report on medical tort liability and medical malpractice insurance of obstetricians and gynecologists in Hawaii.

The study would include the number of obstetricians and gynecologists in rural areas; how many have been sued and how many times; and the number of general practitioners providing service in place of obstetricians and gynecologists and their exposure to litigation. The study would further include insurance premium rates and rate-setting procedures and the criteria used to determine the rates of general practitioners if they perform obstetrical procedures.

Your Committee supports efforts to study and develop information which would shed light on the high cost of liability insurance for Hawaii's practicing obstetricians, gynecologists, and other specialized physicians, especially those who practice in rural areas where such service is in jeopardy. The intent of this concurrent resolution is to develop pertinent information to assist the Legislature in addressing these issues.

The Department of Commerce and Consumer Affairs, Insurance Division, testified that a sum of \$35,000 should be appropriated to allow the Insurance Commissioner to hire an independent contractor to conduct the study and prepare the report. The Department further testified that the concurrent resolution should also include a provision requesting private health care providers to submit relevant data to the Insurance Commissioner to cut costs and assist with the gathering of necessary information.

Your Committee acknowledges that the requested sum would be helpful in carrying out the requested study and hopes that necessary resources will be made available to study this important issue. However, your Committee does not have the authority to appropriate any sums through this concurrent resolution.

Your Committee has amended this concurrent resolution based on the Department's recommendation to request insurance providers and private health care providers to provide information to the Insurance Commissioner.

Your Committee has further amended this concurrent resolution to make technical, nonsubstantive changes for the purposes of style and clarity.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of S.C.R. No. 157, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 157, H.D. 1.

Signed by all members of the Committee.

SCRep. 1618-88 Ocean and Marine Resources on S.C.R. No. 196

The purpose of this concurrent resolution is to authorize the Department of Transportation to dispose of, by lease, certain submerged and tidal lands pursuant to Section 171-53(c), Hawaii Revised Statutes, for a nonprofit maritime center and a fuel/pump out facility at Lahaina Small Boat Harbor, Lahaina, Maui.

The Department of Transportation presented testimony in favor of the resolution which authorizes the department to lease approximately 7,000 square feet of submerged and tidal lands. A portion of the area will be for the operation of a nonprofit maritime center and the remainder will be for private leasing of a much needed fuel/pump out facility for the harbor.

Your Committee has amended this resolution in the Be It Resolved clause to also authorize the Board of Land and Natural Resources to dispose of the lease described.

Your Committee on Ocean and Marine Resources concurs with the intent and purpose of S.C.R. No. 196, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 196, H.D. 1.

Signed by all members of the Committee.

SCRep. 1619-88 Ocean and Marine Resources on S.C.R. No. 194

The purpose of this concurrent resolution is to authorize the Department of Transportation to dispose of, by lease, certain submerged and tidal lands pursuant to Section 171-53(c), Hawaii Revised Statutes, for a nonprofit maritime center.

Exclusive lease rights for a period of sixty-five years of approximately 45,000 square feet of submerged and tidal lands is authorized by direct negotiation with a private eleemosynary organization to construct, operate and maintain a nonprofit maritime center at Pier 7, Honolulu Harbor, Hawaii.

The Department of Transportation submitted testimony in favor of this concurrent resolution and stated that the submerged lands will be occupied by the Falls of Clyde and the Hokulea.

Your Committee has amended this resolution in the Be It Resolved clause to also authorize the Board of Land and Natural Resources to dispose of the lease described.

Your Committee on Ocean and Marine Resources concurs with the intent and purpose of S.C.R. No. 194, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 194, H.D. 1.

Signed by all members of the Committee.

SCRep. 1620-88 Ocean and Marine Resources on S.C.R. No. 195

The purpose of this concurrent resolution is to authorize the Department of Transportation to dispose of, by lease, certain submerged and tidal lands pursuant to Section 171-53(c), Hawaii Revised Statutes, for berthing facility purposes.

Approximately 7,500 square feet of submerged and tidal lands are needed to provide a sixty-five year lease by direct negotiation at Nawiliwili Small Boat Harbor, Kauai, Hawaii. The lease will allow the U.S. Coast Guard to moor its vessel and reconstruct and/or reinforce the existing catwalk and the fendering system in order to withstand the forces exerted by its vessels and to operate and maintain a berthing facility.

Your Committee heard testimony by the Department of Transportation in favor of this concurrent resolution. They stated that though the U.S. Coast Guard has just closed their Nawiliwili Station, the Coast Guard still wanted to pursue the lease since they have plans to resume operations in the future.

Your Committee has amended this resolution in the Be It Resolved clause to also authorize the Board of Land and Natural Resources to dispose of the lease described.

Your Committee on Ocean and Marine Resources concurs with the intent and purpose of S.C.R. No. 195, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 195, H.D. 1.

Signed by all members of the Committee.

SCRep. 1621-88 Ocean and Marine Resources on S.C.R. No. 19

The purpose of this concurrent resolution is to authorize the Department of Land and Natural Resources disposition by way of an easement, certain government submerged land and land beneath tidal waters for the construction of certain offshore improvements.

Your Committee heard testimony from the Department of Land and Natural Resources (DLNR) in support of this concurrent resolution. The DLNR approved the disposition by way of an easement, covering a 1,726 sq. ft. portion of government submerged land at Heeia, Koolau-poko, Oahu for boat pier and shed purposes. The easement is proposed for a term of fifty years with the rental to be determined by independent appraisal.

Your Committee on Ocean and Marine Resources concurs with the intent and purpose of S.C.R. No. 19, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1622-88 Education on H.R. No. 371 (Majority)

The purpose of this resolution is to request the Department of Education to develop a program for Hawaiian Creole speaking students with limited English proficiency.

The Hawaii State Teachers Association, the Office of Hawaiian Affairs, the Concerned Women for America and several other individuals testified in favor of this resolution.

The Department of Education opposed the resolution on the basis that a comprehensive language arts program designed to meet the needs of all students, including Hawaiian Creole speakers, is already provided in Hawaii's public schools.

Your Committee recognizes that many students may be having problems with standard English and that this may be due to a lack of specific strategies or programs to deal with the specific needs of individual students whose first language is Hawaiian Creole. However, we do not feel that we can recommend a specific approach or program to the Department of Education, and that this decision is one that should be made by the Board of Education.

This title and the body of this resolution have been amended to ask the Department of Education to evaluate language arts programs for Hawaiian Creole speaking students with limited English proficiency. Language has been added to request a study of the feasibility of obtaining federal funds for this purpose, and to request the submission of findings and

recommendations to the next Legislature. A clause in the original draft relating to the number of students who need such programs has been deleted because your Committee could not verify this information.

Your Committee on Education concurs with the intent and purpose of H.R. No. 371, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 371, H.D. 1.

Signed by all members of the Committee except Representative Bunda.
(Representative Crozier did not concur.)

SCRep. 1623-88 Human Services on S.C.R. No. 160

The purpose of this Concurrent Resolution is stated in the title.

The Executive Office on Aging is the principal state agency responsible for the planning, evaluation, and coordination of programs, policies, and activities for the elderly. An important duty and responsibility of the Executive Office is the continuous updating of the Comprehensive Master Plan for Hawaii's Elderly. The 1988 update recognizes the diversity of our older adult population and addresses the economic, social, physical, and cognitive well-being of (1) the "vulnerable" most dependent segment of the older adult population, (2) the "transitional" relatively dependent to more dependent older adult population, and (3) the "self-sufficient" older adult population.

Your Committee finds that the plan articulates a clear direction and mission which recognizes the dynamic nature of society and permits flexibility to meet the challenges of physical and mental health, social welfare, consumer awareness and protection, housing, and transportation development. The 1988 update of the Comprehensive Master Plan for the Elderly is the blueprint for Hawaii's policy and program decisions now and in the future.

Your Committee further finds that the Master Plan can be enhanced by an increased emphasis on services for the Vulnerable Group.

Your Committee has amended the Concurrent Resolution by adding a **BE IT FURTHER RESOLVED** clause recommending that the Executive Office On Aging advocate for increased accessibility to and availability of social programs to address the needs of the Vulnerable Group.

Your Committee on Human Services concurs with the intent and purpose of S.C.R. No. 160, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 160, H.D. 1.

Signed by all members of the Committee except Representatives Kawakami, Tom and Cavasso.

SCRep. 1624-88 Human Services on S.C.R. No. 148

The purpose of this Concurrent Resolution is to request the Juvenile Justice Interagency Board, with the assistance of the Hawaii Youth Services Network Deinstitutionalization of Status Offenders Project, to conduct a comprehensive analysis of the youth gang problem in Hawaii.

Testimony indicated that the youth gang problem in Hawaii is becoming more extensive. However, more information is needed regarding the specific nature of the problem in Hawaii so that more effective efforts can be made to address it.

Your Committee has amended this Concurrent Resolution to include the Center for Youth Research of the University of Hawaii to participate in the study.

Your Committee on Human Services concurs with the intent and purpose of S.C.R. No. 148, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 148 H.D. 1.

Signed by all members of the Committee except Representatives Kawakami, Tom and Cavasso.

SCRep. 1625-88 Higher Education and the Arts on S.C.R. No. 84

The purpose of this concurrent resolution is to encourage increased coordination and cooperation among the University of Hawaii, its Research Corporation, and State and local agencies and organizations involved in high technology and economic development, in their efforts to diversify and develop the State's economy. The concurrent resolution also requests the Research Corporation of the University of Hawaii (RCUH) to be utilized as the property manager for all publicly supported incubator facilities and research and technology parks.

Your Committee finds that there currently exist working relationships among the University of Hawaii, the Research Corporation of the University of Hawaii, the High Technology Development Corporation, and the Pacific International Center for the Maui Economic Development Board. These partnerships were established as complementary forces in reducing program redundancy and maximizing integrated contribution to the diversification and development of Hawaii's economy. Moreover, publicly supported incubator facilities, research and technology parks, such as the Manoa Innovation Center, the Maui Research and Technology Center, and the Hilo Research and Technology Park, continue to seek property management expertise beyond their capabilities.

Your Committee is of the opinion that, as productive as these working relationships or partnerships may currently be, two needs remain unfulfilled. First, there is always a need for increased coordination and cooperation among these

agencies and organizations as Hawaii's high technology industry continues to expand. Second, there is a growing need for overview in property management, rather than disparate project-by-project determination in selecting property management services. Your Committee is in agreement that the Research Corporation has already been mandated with procedural advantages in managing the State's rapidly developing public technology development infrastructure and in providing increased support to the University's enhanced technology transfer activities.

Your Committee, feels that the title of the concurrent resolution is cumbersome and, if generalized, will still contain the full intent and purpose of this concurrent resolution. Therefore, your Committee has amended the title of this concurrent resolution.

Your Committee has also made a technical, non-substantive amendment.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of S.C.R. No. 84, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 84, H.D. 1.

Signed by all members of the Committee.

SCRep. 1626-88 Consumer Protection and Commerce and Legislative Management on S.C.R. No. 100

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to study and report on various problems concerning governance of condominiums and to propose feasible means and methods of dealing with such matters more effectively.

To better serve the intent of this concurrent resolution, your Committees have amended this measure to require that the requested study answer two additional questions:

(6) Are there adequate avenues of information to boards and owners concerning condominium laws and regulations?

(7) What is the extent of grievance problems experienced by condominiums with reference to items one through five above?

Your Committees on Consumer Protection and Commerce and Legislative Management concur with the intent and purpose of S.C.R. No. 100, S.D. 1, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 100, S.D. 1, H.D. 1.

Signed by all members of the Committees except Representatives Apo, Metcalf and Yoshimura.

SCRep. 1627-88 Consumer Protection and Commerce on S.C.R. No. 97

The purpose of this Concurrent Resolution is to request certain parties to meet during the 1988 Legislative Interim to jointly examine areas of disagreement and attempt to derive solutions to issues related to leasehold condominiums in Hawaii.

Specifically, the interested parties would meet under the auspices of the American Arbitration Association and attempt to resolve differences relating to, among other things: (1) condominium leasehold conversion; (2) lease rent control; (3) surrender clause restrictions; (4) problems of low owner-occupancy leasehold condominiums; (5) percentage of owners required to purchase (in the case of leasehold conversion); and (6) what formula or other method should be used to calculate the amount of purchase of leasehold interest or reimbursement at the end of a lease term.

Thousands of Hawaii's residents live in leasehold condominiums, and during the past several years many issues have been raised regarding renegotiation of leases, conversion of leasehold interest to fee simple, and rights of lessees upon the termination of leases. The Legislature has been actively trying to serve the public interest by examining proposals such as those listed above, and has found that there are several issues which might be resolved if the opposing parties could meet under favorable circumstances, discuss their differences, and reach mutually beneficial solutions which the Legislature could help to implement. This Concurrent Resolution suggests a forum for such discussions and makes the following specific provisions:

(1) Includes losing interest, longer leases, and the formula or method of computation for both sides among the list of leasehold issues which the Legislature has been discussing and which are slated for discussion during the proposed interim meetings;

(2) Provides that the parties to be represented at the discussions shall be the Bishop Estate, Castle Estate, and James Mee or another designated small lessor, on the part of the lessors, and the Hawaii Council of Associations of Apartment Owners (HACCO), the Hawaii Independent Condominium and Cooperative Owners (HICCO), and the HALE Coalition, on the part of the lessees;

(3) Requests the Attorney General and the Housing Finance and Development Corporation to act in an advisory capacity;

(4) Includes the new Condominium Specialist who is to be employed pursuant to S.B. No. 2501 as an active participant in the discussions;

(5) Provides that if the parties cannot afford the services of the American Arbitration Association, they may enlist the services of the Neighborhood Justice Center to conduct the proceedings; and

(6) Clarifies that the meetings and discussions shall be non-binding and shall not require the preparation of proposed legislation and dissenting reports but only a report of findings and recommendations.

It is the intent of your Committee that the relevance of any subject matter which may come up for discussion shall be left to the discretion of the participants.

Your Committee has amended this resolution to add a co-op lessor representative and a co-op lessee representative to the list of participants.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of S.C.R. No. 97, S.D. 1, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 97, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representatives Cachola and Yoshimura.

SCRep. 1628-88 Ocean and Marine Resources on S.C.R. No. 173

The purpose of this resolution is to request a comprehensive ocean recreation management plan for the State of Hawaii.

Your Committee heard testimony in support of this resolution. Testimony indicated that ocean recreation is growing very rapidly throughout the State and management of this activity to maintain a healthy environment and prevent user conflicts has become necessary.

Though the Department of Transportation formulated a Statewide Ocean Recreation Management Plan, it was found to be unacceptable by the Senate Tourism and Transportation Committees since it contained no real plan to resolve the problem of conflicting uses. Thus, Senate Concurrent Resolution 173 was introduced to request a revised plan that would be comprehensive and address the issues raised.

Your Committee has amended this resolution by deleting the phrases "commercial enterprises" and "commercial operation" and inserting the phrase "thrill craft".

Your Committee on Ocean and Marine Resources concurs with the intent and purpose of S.C.R. No. 173, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 173, H.D. 1.

Signed by all members of the Committee except Representatives Honda, Lee and Pfeil.

SCRep. 1629-88 Ocean and Marine Resources on S.C.R. No. 244

The purpose of this concurrent resolution is to authorize the Department of Transportation, pursuant to Section 171-60, Hawaii Revised Statutes, to lease and provide for the reclamation and development by a private developer or developers certain public and submerged lands at the northeast shore site of Ke'ehi Lagoon, Honolulu, Oahu, Hawaii, for recreational, educational and commercial purposes in conjunction with development of the northeast shore site plan for canoe facilities.

The lease is for approximately 20 plus acres of fast, submerged and tidal land in the northeast corner of Ke'ehi Lagoon at the mouth of Kalihi and Moanalua Streams adjacent of Nimitz Highway bordered by Ke'ehi Lagoon Park and Sand Island Access Road Industrial Subdivision.

Your Committee received testimony in support of this resolution. Testimony indicated that the proposed development would greatly enhance the recreational and environmental quality of the northeast corner of Ke'ehi Lagoon as it would provide improvements and landscaped areas for the paddling community and spectators.

Further testimony stated that the proposed canoe facilities on the northeast site can be Hawaii's only marine stadium for officiating canoe and other kinds of racing. It can also be the hub for outrigger canoeing in the world. In addition, the facility will not only be educational and cultural, but it will have the opportunity to build on King Kalakaua's preservation of the sport.

Your Committee has amended this resolution in the Be It Resolved clause to also authorize the Board of Land and Natural Resources to dispose of the lease described.

Your Committee on Ocean and Marine Resources concurs with the intent and purpose of S.C.R. No. 244, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 244, H.D. 1.

Signed by all members of the Committee.

SCRep. 1630-88 Higher Education and the Arts on S.C.R. No. 175

The purpose of this concurrent resolution is to urge the establishment of a center for the study of active volcanoes at the University of Hawaii at Hilo.

Your Committee was informed by the Hawaii Institute of Geophysics at the University of Hawaii that discussions between the faculty of the University of Hawaii at Manoa and the University of Hawaii at Hilo along with scientists of the Hawaiian Volcano Observatory have been on going for several years regarding the need for a more formal program for the dissemination of information about the monitoring of active volcanoes. The establishment of such a center supports the general goals of all parties and would be well received by the community.

The Committee also feels that such a center would provide "hands-on" experience for those students interested in the study of this area. Furthermore, such a center would be helpful in the monitoring of the volcano and the interpretation of relevant data regarding the volcano.

Your Committee has amended this concurrent resolution to allow for the consideration of the center to be dedicated to Madame Pele.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of S.C.R. No. 175, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 175, H.D. 1.

Signed by all members of the Committee.

SCRep. 1631-88 Water, Land Use, Development and Hawaiian Affairs on S.C.R. No. 55

The purpose of this concurrent resolution is to request the Department of Business and Economic Development (DBED) and the College Tropical Agriculture and Human Resources (CTAHR) of the University of Hawaii, assisted by the Department of Agriculture (DOA), to report on the means and costs of conducting a study of the agricultural and related land use of the Ka'u district for the economic and social benefit of the district and its residents.

Your Committee heard testimony from the Department of Business and Economic Development, the Board of Agriculture and the College of Tropical Agriculture.

Your Committee has amended this resolution by calling for the College of Tropical Agriculture to be the lead agency and by deleting the second "BE IT RESOLVED" clause at the suggestion of the College.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of S.C.R. No. 55, S.D. 1, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 55, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representatives Bunda, Honda, Lee and Say.

SCRep. 1632-88 Intergovernmental Relations on S.C.R. No. 204

The purpose of this concurrent resolution is to request Hawaii's Congressional Delegation to take all reasonable steps to ensure that the Hawaiian language is accorded the status of a native American language.

The Constitution of the State of Hawaii recognizes Hawaiian as one of two official state languages. Moreover, under various programs of the federal government Native Hawaiians have been recognized as native Americans. Therefore, it is appropriate that Hawaiian be officially recognized as a native American language so that Hawaii may receive appropriate benefits pursuant to federal programs.

Your Committee has amended the transmittal clause of this concurrent resolution by adding the Consultant to the State of Hawaii in Washington, D.C. to the list of those designated to receive certified copies.

Other nonsubstantive revisions have been made for purposes of style and clarity.

Your Committee on Intergovernmental Relations concurs with the intent and purpose of S.C.R. No. 204, S.D. 1, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 204, S.D. 1, H.D. 1.

Signed by all members of the Committee.

SCRep. 1633-88 Intergovernmental Relations on S.C.R. No. 192

The purpose of this concurrent resolution is to urge the United States Congress to support the United States-Canada Free Trade Agreement (FTA) and to include the affiliated independent Pacific nations in free association with the United States in the agreement.

The United States-Canada FTA is a trade liberalizing agreement that phases out Canadian tariffs, eliminates nontariff barriers, and generally improves access to the Canadian market, thereby encouraging further trade, cultural, and goodwill exchanges between the two nations.

Recently, there has been a tremendous increase in trade exchanges between Hawaii and Canada. For example, in 1986 Hawaii exported \$7.5 million worth of commodities to Canada. Major exports included fresh fruits and berries, fresh vegetables, fruit and vegetable products, aircraft parts, watches, clocks, jewelry, and electronic computers. In the same year, Hawaii imported from Canada approximately \$30 million worth of commodities such as newsprint paper, barley, meat, shingles and shakes, fertilizer, aircraft parts, office machines and equipment, prefabricated buildings, and

fabricated metal products. Moreover, the value of trade in services--including hotel accommodations, transportation, and other tourism-related services; insurance and financial services; and health care and social services--exceeded \$25.4 billion. It is only appropriate that those independent Pacific nations in free association with the United States share the benefits of this free trade.

Your Committee has amended the transmittal clause of this resolution by adding the Consultant to the State of Hawaii in Washington, D.C. to the list of those designated to receive certified copies of the resolution.

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

Your Committee on Intergovernmental Relations concurs with the intent and purpose of S.C.R. No. 192, S.D. 1, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 192, S.D. 1, H.D. 1.

Signed by all members of the Committee.

SCRep. 1634-88 Intergovernmental Relations on S.C.R. No. 156

The purpose of this concurrent resolution is to urge Congress to implement appropriate measures to mitigate the shortage of quality child care services and other factors that contribute to social maladjustment among military personnel and dependents stationed in Hawaii.

Hawaii presently has approximately 58,000 armed forces personnel and 66,000 dependents, many of whom work and socialize in the private sector to the benefit of the State and local communities. However, military personnel and family members also experience hardships such as low spousal employment and stress which could, to a large extent, be remedied by appropriate child care services. This concurrent resolution emphasizes that it is in the best interest of the State and the Nation to improve the quality of life for military personnel and dependents stationed in Hawaii and urges implementation of measures to improve the situation.

Your Committee has amended the transmittal clause of this measure by adding the Consultant to the State of Hawaii in Washington, D.C. to the list of those designated to receive copies of the concurrent resolution.

Other nonsubstantive revisions have been made for purposes of style and clarity.

Your Committee on Intergovernmental Relations concurs with the intent and purpose of S.C.R. 156, S.D. 1, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 156, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representative Jones.

SCRep. 1635-88 Intergovernmental Relations on S.C.R. No. 68 (Majority)

The purpose of this concurrent resolution is to urge the United States Department of the Navy to return the island of Kaho'olawe to the State of Hawaii and the County of Maui.

On March 18, 1981, Kaho'olawe, the smallest of the eight main islands of the State of Hawaii, was placed on the National Register of Historic Places in recognition of the historical, cultural, and educational value this island has to offer. Ironically, Kaho'olawe is the only area on the national or state registers used as a bombing and gunnery target by the United States military.

Executive Order 10436, which originally delegated control of Kaho'olawe to the Secretary of the Navy, mandates the return of the island to the State of Hawaii when it is no longer needed for naval purposes.

Your Committee has amended the transmittal clause of this concurrent resolution by adding the Consultant to the State of Hawaii in Washington, D.C. to the list of those designated to receive certified copies.

Your Committee on Intergovernmental Relations concurs with the intent and purpose of S.C.R. No. 68 and recommends its adoption.

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

SCRep. 1636-88 Intergovernmental Relations on S.C.R. No. 33

The purpose of this concurrent resolution is to urge the Secretary of the Navy to select Pearl Harbor, Hawaii as the homeport for the USS Missouri and its associated ships.

This concurrent resolution also requests that the Department of Education, the Department of Business and Economic Development, the Department of Land and Natural Resources, the Office of State Planning, and the Military Affairs Council of the Chamber of Commerce of Hawaii lend their support to this endeavor.

Your Committee has amended this resolution by requesting the departments participating in the homeporting effort to seek public input during their deliberations and planning.

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

Your Committee on Intergovernmental Relations concurs with the intent and purpose of S.C.R. 33, S.D. 1, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 33, S.D. 1, H.D. 1.

Signed by all members of the Committee except Representative Jones.

SCRep. 1637-88 Human Services and Intergovernmental Relations on S.C.R. No. 165

The purpose of this Concurrent Resolution is stated in the title.

Embodied in two bills in the United States Congress, H.R. 1003 and S. 476, the young Americans Act of 1987 would: (1) provide assistance in the development of new or improved programs to help young persons through grants to the states for community planning, services and training; (2) establish an administrative agency of Children, Youth and Families within the U.S. Department of Health and Human Services; and (3) provide for a White House Conference on Young Americans. In addition, this Act provides for financial grants of \$300,000 to states to plan and implement such assistance.

Your Committees have amended this Concurrent Resolution by including Hawaii's state lobbyist in Washington D.C. as one of the recipients of this Concurrent Resolution.

Your Committees on Human Services and Intergovernmental Relations concur with the intent and purpose of S.C.R. No. 165, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 165, H.D. 1.

Signed by all members of the Committees except Representatives Horita, Ihara, Kawakami, Souki, Tom, Cavasso, Marumoto and Medeiros.

SCRep. 1638-88 Ocean and Marine Resources on S.C.R. No. 31

The purpose of this Resolution is to request that the United States Congress appropriate funds for the development of technology to allow for the effective utilization of ocean resources.

Your Committees heard testimony from the Department of Business and Economic Development and the Hawaii Natural Energy Institute of the University of Hawaii in support of this resolution. Testimony indicated that one of the areas needing a great deal of work relative to the Exclusive Economic Zone (EEZ) is in ocean research technology to effectively manage and develop the resources at hand. In the U.S., the private sector has been slow to develop technology appropriate for long-term EEZ needs. In the past, funds have been allocated by the National Science Foundation for marine science research but virtually nothing for ocean resource technology. Thus, a Federal appropriation is required to spur the development of this technology.

In addition, your Committees have expressed concern over the environmental effects of seabed mining and has amended the language of the resolution to include ocean current measurement equipment to monitor the environmental effects of mining. Also, Hawaii's State lobbyist was included to receive copies of the resolution.

Your Committees on Ocean and Marine Resources and Intergovernmental Affairs concur with the intent and purpose of S.C.R. No. 31, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 31, H.D. 1.

Signed by all members of the Committees except Representative Takamine.

SCRep. 1639-88 Judiciary and Finance on S.C.R. No. 9 (Majority)

The purpose of this concurrent resolution is to request that all financial officers of state agencies, including the Employees Retirement System of the State, immediately begin divesting itself of all State moneys and securities belonging to or held in trust by the State in firms doing business with or in the Republic of South Africa (South Africa), and to be completely divested of these investments. State agencies are also requested to refrain from making further investments in firms doing business in South Africa until such time when the government of South Africa enforces and maintains a policy of racial desegregation.

Your Committees believe the situation in South Africa is unique and demands such action as provided for by this measure. By the passage of this concurrent resolution, however, your Committees do not intend to set any precedence to govern the trustees of the Employees Retirement System in the management of the funds.

Your Committees has amended this concurrent resolution by adding the phrase "do so by July 1, 1993; and" to paragraph 10.

Your Committees on Judiciary and Finance concur with the intent and purpose of S.C.R. No. 9, S.D. 1, and recommend its adoption in the form attached hereto as S.C.R. No. 9, S.D. 1, H.D. 1.

Signed by all members of the Committees except Representatives Horita and Tajiri.
(Representatives Cavasso and Jones did not concur.)

SCRep. 1640-88 Consumer Protection and Commerce and Legislative Management on S.C.R. No. 147

The purpose of this Concurrent Resolution was to request the sunrise review of the need to regulate businesses that process the public's money to third parties and in the course of that service, have custody of that money.

The review was to focus on those entities which handle monies on behalf of others and which are currently not subject to any form of regulation. These are largely entities which come close to fitting other current regulatory programs in the Department of Commerce and Consumer Affairs, but which for some reason do not.

Your Committees have amended this resolution to provide that instead of a sunrise review by the Legislative Auditor, a preliminary study be conducted by the Department of Commerce and Consumer Affairs.

Your Committees on Consumer Protection and Commerce and Legislative Management concur with the intent and purpose of S.C.R. No. 147, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 147, H.D. 1.

Signed by all members of the Committees except Representative Jones.

SCRep. 1641-88 Consumer Protection and Commerce and Legislative Management on S.C.R. No. 235 (Majority)

The purpose of this Concurrent Resolution is to request the Legislative Reference Bureau (Bureau) to draft a commercial landlord tenant code with special emphasis on addressing concerns relating to merchants who rent space on a short term basis.

Many such business persons, often new arrivals from Asia, operate on a month to month basis and are not afforded adequate protection of their interests under the law. This Concurrent Resolution primarily identifies those merchants operating in the International Market Place and Duke's Lane, but your Committees see this problem as being larger in perspective.

The Resolution specifically:

- (1) Requests the Department of Commerce and Consumer Affairs (DCCA) to assist the Bureau in developing the code;
- (2) Requests the Bureau and DCCA to also study and report on the conduct of operating licenses, leases, and sales where other than a standard lease is drawn up;
- (3) Includes oppressive business practices as a subject of the report;
- (4) Requests the Bureau and DCCA to survey other jurisdictions with similar land shortages and similar problems, and make recommendations for future legislation without delving into legal or criminal matters;
- (5) Requests the Bureau to submit a report of its findings and recommendations, along with a draft of the commercial landlord tenant code, to the Legislature no later than twenty days prior to the convening of the Regular Session of 1989; and
- (6) Provides for certified copies of the Concurrent Resolution to be transmitted to the Director of the Legislative Reference Bureau and the Director of Commerce and Consumer Affairs.

Your Committees have made amendments to this resolution to bring a sharper focus on the problem, beginning with changing the title to:

"REQUESTING THAT THE LEGISLATIVE REFERENCE BUREAU CONDUCT A STUDY OF THE UTILIZATION AND EFFECTS OF OPERATING LICENSES AND COMMERCIAL LEASES OF A SHORT-TERM OR INDETERMINATE NATURE",

Your Committees have also eliminated provisions with respect to the effects of displacement and made it clear that the purpose of this resolution is to assess the need for legislative action to eliminate possible inequities with respect to commercial tenants of the type described in the resolution.

Your Committees on Consumer Protection and Commerce and Legislative Management concur with the intent and purpose of S.C.R. No. 235, S.D. 1, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 235, S.D. 1, H.D. 1.

Signed by all members of the Committees except Representative Jones.
(Representatives Peters and Liu did not concur.)

SCRep. 1642-88 Transportation and Human Services on H.R. No. 260

The purpose of this resolution is to request the Department of Transportation to study the feasibility of providing special motor vehicle license plates to former prisoners of war, Pearl Harbor survivors, Medal of Honor recipients, disabled veterans, and their widows and widowers.

Your Committees find that such special motor vehicle license plates would be but a small token of the state's appreciation of the services rendered by these groups in the defense of the United States of America. Further, your Committees find that the Department of Transportation has no objection to conducting a study on the feasibility of providing special motor vehicle license plates to selected groups.

Your Committees received favorable testimony on this resolution from the Department of Transportation and the Department of Transportation Services.

Your Committees have amended this resolution to include other military related veterans groups, that are also deserving of recognition, to the scope of the study. Your Committees have further amended this resolution by appropriately changing the title. In addition, your Committees have added the Director of the City Department of Finance to the list of recipients of certified copies of this resolution.

Your Committees on Transportation and Human Services concur with the intent and purpose of H.R. No. 260, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 260, H.D. 1.

Signed by all members of the Committees.

SCRep. 1643-88 Transportation and Education on H.R. No. 142

The purpose of this resolution is to request the Department of Transportation to study the development of incentives that will encourage private schools to establish a school bus system.

A 1987 study revealed that fifty percent of all school traffic during peak travel hours on major roadways is composed of private school student transportation. A private school bus system would significantly reduce traffic congestion during peak travel hours.

Your Committee received favorable testimony on this resolution from the Department of Transportation and Charley's Taxi.

Your Committees have amended this resolution by making minor, nonsubstantive changes.

Your Committees on Transportation and Education concur with the intent and purpose of H.R. No. 142, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 142, H.D. 1.

Signed by all members of the Committees except Representatives Honda, Ihara, Lee, Takamine and Yoshimura.

SCRep. 1644-88 Transportation and Ocean and Marine Resources on H.R. No. 237

The purpose of this resolution is to find a suitable site for a launch ramp for commercial small boat operations near Waikiki.

Your Committees received testimony on this resolution from the Department of Transportation, the Department of Land and Natural Resources, and a commercial small boat operator.

Your Committees find that there are no launch ramps near Waikiki from which to launch small boats used for commercial activities.

Your Committees have amended this resolution to urge the Office of State Planning to consider the integration of a launch ramp for commercial and recreational vessels in the area between Kewalo Basin and Fort Armstrong.

This resolution has been further amended by your Committees to request the Office of State Planning to submit its findings to the Legislature prior to the convening of the Regular Session of 1989. Your Committees have also amended this resolution to name the Office of State Planning and the Department of Transportation as recipients of certified copies of this resolution.

Your Committees on Transportation and Ocean and Marine Resources concur with the intent and purpose of H.R. No. 237, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 237, H.D. 1.

Signed by all members of the Committees.

SCRep. 1645-88 Transportation and Agriculture on H.R. No. 317

The purpose of this resolution is to request the Department of Transportation to study the cost involved in the establishment of an x-ray checking system at entry points into the state, including airports and harbors, and to request the Department of Agriculture to study the illegal importation of undesirable animals and what resources might be necessary to ensure a better system to control such importation.

Your Committees find that the importation of undesirable non-domestic animals and insect pests, which might endanger Hawaii's unique ecosystem and threaten public health and welfare, has been steadily increasing. Your Committees further find that controls on the importation of such animals and insect pests could be improved without imposing an

unreasonable burden on visitors to the State of Hawaii, by such means as improved inspection procedures with respect to: airport checked and carry-on baggage; incoming air and maritime cargo; and private cargo companies.

Your Committees received favorable testimony on this resolution from the Department of Transportation, the Department of Agriculture, Life of the Land, and a concerned citizen.

Your Committees have amended this resolution by designating the Department of Agriculture to conduct a study of the importation of non-domestic animals through entry points into the State of Hawaii, including, but not limited to, airports and harbors. In addition, your Committees have amended this resolution to request the Department of Agriculture to also review its inspection procedures with respect to: airport checked and carry-on baggage; incoming air and maritime cargo; and private cargo companies. Your Committees have further amended this resolution by changing the title to reflect the purpose of this resolution. Further, your Committees have further amended this resolution by adding an additional clause, and by adding "insect pests" in the appropriate places in the body of this resolution.

Your Committees on Transportation and Agriculture concur with the intent and purpose of H.R. No. 317, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 317, H.D. 1.

Signed by all members of the Committees.

SCRep. 1646-88 Transportation on S.C.R. No. 129

The purpose of this concurrent resolution is to study the effects of reducing regulation of paratransit services.

Your Committee received favorable testimony on this concurrent resolution from Benjamin J. Cayetano, Lieutenant Governor; the Department of Transportation; the Public Utilities Commission; and Charley's Taxi.

Your Committee finds that the federal government has made substantial cuts in funding for mass transit and is consequently attempting to encourage local governments and the private sector to support local transportation system. The United States Urban Mass Transportation Administration's policy is to encourage paratransit services in a free market environment.

Your Committee also finds that although private sector paratransit services could supplement public transit services during peak hours, resulting in substantial lowering of public transit costs, there exists too many legal restrictions which have the effect of encumbering the establishment of private sector paratransit services.

Your Committee on Transportation concurs with the intent and purpose of S.C.R. No. 129, S. D. 1 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1647-88 Transportation on H.R. No. 178

The purpose of this resolution is to request that the Legislative Reference Bureau conduct a study on the merits, benefits, and costs of instituting a four-day workweek for state employees, including possible incentives designed to encourage private businesses to adopt a four-day workweek policy, should such a state policy prove to have a beneficial effect upon traffic congestion.

Your Committee received favorable testimony on this resolution from the Department of Personnel Services.

Your Committee finds that traffic along the State's major traffic corridors have exceeded the capacities of the corridors during peak travel hours. Because there are limitations on the expansion of existing and the building of new roadways it has become necessary to investigate innovative transportation policies to determine their potential for alleviating traffic congestion.

Your Committee has amended this resolution by requesting that the Department of Budget and Finance study the merits, benefits, and costs of instituting a four-day workweek for state employees, including possible incentives for private businesses to adopt a four-day workweek. In addition, your Committee has removed the requirement for state agencies to submit data for the study.

Your Committee has further amended this resolution by requiring the department to report its findings and recommendations to the Legislature twenty days prior to the convening of the Regular Session of 1989. Your Committee has also reduced the list of recipients of certified copies of this resolution to the Governor, Chief Justice of the Supreme Court, and Director of the Department of Budget and Finance.

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

Signed by all members of the Committee.

SCRep. 1648-88 Housing and Community Development on S.C.R. No. 43

The purpose of this Concurrent Resolution is to request that the Housing Finance and Development Corporation examine the feasibility of establishing and implementing a rental housing concept which calls for State lands to be sold at no cost or at nominal cost to a developer for the development of rental housing. A certain number of units in the rental project would be set aside for occupancy by military families, and rents would be established at a level agreeable to both the State and the developer.

The shortage of affordable housing continues to affect a substantial portion of the State's population, particularly those who cannot afford to purchase a home. Renters have been and continue to be faced with a tight rental market and it appears that at least 10,000 military families are living in non-military owned housing.

The Executive Director of the Housing Finance and Development Corporation concurs that alternative strategies to conventional methods of providing affordable and available rental housing should be explored and is willing to do an in-house study on the proposed concept.

Your Committee urges that the Housing Finance and Development Corporation examine the rental housing development concept described above, and determine the feasibility of establishing and implementing a rental housing development program based on that concept.

Your Committee on Housing and Community Development concurs with the intent and purpose of S.C.R. No. 43 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1649-88 Water, Land Use, Development and Hawaiian Affairs on S.C.R. No. 205

The purpose of this concurrent resolution is to request the Legislature to investigate, examine and identify the problems and issues relating to the Hawaiian Homes Lands Trust and the Public Land Trust.

Your Committee heard testimony from HPACH, the Department of Hawaiian Home Lands and the Office of Hawaiian Affairs.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of S.C.R. No. 205 and recommends its adoption.

Signed by all members of the Committee except Representatives Bunda, Honda, Lee and Say.

SCRep. 1650-88 Water, Land Use, Development and Hawaiian Affairs on S.C.R. No. 207

The purpose of this concurrent resolution is to request the Department of Land and Natural Resources to develop rules governing the use of kuleana lands in the Conservation District.

Your Committee heard testimony from the Department of Land and Natural Resources, the Office of Hawaiian Affairs, and HPACH.

Your Committee on Water, Land Use, Development and Hawaiian Affairs concurs with the intent and purpose of S.C.R. No. 207 and recommends its adoption.

Signed by all members of the Committee except Representatives Bunda, Honda, Lee and Say.

SCRep. 1651-88 Higher Education and the Arts and Education on H.R. No. 422

The purpose of this resolution is to request the Legislative Auditor to conduct a feasibility study on alternatives for funding and location of an interactive science center. These alternatives would include an inquiry on whether the State of Hawaii needs such a center, on whether the Bishop Museum is the most appropriate location for such a center, on the use of private or public funding, and on the kinds of science fields to be included in the center.

Your Committees find that the educational benefits of an interactive science center significantly supplement the cognitive, affective, and psychomotor skills development of learners, including adults. Such a center encourages its visitors to become actively involved by interacting with scientific exhibits, displays, and experiments. The dinosaur exhibition at the Bishop Museum is an example of an interactive science center where visitors may interact with and experience natural history.

According to testimony by the Department of Education, an interactive science center in Hawaii would help to develop a public awareness of and appreciation for the processes of scientific inquiry and to enhance opportunities for students to become scientifically and technologically literate.

Your Committees are in agreement that an interactive science center in Hawaii would be a major enhancement not only of education but also of modern arts inasmuch as it would attract a wide range of visitors and contribute to raising the quality of life in Hawaii's communities.

Your Committees are of the opinion that, given its overriding role in the education of Hawaii's young people, the Department of Education is better suited than the Legislative Auditor to conduct the feasibility study. Therefore, your Committees have amended this resolution to provide for the study to be conducted by the Department of Education.

Your Committees have also amended this resolution in Item 2 in the first "BE IT FURTHER RESOLVED" clause, by allowing the Department of Education to expand its consideration of the most appropriate location for the center, rather than to restrict its consideration of only the Bishop Museum as such location.

Your Committees has further amended this resolution to provide for the Department of Education to report back to the Legislature twenty days before the convening of the 1989 Regular Session.

Your Committees has also made technical, non-substantive amendments to this resolution.

Your Committees on Higher Education and the Arts and Education concur with the intent and purpose of H.R. No. 422, as amended herein, and recommend that it be referred to the Committee on Legislative Management, in the form attached hereto as H.R. No. 422, H.D. 1.

Signed by all members of the Committees.

SCRep. 1652-88 Higher Education and the Arts on H.R. No. 435

The purpose of this resolution is to request the University of Hawaii to provide a progress report on activities of the University of Hawaii's program for Faculty Development and Improvement in Teaching, as well as on activities of the Center for Teaching Excellence.

Your Committee heard testimony from the University in support of this resolution. Your Committee finds that the Center for Teaching Excellence is a unit, based on the Manoa campus, of the larger statewide program for Faculty Development and Improvement in Teaching. Two other units exist, the Center for Studies in Multicultural Higher Education and the Center for Instructional Support. All three units function in providing services to faculty which enhance undergraduate education by providing educational research findings applicable in the classroom and instructional support services including media, computer, and instructional technology assistance.

Your Committee has amended the resolution to reflect accurately the administrative structure and focus of the Faculty Development program:

1) To replace the title with "REQUESTING THE UNIVERSITY OF HAWAII AT MANOA TO REPORT ON THE PROGRESS OF ACTIVITIES OF ITS CENTER FOR TEACHING EXCELLENCE AND THE LARGER ACTIVITIES OF THE UNIVERSITY OF HAWAII'S PROGRAM FOR FACULTY DEVELOPMENT AND IMPROVEMENT IN TEACHING", because the Center is a unit within the Faculty Development program and because it focuses its services primarily on the Manoa campus;

2) To integrate the fifth and sixth "WHEREAS" clauses, to read as follows:

"WHEREAS", in order to improve the quality of instruction at the University of Hawaii, Manoa, the Center for Teaching Excellence was established in July, 1987, and was created as one unit in the larger program for Faculty Development and Improvement in Teaching; and";

because the language in the original resolution fails to denote accurately the administrative structure of the Faculty Development program; and

3) To specify, in the "BE IT RESOLVED" clause, the intent and purpose of the resolution, to read as follows:

"that the University of Hawaii at Manoa is requested to report on the progress of activities of its Center for Teaching Excellence and the larger activities of the University of Hawaii's program for Faculty Development and Improvement in Teaching".

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.R. No. 435, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 435, H.D. 1.

Signed by all members of the Committee.

SCRep. 1653-88 Higher Education and the Arts on H.R. No. 457

The purpose of this resolution is to request the State Foundation on Culture and the Arts, in cooperation with the Stadium Authority, to develop a plan of action for the commission and placement of an appropriate bust to recognize Mackay Yanagisawa's contributions to the State of Hawaii and the sporting community. The resolution also denotes that the Foundation seek adequate funding through Section 103-8, Hawaii Revised Statutes, relating to arts in State buildings, for the design, execution, and placement of the bust.

According to testimony, the State Foundation on Culture and the Arts concurs with the resolution in recognizing the numerous contributions of Mr. Yanagisawa to the growth of sports in Hawaii, and in cooperating with the Stadium Authority to develop an appropriate plan of action. However, your Committee finds that funding under Section 103-8,

Hawaii Revised Statutes, is derived from the construction costs of new State buildings, and that the Aloha Stadium is therefore no longer eligible.

Your Committee is in agreement that the plan of action is still desirable, and that, without funding this year, the plan should incorporate recommendations for funding through the Legislature next year. Therefore, the following amendments have been made to the resolution:

- 1) To delete the first "BE IT FURTHER RESOLVED" clause and replace it with the following clause:

"BE IT FURTHER RESOLVED" that the plan of action, including recommendations for funding, be submitted to the Legislature at least twenty days before the convening of the Regular Session of 1989";

- 2) To delete, in the last "BE IT FURTHER RESOLVED" clause, any reference to the Comptroller of the Department of Accounting and General Services.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.R. No. 457, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 457, H.D. 1.

Signed by all members of the Committee.

SCRep. 1654-88 Higher Education and the Arts on S.C.R. No. 86

The purpose of this concurrent resolution is to request a study on the feasibility of establishing child care centers throughout the University of Hawaii campuses.

Your Committee heard testimony in support of this concurrent resolution that indicated the urgent need for child care centers throughout the University of Hawaii system. The University of Hawaii's pilot child care center at the Manoa campus after only one year is at full enrollment and has a waiting list presently of 96 children who are in need of child care now. The parent/student population at the University will grow in the future, according to testimony, as more women seek higher education as a means to increase their earnings support for their families. The child care crisis for parent/students has been a continuing problem for years. According to testimony presented, there is a growing interest of parent/students in organizing to address the child care problem at the University of Hawaii.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of S.C.R. No. 86, S.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1655-88 Higher Education and the Arts on S.C.R. No. 185

The purpose of this concurrent resolution is to establish the Family Community Leadership (FCL) program as a permanent program within the College of Tropical Agriculture and Human Resources.

Hawaii is one of the six original Western states piloting the Family Community Leadership program since late 1981. Family Community Leadership is an educational program designed to increase the effective participation of family members in resolving important public issues affecting the quality of life in our State. The program features a team approach involving Extension Homemakers Club members, community volunteers, and Extension Faculty as equal participants in the program planning, management and implementation.

Grant funding was originally provided by the W.K. Kellogg Foundation with in-kind contributions provided by the University of Hawaii Cooperative Extension Service and the Hawaii Extension Homemakers Council. However, with the cessation of monies from the Kellogg Foundation in 1987, the program now needs assistance to help continue the statewide program.

Your Committee received favorable testimony from the College of Tropical Agriculture and Human Resources at the University of Hawaii-Manoa, along with members of the FCL program. The Committee finds that this program has given Hawaii national visibility through its leadership in helping to organize the national FCL program structure, curriculum, training materials and through efforts to disseminate the program nationwide. Your Committee finds that this program can help citizens develop the confidence and skills to make a difference in their communities.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of S.C.R. No. 185 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1656-88 Higher Education and the Arts on S.C.R. No. 93

The purpose of this concurrent resolution is to urge the Board of Regents to study the feasibility of restructuring the governance of Hawaii's post secondary education system.

Currently, the governance structure of the post secondary education system provides an integrated administrative and managerial system for a diverse series of educational units.

The Chairperson of the Board of Regents of the University of Hawaii pointed out to the Committee that periodic evaluations of the educational system would provide the opportunity to determine the strengths and weaknesses of the governance structure. Your Committee concurs with the sentiment of the Chairperson.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of S.C.R. 93 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1657-88 Higher Education and the Arts on S.C.R. No. 177

The purpose of this concurrent resolution is to request a study to meet staffing needs in human service delivery, in particular for investigation into the educational and training needs of citizens of the neighbor islands that would enable them to fill the vacancies in the Department of Human Services, and how the University of Hawaii can provide the educational and training services needed.

Your Committee heard testimony in support of this concurrent resolution from the Department of Human Services and the University of Hawaii. The testimony indicated that the educational and training needs of neighbor island citizens to meet the qualifications to fill vacancies in the Department of Human Services needs to be addressed.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of S.C.R. No. 177, S.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1658-88 Higher Education and the Arts on S.C.R. No. 184

The purpose of this concurrent resolution is to request that the University of Hawaii Institute for Peace initiate the organization of a peace conference by working with appropriate experts from the East-West Center. The Governor is also requested to appoint a committee to work in conjunction with the Institute for Peace and the East-West Center to determine the feasibility of having such a conference in Hawaii, particularly the funding and logistics of the effort.

The concurrent resolution also requests that the Institute for Peace, the Reverend Akaka Foundation, the East-West Center and the appointed committee work together to develop a list of invitees and an agenda for the conference. The conference would address issues such as regional, religious and ethnic conflicts as well as conflicts resulting from different economic systems, security, arms control, human rights, social justice and economic development.

Your Committee received favorable testimony from the University of Hawaii and finds that this concurrent resolution is a step in the right direction toward peaceful solutions to ongoing world conflicts.

Your Committee finds that a viable means for resolution to world conflicts is to organize a peace conference to address issues of peace and social justice. Hawaii would be an excellent place for such a conference because of the racial and cultural diversity of its residents and the Spirit of Aloha in these islands.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of S.C.R. No. 184, S.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1659-88 Higher Education and the Arts on S.C.R. No. 183

The purpose of this concurrent resolution is to urge the University of Hawaii to provide expertise and establish projects and programs of mutual benefit to both the University of Hawaii and the Honolulu Zoo.

Your Committee finds that both the University of Hawaii and the Honolulu Zoo are mutually beneficial to each other in the programs they provide each other.

The University of Hawaii testified in support of this concurrent resolution pointing out the many benefits the zoo offers to its students and the powerful teaching resources with which to stimulate young minds.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of S.C.R. No. 183, S.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1660-88 Human Services and Legislative Management on S.C.R. No. 25

The purpose of this Concurrent Resolution is stated in the title.

The group of persons 65 years and older is the fastest growing segment of our population today. Many of these elderly persons require increased medications concomitant to the normal aging process, but because of their incomes, they do not qualify for public medical assistance. Nonetheless, the high monthly cost of prescription drugs financially drains these elderly persons.

Eight other states have instituted pharmaceutical assistance programs. This concurrent resolution requests a study on the feasibility of implementing such a program to assist this gap group of elderly persons whose incomes are too high to receive public medical assistance, but cannot afford the increasing prohibitive costs of prescription drugs.

Your Committees on Human Services and Legislative Management concur with the intent and purpose of S.C.R. No. 25, and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1661-88 Human Services and Legislative Management on S.C.R. No. 49

The purpose of this concurrent resolution is stated in the title. The study is to be conducted by the Legislative Reference Bureau.

Your Committee finds that Hawaii's veterans population represents over 100,000 individuals, yet the number of adult residential care homes, intermediate nursing, and skilled nursing beds available to veterans in the State, is below average compared to other states. Steps are therefore necessary to provide adequate care for Hawaii's veteran population.

Your Committee finds that this Concurrent Resolution will provide the necessary data to comprehensively address these concerns of veterans.

Your Committees on Human Services and Legislative Management concur with the intent and purpose of S.C.R. No. 49, and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1662-88 Human Services on S.C.R. No. 154

The purpose of this concurrent resolution is to request the Department of Corrections to examine the feasibility of, and if found to be practicable, to develop a program for wards of the Hawaii Youth Correctional Facility (HYCF) to voluntarily assist in the Special Olympics.

Your Committee finds that a program incorporating the basic concept set forth in this concurrent resolution can enhance the lives of both the participating wards of HYCF and the Special Olympics athletes. The Special Olympics would benefit by securing needed volunteers to assist in conducting the athletic events, and participating HYCF wards would benefit by experiencing a unique and profoundly moving community event.

It is your Committee's feeling that the selection and involvement of low security risk wards would not pose a threat to Special Olympics athletes or the community at large.

Your Committee on Human Services concurs with the intent and purpose of S.C.R. No. 154, S.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1663-88 Human Services on S.C.R. No. 77

The purpose of this resolution is stated in the title.

Your Committee finds that Hawaii has the fastest growing population of elderly persons in the United States. A sizable portion of this population is persons eighty-five years and older who are in most need of long-term care services.

In 1985 the Executive Office on Aging began short and long-range planning relating to care of the elderly. Its result is the "Long-Term Care Plan for Older Adults" which establishes a foundation for long-term care policies and programs focusing on community based, in-home care. The plan examines services, systems development and coordination, quality of care, and financing issues.

Your Committee finds that this long-term care plan provides the state with important guidelines for the decent, progressive, and humane care of our present and future elderly.

Your Committee on Human Services concurs with the intent and purpose of S.C.R. No. 77, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1664-88 Consumer Protection and Commerce on S.C.R. No. 168

The purpose of this concurrent resolution is to urge the State to consider, during the next fiscal biennium, that the enhanced 911 (E911) system should be extended to serve every island in the State.

Your Committee received strong supportive testimony from the Office of the Mayor of Hawaii and Kauai counties, the Honolulu Police department, the State Department of Health, Hawaiian Telephone Company, as well as numerous concerned individuals.

Your Committee finds that the islands of Hawaii and Molokai are currently without 911 emergency phone service. The telephone network configuration servicing these two islands has precluded the economic installation of 911 emergency service.

The recently developed E911 service identifies emergency calls and the exact location utilizing a computerized tracing system. This is a significant enhancement over existing 911 systems as the emergency operator is able to immediately overcome any problems related to a verification of the location of the emergency. Verification of the source of an emergency call is a particular problem not addressed by currently installed 911 service systems. Specifically:

1. A single answering point for "911" calls, which may be sufficiently distant such as in rural areas, that the operator may be unfamiliar with the locale;
2. In some rural counties, some homes do not have formal addresses and the location is defined in terms of landmarks; and
3. Tourists can have extreme difficulty, particularly under the stress of an emergency situation, determining their location and communicating it correctly to the operator.

Your Committee finds that the cost of implementing the E911 service has prevented some counties from receiving the benefits of this service. In emergency situations, time is a critical factor which many times has life or death implications.

Your Committee recommends that appropriate consideration be given by the State to assist the counties in implementing an E911 system at the earliest possible date.

The resolution further requires that a certified copy of this concurrent resolution be sent to the Mayors of all the Counties.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of S.C.R. No. 168, S.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1665-88 Finance on S.C.R. No. 216

The purpose of this concurrent resolution is to request the Department of Taxation conduct a study on whether the State's tobacco taxes are being paid as required by law; who is keeping track of such payments; and the feasibility of affixing stamps on cigarette packs to evidence payment of the tobacco tax.

On April 14, 1988, your Committee heard H.C.R. No. 342 and H.R. No. 445, which is identical to this Senate concurrent resolution. Your Committee believes that untaxed cigarettes purchased through military outlets are being resold to the public in Hawaii. As a result, untaxed cigarette sales are depriving the State of revenues. To relieve this similar situation, forty-seven other states affix stamps on cigarette packs to evidence payment of each state's tobacco tax.

Your Committee on Finance concurs with the intent and purpose of S.C.R. No. 216 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1666-88 Judiciary on S.C.R. No. 3

The purpose of this concurrent resolution is to:

- 1) Encourage the criminal justice agencies of this State to take appropriate actions to promote the exchange of criminal fingerprint identification information with the member states of the Western Legislative Conference;
- 2) Request the Hawaii Criminal Justice Data Center to expedite the completion of Act 380, Session Laws of Hawaii 1987, relating to the Establishment of a Computerized Fingerprint Identification System and to plan for the eventual electronic exchange of such information;
- 3) Request the Legislative Auditor to study the feasibility of interfacing the Hawaii Automated Fingerprint Information System, and to incorporate their findings into the study provided for in Section 227A of H.B. No. 2081, H.D. 1, S.D. 1, relating to the State budget.

Your Committee on Judiciary concurs with the intent and purpose of S.C.R. No. 3, S.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1667-88 Judiciary on S.C.R. No. 107

The purpose of this concurrent resolution is to request a study of alternative sentencing for intrafamily child sex offenders.

Your Committee agrees with the testimony presented that post-conviction alternatives to incarceration should be explored for intrafamily sex abusers in order to achieve; besides punishment of the offender, the more important objectives of preventing revictimization of the child or children and rehabilitating the offender as well as the offender's family.

Your Committee on Judiciary concurs with the intent and purpose of S.C.R. No. 107, S.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1668-88 Intergovernmental Relations on S.C.R. No. 171

The purpose of this concurrent resolution is to urge Hawaii's congressional delegation to request the Army Corps of Engineers to assess the condition of drainage systems on Oahu.

The recent storm that hit Oahu on New Year's Eve left parts of the island in shambles. Hardest hit were the Windward and East Oahu areas. Although to a certain extent flooding is an act of God, much of the New Year's Eve flooding appears to have been caused by run-off water from clogged drainage canals and streams. The clogging was apparently caused by debris and overgrown vegetation.

This concurrent resolution urges Hawaii's congressional delegation to request the Army Corps of Engineers to assess the conditions and adequacy of the drainage systems in Niu Valley, Hahaione Valley, Kuliouou, Waimanalo, Kawainui Marsh, and other areas on Oahu and report its findings to the Governor and the Mayor of the City and County of Honolulu.

Your Committee on Intergovernmental Relations concurs with the intent and purpose of S.C.R. No. 171, S.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1669-88 Consumer Protection and Commerce on H.R. No. 386

The purpose of this resolution as received is to have the Legislature support adult care home operators in obtaining commercial insurance and to institute a study of alternative means for adult care homes to obtain insurance.

Testimony in favor of this resolution was received by the Department of Health and various individuals.

Your Committee finds that adult residential care homes constitute a sizeable portion of Hawaii's long-term care bed resources. Many of these care home facilities are unable to afford commercial insurance and in most cases have chosen to go without such insurance. It is therefore necessary that a study be made by the Department of Health and the Insurance Division of means by which adult health care homes may obtain appropriate insurance.

This resolution provides measures to facilitate obtaining fire and home owners' insurance be supported by the Legislature and be included in the study by the Department of Health and the Insurance Division.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.R. No. 386, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1670-88 Legislative Management on H.R. No. 368

The purpose of this resolution is to request a study of whether the roofing industry, including general contractors who do roofing, is adequately regulated to protect the interests of consumers.

Your Committee on Legislative Management concurs with the intent and purpose of H.R. No. 368, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1671-88 Legislative Management on H.R. No. 255

The purpose of this resolution is to request the Legislative Auditor to conduct a comprehensive evaluation of the Hawaii Public Employees Health Fund with the assistance of an employee benefit plan consultant to ascertain the following:

1. Whether a major change in the funding mechanism, e.g., self-funding, prefunding, or cafeteria benefits, might improve the cost-efficiency of the Health Fund;
2. Which administrative and programmatic cost containment measures might be effectively applied by the Health Fund;
3. The impact contributions might have on retiree pensions assuming that increases to the health insurance premiums will continue, if contributions will be required from retirees; and
4. The number of retirees with dual coverage (coverage under a spouse's private sector or federal government plan as well as the Health Fund plan) and the feasibility of paying such retirees cash as an incentive to drop the Health Fund's "free" insurance coverage.

Your Committee finds that this study will be beneficial in helping public employers deal with future increases in health care costs.

Your Committee on Legislative Management concurs with the intent and purpose of H.R. No. 255 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1672-88 Legislative Management on H.R. No. 273

The purpose of this resolution is to request the Legislative Reference Bureau to conduct a study of the feasibility of statutorily mandating employers to grant employees a parental or family leave to care for a newborn child of the employee, a child placed with the employee for adoption or foster care, or the employee's seriously ill child or parent.

The study should also consider various leave designs having duration and timing variables and cost implications of this proposal, as well as alternative solutions.

Your Committee on Legislative Management concurs with the intent and purpose of H.R. No. 273, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1673-88 Legislative Management on H.R. No. 25

The purpose of this resolution is to request the Legislative Reference Bureau to study the effects of employers in Hawaii offering their employees child care as an optional prepaid benefit, prepaid child care, or long-term care benefit options where the employee agrees to a corresponding decrease in other benefits.

Your Committee on Legislative Management concurs with the intent and purpose of H.R. No. 25, H.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1674-88 Legislative Management on H.R. No. 246

The purpose of this resolution is to request a study by the Legislative Reference Bureau to examine collateralization requirements and other restrictions applicable to deposits of public funds.

Your Committee believes it is important that the State adopt a safe and prudent investment strategy which yields a high rate of interest without sacrificing safety and liquidity objectives.

Your Committee on Legislative Management concurs with the intent and purpose of H.R. No. 246 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1675-88 Legislative Management on H.R. No. 320

The purpose of this resolution is to analyze the availability of residential care, intermediate care, and skilled nursing care for veterans throughout the State of Hawaii.

Your Committee finds that the State of Hawaii is one of eighteen states without a state-supported veterans' home. Yet, the veteran population represents over ten percent of the State's total population. Moreover, the number of adult residential care homes, intermediate nursing and skilled nursing beds available to veterans in the State is below average compared to other states. Steps are, therefore, necessary to provide adequate care for the State's veteran population.

Your Committee on Legislative Management concurs with the intent and purpose of H.R. No. 320 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1676-88 Legislative Management on S.C.R. No. 57

The purpose of this concurrent resolution is to request the Legislative Auditor to conduct a management audit of the Department of Corrections. This audit will ascertain the Department's progress in implementing past recommendations, identify the areas that require changes to improve the Department's administrative efficacy, and assist the Department in developing an improved formal management system.

Your Committee on Legislative Management concurs with the intent and purpose of S.C.R. No. 57, S.D. 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1677-88 Consumer Protection and Commerce and Legislative Management on S.C.R. No. 89

The purpose of this concurrent resolution is to request the legislative auditor to conduct an audit of the Public Utilities Commission (PUC).

This concurrent resolution also requests an analysis and update of the appropriate Hawaii Revised Statutes.

It has been thirteen years since the PUC has been audited. In the intervening thirteen years, technology, particularly in the field of telecommunications, has made significant changes to the regulated business environment. In some cases, such as common premises communication services, new businesses which have been created may not clearly fit into defined areas of regulated service.

Your Committees received testimony from the Department of Commerce and Consumer Affairs and the Public Utilities Commission in support of this bill.

Your Committees on Consumer Protection and Commerce and Legislative Management concur with the intent and purpose of S.C.R. No. 89, S.D. 1, and recommend its adoption.

Signed by all members of the Committees except Representatives Apo, Metcalf and Yoshimura.

SCRep. 1678-88 Consumer Protection and Commerce and Intergovernmental Relations on S.C.R. No. 186

The purpose of this Concurrent Resolution is to urge the financial community and the armed services to negotiate an interim agreement which protects credit worthy members of the armed services from losing their motor vehicles when they are transferred to new duty stations.

Section 476-26, Hawaii Revised Statutes, permits financial institutions to prevent or restrict members of the armed forces on active duty in Hawaii from removing their motor vehicles to new duty stations. Inconsistent application of this provision has created hardship on otherwise credit worthy individuals, and a prompt solution would be in the best interest of all concerned. This Concurrent Resolution would seek to bring the parties together to develop mutually agreeable legislation for presentation to the Fifteenth Legislature.

This Concurrent Resolution makes the following provisions:

(1) Clarifies that the affected credit worthy members of the armed forces are those who are moving to another station, continuing service, or on emergency deployment;

(2) Provides that the interested parties shall meet at the Chamber of Commerce for their discussions; and

(3) Clarifies that the meetings should result in proposed rather than permanent legislation.

It is the intent of the Committees that the parties who are urged to meet, in addition to those cited in the Concurrent Resolution, shall include the Commissioner of Financial Institutions, a representative of the Chamber of Commerce, a command representative of CINPAC, and a representative of the Hawaii Automobile Dealers Association.

Your Committees on Consumer Protection and Commerce and Intergovernmental Relations concur with the intent and purpose of S.C.R. No. 186, S.D. 1, and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1679-88 Ocean and Marine Resources and Intergovernmental Relations on H.R. No. 461

The purpose of this Resolution is to urge Congress to promote and support the application of satellite technology in the fishing industry, to restore federal funds to the Regional Aquaculture Center Program of the U.S. Department of Agriculture, and to expand membership in the Aquaculture Regional Center.

Your Committees received testimony in support of this Resolution. Testimony indicated that further research, development and implementation of satellite technology in the Pacific Region could greatly enhance the fishing economy. In addition, the United States Department of Agriculture (USDA) Regional Center Program was refunded in the Fiscal Year 1988, Continuing Budget Resolution and representation by all affected Pacific Islands in the Regional Center Program is being encouraged.

Your Committees have amended this Resolution to urge Congress to continue their support and expansion of the program and to include a representative from each of the United States affiliated Pacific Island Groups on the Board of Directors.

Your Committees on Ocean and Marine Resources and Intergovernmental Relations concur with the intent and purpose of H.R. No. 461, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 461, H.D. 1.

Signed by all members of the Committees except Representative Takamine.

SCRep. 1680-88 Ocean and Marine Resources and Higher Education and the Arts on S.C.R. No. 32

The purpose of this concurrent resolution is to request a study of possible sites for research and teaching related to the production of marine organisms for commercial purposes.

The University of Hawaii Sea Grant College Program submitted testimony expressing support of this resolution. Testimony indicated that commercial production of marine organisms (mariculture/aquaculture) has been shown to be feasible in the use of unadulterated sea water with tidal control and in an onshore source of cold, high nutrient, deep ocean water on the island of Hawaii. Though the monies will be quite limited, the staff of Hawaii Sea Grant College Program stated that the needs of this concurrent resolution can be met by making good use of Hawaii resident expertise.

Your Committee finds that the University expertise will be able to assess the needs for student research and training sites in line with the University of Hawaii's plans to develop aquaculture as an area of emphasis.

Your Committees on Ocean and Marine Resources and Higher Education and the Arts concur with the intent and purpose of S.C.R. No. 32, and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1681-88 Judiciary and Intergovernmental Relations on S.C.R. No. 111

The purpose of this concurrent resolution is to urge Congress to codify the "fairness doctrine" as part of our federal communications laws.

In practice, the "fairness doctrine" provides that if a broadcaster airs only one side of a controversial issue, the broadcaster must permit, if requested, members of the public the opportunity to present an opposing view point.

Since 1949, the "fairness doctrine" has existed as a federal regulation administered by the Federal Communications Commission. Enforcement is, to a degree, dependent on the commitment of appointees who reflect the philosophies of transitory administrations. The equitable and democratic principles embodied in the "fairness doctrine" warrant continuous and diligent enforcement, which can best be achieved by codification.

Your Committee heard testimony in support of this concurrent resolution.

Your Committees on Judiciary and Intergovernmental Relations concur with the intent and purpose of S.C.R. No. 111 and recommend its adoption.

Signed by all members of the Committees except Representatives Hirono, Horita and Yoshimura.

SCRep. 1682-88 Tourism on H.R. No. 469

The purpose of this resolution is to request the Department of Business and Economic Development to conduct a study regarding the feasibility of attracting professional sport teams to Hawaii particularly the National Football League and major league baseball for their training camps.

Your Committee received testimony supporting this resolution from the Department of Business and Economic Development as well as the Marketing and Management, Inc.

Your Committee finds that professional sport teams may find Hawaii a very attractive place to conduct their training camps. Hawaii has many advantages to offer sports teams such as the good weather conditions, as well as the availability of major sports facilities such as Aloha Stadium. In addition, bringing major sports teams to Hawaii could provide young athletes with the opportunity to try out for a major league team. Since Hawaii lost the Hawaii Islanders baseball franchise Hawaii's sports fans are presently without any "live" professional sporting activities; therefore by providing professional sports teams with training camps in Hawaii, Hawaii sports fans will be able to observe these national teams.

Your Committee also finds that attracting professional sports teams to Hawaii is a way to create new jobs and produce additional revenue for the State. Additional revenue will be generated not only by the athletes and the coaching staff but by the tourists who will visit Hawaii as a result of these professional sports training camps.

Your Committee on Tourism concurs with the intent and purpose of H.R. No. 469 and recommends its adoption.

Signed by all members of the Committee.