

SCRep. 1163 Finance on S.B. No. 1511

The purpose of this bill is to appropriate funds to acquire a mobile library for Kapaa Elementary School on the Island of Kauai. Specifically, funds will be used to purchase a library inventory, mobile carts, and shelving for students enrolled in kindergarten through sixth grade.

Testimony in support of this measure was received from the Department of Education, a number of Kapaa Elementary teachers, and the Parent Student Teachers Association of Kapaa Elementary School.

The bill has been amended by:

- (1) Inserting the nominal sum of \$1 in the appropriation section for purposes of continued discussion; and
- (2) Making technical, nonsubstantive revisions for purposes of style and clarity.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1511, SD 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1511, SD 1, HD 1.

Signed by all members of the Committee.

SCRep. 1164 Finance on S.B. No. 1797

The purpose of this bill is to:

- (1) Require persons convicted of crimes related to domestic abuse to provide adequate proof of compliance of the court's sentence;
- (2) Allow the court to waive the defendant's appearance at a proof of compliance hearing if a court officer has determined that the person convicted of crimes related to domestic abuse has complied with the conditions of the sentence ordered by the court; and
- (3) Appropriate funds to be expended by the Commission on the Status of Women to undertake a study to formulate methods of minimizing the occurrence of domestic violence in the State, and encourage healthy family relationships and individual self-esteem.

Supportive testimony was submitted by the Hawaii State Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu, the Hawaii State Commission on the Status of Women, the Children's Peace Flag, Child and Family Service, the Hawaii State Coalition Against Sexual Assault, the Family Peace Center, Fairness for Abused Women, the Hawai'i Women's Political Caucus, and concerned citizens.

The representative from the Hawaii State Commission on the Status of Women testified that the provision of statewide educational forums regarding the causes of spousal abuse and child abuse would substantially enhance the public's understanding of domestic violence as well as reduce the occurrence of domestic violence in the State of Hawaii.

Your Committee has amended the bill by:

- (1) Deleting the purpose clause of the bill because it does not reflect the bill's purpose; and
- (2) Making other technical, nonsubstantive amendments for purposes of style and clarity.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1797, SD 2, HD 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1797, SD 2, HD 2.

Signed by all members of the Committee.

SCRep. 1165 Finance on S.B. No. 1737

The purpose of this bill is to:

- (1) Appropriate moneys to the Hawaii Community-Based Development Revolving Fund for the provision of grants to traditional or small community-based businesses or enterprises; and
- (2) Amend Act 111, Session Laws of Hawaii 1990, to allow funds appropriated to be used for the provision of grants as well as loans.

Testimony in support of this measure was submitted by the Department of Business, Economic Development, and Tourism and several community organizations and individuals.

Your Committee has amended the bill by:

- (1) Appropriating \$2 for the purposes of further discussion; and

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

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1737, SD 2, HD 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1737, SD 2, HD 2.

Signed by all members of the Committee.

SCRep. 1166 Finance on S.B. No. 1390

The purpose of this bill is to:

- (1) Clarify the purpose, duties, and powers of the High Technology Development Corporation (HTDC);
- (2) Increase the limit on direct loans from the State to HTDC from \$500,000 at any one time to \$1,000,000; and
- (3) Allow one general member of the HTDC Board to be a State employee, and deletes the requirement that the University of Hawaii faculty member on the HTDC Board be from the Department of Engineering.

Testimony in support of this bill was submitted by the High Technology Development Corporation.

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

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1390, SD 1, HD 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1390, SD 1, HD 2.

Signed by all members of the Committee.

SCRep. 1167 Finance on S.B. No. 339

The purpose of this bill is to:

- (1) Allow the Hawaii Housing Authority (HHA) to make annual payments to a housing owner on behalf of a qualified rent supplement program tenant;
- (2) Amend the definition of "qualified tenant" in Section 359-123, HRS, in the HHA's Rent Supplement Program, to allow individuals receiving federal Supplemental Security Income (SSI) to receive rent supplement payments; and
- (3) Appropriate moneys to supplement funds in the HHA Rent Supplement Program.

The HHA, the Elderly Affairs Division of the City and County of Honolulu, the Hawaii Centers for Independent Living, the Affordable Housing Alliance, and the Catholic Services to the Elderly testified in support of this bill.

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

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 339, HD 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 339, HD 2.

Signed by all members of the Committee.

SCRep. 1168 Finance on S.B. No. 1449

The purpose of this bill is to increase the membership of the Board of Trustees of the Employees' Retirement System (Board) to eleven members to better represent the System's members and retirants.

This measure also requires the Employees' Retirement System to report to the Legislature on how to ensure a smooth transition when the composition of the existing Board is altered.

Testimony was submitted by the Employees' Retirement System, the American Association of Retired Persons, the State of Hawaii Organization of Police Officers, the Hawaii State Fire Fighters Association, the HGEA/AFSCME Retirees Unit, the University of Hawaii Professional Assembly, the Coalition of Hawaii State-Counties Retirees Association, and the Hawaii State Teachers Association.

Upon further consideration, your Committee has amended this measure by allowing retirants to purchase membership service credit for active military service from June 30, 1991 to December 31, 1993.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1449, SD 1, HD 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1449, SD 1, HD 2.

Signed by all members of the Committee.

SCRep. 1169**Finance on S.B. No. 1839**

The purpose of this bill is to deter repeat offenses by sex offenders and career criminals by requiring these individuals to submit to blood and saliva testing to be used for a DNA identification profile, which will allow law enforcement officials to identify re-offenders.

The Attorney General, who testified on behalf of the prosecutors and police chiefs of all four counties, supported this measure. A representative from the Judiciary also submitted testimony.

Your Committee concurs with the recommendations of the Attorney General and has made the following amendments to the bill:

- (1) Permitted the court to order the defendant to submit the necessary samples before sentencing, thereby providing a means of ensuring the sample is provided without placing this burden on the Judiciary;
- (2) Limited analysis to the offender population most likely to deposit bodily fluids in the course of repeating a violent offense and to provide substantial cost savings and permit the program to operate with fewer personnel;
- (3) Conformed the language to actual scientific procedure;
- (4) Permitted withdrawal of blood at public health facilities;
- (5) Deleted the appropriation section; and
- (6) Made technical, nonsubstantive amendments for the purposes of clarity and style.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1839, SD 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1839, SD 1, HD 1.

Signed by all members of the Committee.

SCRep. 1170**Finance on S.B. No. 1290**

The purpose of this bill is to enable the University of Hawaii Board of Regents to establish an optional retirement plan for employees appointed by the Board pursuant to Section 304-11, Hawaii Revised Statutes, and for members of bargaining units 7 and 8, as an alternative to their participation in the Employees' Retirement System.

This measure would require the University to contribute fifteen percent of each participant's basic annual earnings inclusive of stipends to the plan. The bill also provides that the Board will certify to the Governor each year the appropriation necessary to pay for the alternative retirement plan and include this amount in the general appropriation bill presented to the Legislature.

Testimony in support of this bill was received from the University of Hawaii, the University of Hawaii Professional Assembly, the TIAA-CREF, and the Variable Annuity Life Insurance Company. Testimony was also received from the Department of Budget and Finance, the Employees' Retirement System, and the HGEA/AFSCME.

Testimony indicated that this bill is needed to assist the University of Hawaii in recruiting quality faculty. Professional advancement in higher education often involves periodic moves from one institution to another; consequently, faculty members may have difficulty qualifying for benefits from the Employees' Retirement System due to its ten-year vesting period. An optional retirement plan in place of the Employees' Retirement System would be an added incentive to faculty considering the University of Hawaii.

Your Committee has amended this bill by allowing the University to provide an alternate optional retirement program for coaches, who also face the problem of remaining at the University long enough to vest in the Employees' Retirement System.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1290, SD 1, HD 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1290, SD 1, HD 2.

Signed by all members of the Committee.

SCRep. 1171**Finance on S.B. No. 1766 (Majority)**

The purpose of this bill is to promote the use of solar energy for water heating by requiring solar water heating in residential housing constructed on State lands, constructed with State funds, or subsidized by the State.

Testimony in support of this measure was submitted by the Housing Finance and Development Corporation (HFDC), the Department of Business, Economic Development, and Tourism, and the Sierra Club. Testimony was also submitted by the Gas Company and the Hawaiian Electric Company, Inc.

Your Committee has amended this bill by:

- (1) Requiring the installation of solar water heating equipment after January 1, 1992, instead of June 30, 1992;

- (2) Clarifying that if the HFDC determines that such conditions exist, it must install or require the installation of any other solar energy saving water heating device, which includes "heat pumps", deemed to be effective under the circumstances;
- (3) Deleting the provision that establishes a low-interest loan program to assist homeowners with the cost of the energy saving device; and
- (4) Making technical, nonsubstantive revisions for the purposes of style and clarity.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1766, SD 1, HD 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1766, SD 1, HD 2.

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

SCRep. 1172 Finance on S.B. No. 818

The purpose of this bill is to:

- (1) Provide for the establishment and regulation of family leave by the Department of Labor and Industrial Relations; and
- (2) Make appropriations to administer family leave provisions.

Specifically, this measure would enable qualified employees to take a total of three months of leave upon the birth of a child of the employee or the adoption of a child, or to care for the employee's child, spouse, or parent with a serious health condition. Family leave would not apply to employees of an employer with fewer than 50 employees.

Testimony in support of this measure was submitted by the Department of Labor and Industrial Relations; the State Commission on the Status of Women; the Maui County Committee on the Status of Women; the Kauai County Committee on the Status of Women; the Hawaii State Teachers Association; the Hawaii State AFL-CIO; the Hawaii Women's Political Caucus; the YWCA of Oahu; the Honolulu Branch of the American Association of University Women; the Hawaii Women Lawyers; the Hawaii Healthy Mothers, Healthy Babies Coalition; the Hawaii Federation of Business and Professional Women's Clubs, Inc.; and concerned individuals.

Testimony in opposition to this measure was submitted by the Office of Collective Bargaining, the Construction Industry Legislative Organization, Inc., the Chamber of Commerce of Hawaii, the National Federation of Independent Business, the Retail Merchants of Hawaii, and Kuni Dry Goods.

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

- (1) Reducing the maximum amount of family leave from three months to four weeks; and
- (2) Making family leave applicable to employees of an employer with 200 or more employees instead of 50 employees.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 818, SD 1, HD 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 818, SD 1, HD 2.

Signed by all members of the Committee.

SCRep. 1173 Finance on S.B. No. 1525

The purpose of this bill is to establish a marine and coastal affairs program within the Office of State Planning to develop an overall ocean resource plan and policy as well as to implement activities involving interagency coordination, communication facilitation, and conflict resolution.

Testimony in support of the intent of this measure was submitted by the Office of State Planning, the Department of Business, Economic Development, and Tourism, and the Office of the Mayor of Kauai.

Upon further consideration, your Committee has amended the bill to specify that the planning director of each county or a designated representative shall serve on the advisory council to ensure the counties' full participation and to facilitate intergovernmental coordination.

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

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1525, SD 2, HD 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1525, SD 2, HD 2.

Signed by all members of the Committee.

SCRep. 1174 Finance on S.B. No. 693

The purpose of this bill is to appropriate \$1,480,661 in fiscal year 1991-1992 and \$1,761,458 in fiscal year 1992-1993 to provide State moneys to match federal funds for services to individuals being served by the Nursing Home Without Walls Program.

The Nursing Home Without Walls Program provides home and community-based services to Medicaid eligible persons of all ages who are seriously or chronically ill or disabled. In preventing or delaying institutionalization of participants, this program offers a valuable alternative to nursing facility care for persons wishing and able to remain in their homes with loved ones.

Testimony in support of this measure was submitted by the Department of Human Services, the Commission on Persons with Disabilities, and the Hawaii Centers for Independent Living.

The measure has been amended by reducing the appropriation to one-half of the level previously noted. As a result, \$740,330 will be appropriated for fiscal year 1991-1992 and \$880,729 will be appropriated for fiscal year 1992-1993. Other corresponding revisions have been made for purposes of consistency.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 693, SD 2, HD 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 693, SD 2, HD 2.

Signed by all members of the Committee.

SCRep. 1175 Finance on S.B. No. 1892

The purpose of this bill is to authorize the issuance of special purpose revenue bonds in a total amount not to exceed \$10,000,000 to assist the Olokele Sugar Company with the construction and operation of an upgraded power generating system.

When completed, this system will increase Olokele Sugar Company's capacity to 7.5 megawatts of power, of which 5 megawatts would be sold to the Kauai Electric Company.

Representatives from the Department of Business, Economic Development, and Tourism and the Olokele Sugar Company testified in support of this measure.

Your Committee has 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. 1892, SD 1, HD 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1892, SD 1, HD 2.

Signed by all members of the Committee.

SCRep. 1176 Finance on S.B. No. 1718

The purpose of this bill is to encourage all practical means to control or eliminate pollution hazards posed by leaking underground storage tanks. This bill establishes various fees to be collected from licensed petroleum distributors and from owners or operators of underground storage tanks and deposited into the Underground Storage Tank Financial Responsibility Guarantee Fund.

The Department of Business, Economic Development, and Tourism; the Department of Taxation; the Department of Health, the Hawaii Automotive and Retail Gasoline Dealers Association; and two gasoline dealers testified on this measure.

Upon further consideration, your Committee has amended this bill by deleting its contents in its entirety and inserting language that deletes Section 342L-36.5, Hawaii Revised Statutes, relating to the Underground Storage Tank Financial Responsibility Guarantee Fund.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1718, SD 2, HD 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1718, SD 2, HD 2.

Signed by all members of the Committee.

SCRep. 1177 Finance on S.B. No. 113

The purpose of this bill is to appropriate \$77,038 in fiscal year 1991-1992 and \$58,078 in fiscal year 1992-1993 to study the nature of a potent marine toxin suspected of causing the recent deaths of two dolphins that lived in the lagoon of the Hyatt Regency Waikoloa Hotel in Kona, Hawaii.

Your Committee received testimony in support of this measure from the Department of Health and the College of Tropical Agriculture and Human Resources of the University of Hawaii.

Upon further consideration, the measure has been amended by:

- (1) Designating the Department of Health as the expending agency;

- (2) Appropriating the sum of \$1 for each fiscal year of the biennium for the purpose of continued discussion; and
- (3) Making other technical, nonsubstantive amendments for the purposes of style and clarity.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 113, SD 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 113, SD 1, HD 1.

Signed by all members of the Committee.

SCRep. 1178 Finance on S.B. No. 1462

The purpose of this bill is to appropriate funds to continue the Moving Image Preservation Project.

The Department of Business, Economic Development, and Tourism and the Hawaii Moving Image Project testified in favor of the bill.

Your Committee has amended the bill by changing the appropriation sums from \$50,000 to \$1 for the purposes of continued discussion.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1462, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1462, HD 1.

Signed by all members of the Committee.

SCRep. 1179 Finance on S.B. No. 1858

The purpose of this bill is to improve the performance of the Office of Youth Services (OYS) by:

- (1) Establishing four regional boards within the OYS to advise the OYS on:
 - (A) General policies relating to the youth service system;
 - (B) Monitoring and evaluating youth services as they relate to the coordination and integration of the youth service system within its region; and
 - (C) Pertinent issues related to the youth service system within its region;
- (2) Extending the termination date of the OYS oversight committee from 1992 to 1995; and
- (3) Appropriating funds to establish within the OYS four positions for regional directors of the boards, and for clerical staff and operation of the regional offices.

Testimony in support of the intent of this bill was received from the Office of Youth Services, the Juvenile Justice Interagency Board, the Department of the Attorney General, the Department of Education, the Center for Youth Research at the University of Hawaii, the Office of the Prosecuting Attorney of the County of Hawaii, and the Hawaii Youth Services Network.

Your Committee has amended the bill as follows:

- (1) Clarified that four lay people shall serve on each regional board to make up the total of eleven members; and
- (2) Made technical, nonsubstantive amendments for purposes of style and clarity.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1858, SD 2, HD 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1858, SD 2, HD 2.

Signed by all members of the Committee.

SCRep. 1180 Finance on S.B. No. 9

The purpose of this bill is to establish a Department of Environmental Protection, provided that the Legislature enacts the following amendments prior to July 1, 1992:

- (1) A determination of the functions and duties of the Department of Environmental Protection, including a determination of the programs and personnel to be transferred to the Department; and
- (2) The establishment of:
 - (A) A funding mechanism which would provide a minimum of two percent of the State's operating budget for the operational expenses of the Department;

- (B) A dual permit system with the Department of Health for activities which require both an environmental and health perspective; and
- (C) Methods to enhance interdepartmental coordination with regard to funding, and policy development;
- (D) An environmental enforcement team to develop and enforce departmental rules;
- (E) An environmental research fund to investigate issues of importance in the State; and
- (F) An environmental data system to correlate sources of pollution with locations of people who are affected by environmentally-influenced illness.

Testimony was submitted by the Department of Health, the Environmental Center of the University of Hawaii, and the Hawai'i Chapter of the Sierra Club.

The representative from the Environmental Center testified that the funding needs of a department cannot be assessed until the functions, duties, programs, and personnel are developed. The representative added that the need for an environmental research fund is also premature because the needs and the focus for the proposed Department of Environmental Protection have yet to be established.

Accordingly, your Committee has amended this bill by deleting references to funding mechanisms and the environmental research fund. Technical, nonsubstantive amendments were also made for purposes of style and clarity.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 9, SD 2, HD 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 9, SD 2, HD 2.

Signed by all members of the Committee.

SCRep. 1181 Finance on S.B. No. 1404

The purpose of this bill is to assist in providing permanent funding for the development of family literacy programs throughout the State by establishing the Public-Private Partners for Literacy Trust Fund.

Testimony in support of this measure was received from the Office of Children and Youth, the Hawaii Credit Union League, the Hawaii Community Foundation, and Hawaii Healthy Mothers, Healthy Babies Coalition.

Your Committee has amended this measure by:

- (1) Moving the language contained in subsection (f) of the new section to the purpose section of the bill; and
- (2) Making technical, nonsubstantive amendments for purposes of style and clarity.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1404, SD 2, HD 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1404, SD 2, HD 2.

Signed by all members of the Committee.

SCRep. 1182 Finance on S.B. No. 864

The purpose of this bill is to:

- (1) Change the High Technology Research and Development Fund into a revolving fund to allow any moneys not disbursed to be carried over for use in succeeding years;
- (2) Allow the Director of the Department of Business, Economic Development, and Tourism (DBED) to transfer funds from the Hawaii Capital Loan Revolving Fund, without any charges or fees, into the High Technology Research and Development Revolving Fund if that fund lacks money for projects and grants; and
- (3) Authorize the Director of DBED to transfer funds appropriated by Act 299, Section 13A, Session Laws of Hawaii 1990, to the High Technology Development Corporation to satisfy qualified fiscal year 1990-1991 requests for small business innovative research grants that have been deferred due to a lack of available funding.

The High Technology Development Corporation, the Hawaii Biotechnology Group, Inc., the Kaimuki Technology Enterprise Center, the Oceanit Laboratories, Inc., and the Maui Economic Development Board testified in support of this bill.

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

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 864, SD 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 864, SD 2, HD 1.

Signed by all members of the Committee.

SCRep. 1183 Finance on S.B. No. 831

The purpose of this bill is to allow the counties to:

- (1) Establish community facilities districts for the financing of special improvements, maintenance, or services in the county;
- (2) Levy a special tax on property located in the district, provided that properties owned by the state, federal, or other local governments shall be exempt; and
- (3) Issue bonds to provide funds for special improvements.

Testimony in support of this measure was submitted by the Business Development Council of the Chamber of Commerce of Hawaii, the Hawaii Island Economic Development Board, the Office of State Planning, the Hawaii Island Chamber of Commerce, the Department of Finance of the County of Hawaii, the Land Use Research Foundation, and other community organizations. The Tax Foundation of Hawaii and the Waikiki Improvement Association also submitted testimony.

Your Committee has amended this bill by:

- (1) Clarifying that owners of land refer to owners of property, whether in fee simple or leasehold; and
- (2) Making technical, nonsubstantive revisions for the purposes of style and clarity.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 831, SD 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 831, SD 2, HD 1.

Signed by all members of the Committee.

SCRep. 1184 Finance on S.B. No. 1340

The purpose of this bill is to:

- (1) Establish a Long-term Care Financing Board to design and administer a State Long-term Care Financing Program; and
- (2) Appropriate \$500,000 to the Executive Office on Aging to carry out the responsibilities and activities delineated.

The Executive Office on Aging (EOA) submitted testimony highlighting the findings of their research on long-term care. The findings, which have been verified by experts at the Brookings Institution and the Urban Institute, suggest that the cost of long-term care in Hawaii will continue to "skyrocket" beyond the average family's ability to pay. Those who are of retirement age and their children -- the "baby boomer generation" that will be sandwiched between the demands of their own children, their jobs, and the long-term care of their parents -- can be expected to suffer from financial and emotional stresses the most.

The EOA hypothesized that without a reliable program which can include a broad number of people, most families will not be able to afford long-term care for their members, and there may not be any significant financial incentives for private providers to develop or offer nursing home care or community-based and in-home services.

In addition to the EOA, representatives from the Department of Health, the Policy Advisory Board for Elderly Affairs for the EOA, the American Association of Retired Persons, the National Association of Retired Federal Employees, the Senior Citizen Club of Waimanalo, the Hawaii State Association of Life Underwriters, the HGEA/AFSCME, and the Kokua Council for Senior Citizens submitted testimony in support of this measure. A petition with approximately 230 residents supporting the measure was also submitted. The Chamber of Commerce of Hawaii submitted testimony opposing the measure.

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

- (1) Changing the proposed Long-term Care Financing Board to a Long-term Care Financing Advisory Board;
- (2) Deleting the provisions allowing the board to hire staff and set compensation levels;
- (3) Deleting the appropriation section in its entirety and the corresponding reference to the EOA as the expending agency for funds appropriated; and
- (4) Making technical, nonsubstantive revisions for purposes of style and clarity.

It is your Committee's intent that in developing and implementing the Long-term Care Financing Program for the state that there is a joint partnership of both public and private sectors, with input from the affected labor organizations. In addition, your Committee encourages a continuing dialog between the Long-term Care Financing Advisory Board to be

established under this bill and the "Blue Ribbon" Panel within the Department of Health which examine the financial and economic dynamics of the State's health care industry pursuant to Act 291, Session Laws of Hawaii 1990.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1340, SD 2, HD 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1340, SD 2, HD 2.

Signed by all members of the Committee.

SCRep. 1185 Finance on S.B. No. 712 (Majority)

The purpose of this bill is to:

- (1) Extend the public service company tax exemption for contract carriers by water through June 30, 1994; and
- (2) Require contract carriers claiming the public service company exemption to submit an annual financial report to the Department of Taxation and the Legislature.

American Hawaii Cruises submitted testimony in strong support of this measure noting that the cruise ship industry, a new industry in Hawaii, generates a substantial amount of business and taxes for the State, and has the potential for greater expansion and growth. The Maui County Council transmitted a resolution it adopted unanimously supporting this measure. Other individuals and organizations submitting supporting comments include: the Mayor of the City and County of Honolulu, the Chair of the Kauai County Council, the President/General Manager of McCabe, Hamilton and Renny Co., Ltd., the General Manager of Hawaiian Regent Hotel, and the President of Hawaii Stevedores, Inc.

The Department of Taxation and the Tax Foundation of Hawaii submitted comments questioning the need for the extension of the tax exemption.

Upon further consideration, your Committee has amended the bill to:

- (1) Retain the current statutory language exempting the gross income of the contract carrier from the public service company tax until June 30, 1991;
- (2) Exempt fifty percent of the gross income of the contract carrier from the public service tax from July 1, 1991, to June 30, 1994;
- (3) Require that the annual financial report submitted by the contract carrier and related partners, if any, include an apportionment of operations within and without Hawaii;
- (4) Require an annual financial report to be due on or before March 1, 1994;
- (5) Include the Department of Business, Economic Development, and Tourism as one of the agencies to receive the annual financial report; and
- (6) Provide the Director of Taxation with the power to determine whether the contract carrier or related partners, if any, are in compliance with the reporting requirements.

Other technical, nonsubstantive amendments have been made 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. 712, HD 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 712, HD 2.

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

SCRep. 1186 Finance on S.B. No. 2013 (Majority)

The purpose of this bill is to permit bona fide religious, charitable, service, fraternal, veteran, and nonprofit organizations to raise funds by conducting bingo and raffle games.

Your Committee recognizes the legitimate concerns raised by opponents of this measure. At the same time, your Committee is mindful of the positive results that could come about from this type of legislation, i.e., needed income to organizations that, in turn, will benefit the greater community. Moreover, your Committee believes that if sufficient restrictions and other controls can be included in the bill, then the State can ensure a legitimate program that is free of the often-mentioned concerns usually tied to such activities.

With prior concurrence from the previous committee which heard the bill, your Committee has made the following amendments:

- (1) Incorporated the chapter pertaining to raffle games into a part under the chapter pertaining to bingo, and renamed the chapter to appropriately reflect the contents. It is the Committee's intent to have the provisions apply to bingo and raffle games;
- (2) Changed the name of the Bingo Control Board to the Recreation Activities Control Board;

- (3) Incorporated definitions under the chapter of raffle games into the definitions under the chapter of bingo;
- (4) Amended the section pertaining to raffle tickets by requiring information to be printed on tickets to set stricter requirements on the form and content of raffle tickets;
- (5) Consolidated the penalty provisions in a separate part to make clear that these penalty provisions apply to violations of both bingo and raffle games;
- (6) Included a section mandating any organization required to file an annual report to the Board, to include in its report, if it had total receipts of more than \$50,000 during the preceding calendar year, a list of names and addresses of all persons winning prizes with a retail value of \$100 or more;
- (7) Amended Section 712-1220, Hawaii Revised Statutes (HRS), to exclude bingo and raffle games from the definition of gambling;
- (8) Deleted Section 5 amending Section 712-1231, HRS, and replaced Section 5 with a provision that excludes bingo and raffle games from Part III, Chapter 712, HRS, to make clear that bingo and raffle games are not subject to those gambling provisions; and
- (9) Made technical, nonsubstantive amendments for purposes of clarity and consistency.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2013, SD 2, HD 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2013, SD 2, HD 2.

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

SCRep. 1187 Finance on S.B. No. 277

The purpose of this bill is to authorize the issuance of special purpose revenue bonds to assist the Kauai Electric Division of the Citizens Utilities Company in an amount not to exceed \$42,000,000.

The bonds will be used to finance the multipurpose capital improvement program including: the acquisition of land; transmission lines; generating facilities, including two additional diesel generating units at the Port Allen station; and other power plant additions and electric systems.

Your Committee received testimony in support of this measure from the Department of Business, Economic Development, and Tourism.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 277, SD 2, HD 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1188 Finance on S.B. No. 1311

The purpose of this bill is to provide for the transfer of certain State parks to the counties and certain county parks to the State in order to better utilize the resources of each jurisdiction.

Testimony was submitted by the Department of Land and Natural Resources, the Department of Transportation, the City and County of Honolulu's Department of Parks and Recreation, the County of Hawaii's Department of Parks and Recreation, and the Mayor of Kauai.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1311, SD 1, HD 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1189 Finance on S.B. No. 1351

The purpose of this bill is to establish a revolving fund to receive and disburse income derived under the Randolph-Sheppard Act.

The Randolph-Sheppard Act allows blind and visually handicapped vendors to receive income from various sources, including vending machines situated on government property. The revolving fund established by this bill will serve as the authority by which income received under the Randolph-Sheppard Act may be utilized for the benefit of blind and visually handicapped vendors.

Specifically, this bill allows the proceeds of the fund to be used for the following purposes:

- (1) To establish and maintain three types of benefit packages for blind and visually handicapped vendors: retirement or pension plans, health insurance, and sick and vacation leave;

- (2) To maintain, repair, and purchase equipment for blind and visually handicapped vendors;
- (3) To allow the Department of Human Services to use moneys from the revolving fund to provide services for the State Committee of Blind Vendors; and
- (4) To provide other services for blind and visually handicapped vendors.

Your Committee received testimony in support of this measure from the Department of Human Services, the Commission on Persons with Disabilities, and the Hawaii Blind Vendors Association.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1351, SD 1, HD 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1190 Finance on S.B. No. 115

The purpose of this bill is to strengthen Hawaii's capability to study the living and geological resources of the 200-mile Hawaiian Exclusive Economic Zone by appropriating funds for the purchase of essential equipment.

Specifically, this bill appropriates:

- (1) \$350,000 for a conducting cable and winch to allow for the use of remotely-operated vehicles on the ocean floor; and
- (2) \$150,000 for a long baseline navigation system.

Testimony in support of this measure was received from the University of Hawaii, the Natural Energy Laboratory of Hawaii Authority, Makai Ocean Engineering, Inc., Hawaiian Dredging and Construction Company, and Edward K. Noda and Associates, Inc.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 115, SD 1, HD 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1191 Finance on S.B. No. 809

The purpose of this bill is to appropriate funds for the design and construction of a bike path and walkway makai of Kamehameha Highway from the entrance of Waimea Bay to the proposed City and County of Honolulu Waialeale Beach Park.

The Department of Transportation, Sunset Beach Elementary School, Sunset Beach Elementary PTCA, North Shore residents, and other interested individuals testified in support of the bill.

Your Committee has amended the bill by:

- (1) Inserting the sum of \$1 in the appropriation section for the purposes of continued discussion; and
- (2) Changing the expending agency from the Department of Accounting and General Services to the Department of Transportation.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 809, SD 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 809, SD 1, HD 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1192 Finance on S.B. No. 731

The purpose of this bill is to provide an income tax credit to qualified resident taxpayers to satisfy constitutionally mandated requirements.

Article VII, Section 6 of the Hawaii State Constitution states that whenever the State General Fund balance at the close of each of two successive fiscal years exceeds five percent of the General Fund revenues, the Legislature shall provide for a tax refund or tax credit to the taxpayers of the State.

Your Committee has amended this bill by:

- (1) Inserting the figure of \$1 as the amount of the tax credit;
- (2) Deleting the language that prohibited the availability of the tax credit to certain incarcerated persons who have been confined for more than three months; and

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

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 731, SD 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 731, SD 1, HD 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1193 Finance on S.B. No. 732

The purpose of this bill, as received, is to change the State's share of the transient accommodations tax (TAT) collections from five percent to an unspecified percentage and to allow the State to use its share for additional purposes.

Testimony on this measure was submitted by the Department of Taxation, the City and County of Honolulu, the County of Hawaii, the Tax Foundation of Hawaii, and the Conference of Oahu Neighborhood Boards. Your Committee recognizes the concerns raised by some of the testifiers that the counties need a reliable source of revenues to ensure the safe and efficient delivery of county services and programs to the people.

Upon further consideration, your Committee has amended this measure by deleting the substance of this measure and instead inserting provisions that would:

- (1) Allow each county, except the county of Kalawao, to establish a county general excise and use tax surcharge of not more than one percent; and
- (2) Repeal the transfer of the TAT to the counties by June 30, 1993.

By allowing the counties to establish a one percent general excise and use tax, it is your Committee's intent to provide the counties with a reliable and predictable source of revenue to ensure that necessary county services and programs are provided at a consistently high level of quality. At the same time, your Committee hopes that with this additional source of revenue, the real property tax rate will decrease, or at least remain stable, to ease the real property tax burden carried by Hawaii property owners.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 732, SD 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 732, SD 1, HD 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1194 Consumer Protection and Commerce on S.B. No. 212

The purposes of this bill are to:

- (1) Require towing companies to include on the written notice mailed to the legal owner and registered owner of a towed vehicle a statement providing the telephone number of the Office of Consumer Protection and the maximum towing charges and fees allowed by law; and
- (2) Provide to the owner of the towed vehicle, who recovers the vehicle prior to receiving the mailed notice, a receipt containing a statement of the telephone number of the Office of Consumer Protection and the maximum towing charges and fees allowed by law.

Your Committee heard supporting testimony from the Hawaii Bankers Association.

Your Committee finds that while most tow operators are honest and conscientious, some attempt to collect more than the maximum amount allowed by law. Both tourists and residents who may be unfamiliar with the maximum towing charges allowed under Section 290-11, Hawaii Revised Statutes, can be victimized. This measure would ensure that tourists and residents would be aware that complaints can be directed to the Office of Consumer Protection.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 212, SD 1, HD 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1195 Consumer Protection and Commerce on S.B. No. 1634

The purpose of this bill, as received by your Committee, is to increase the notice period for termination of a month-to-month tenancy from twenty-eight (28) days to forty-five days (45) days.

The Hawaii Association of Realtors testified against this measure indicating that the bill will not help alleviate the problems encountered in the rental housing market and in some instances the bill will make it more difficult for the tenant.

It was previously brought to your Committee's attention that many tenants have problems in locating affordable rental housing. Many tenants facing eviction have needed three to four months to relocate. During this time the tenants were at the mercy of the landlords because the landlord may or may not grant an extension of time to find housing. In many cases, the need for more time is based on the very low number of affordable rental housing units available.

Your Committee amended the bill by changing the notice period a tenant must give to the landlord from forty-five (45) days to twenty-eight (28) days, the current statutory time. The landlord is required to give the tenant 45 days notice of termination to give the tenant time to relocate. This additional time is required due to the unavailability and difficulty in locating affordable rental housing.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1634, SD 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1634, SD 1, HD 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1196 Consumer Protection and Commerce on S.B. No. 1212

The purpose of this bill is to clarify the certification requirements for physician assistants and to make nonsubstantive amendments for clarity.

The current law does not clearly state that an applicant for State certification as a physician assistant must hold a current certificate from the National Commission for the Certification of Physician's Assistants (NCCPA).

Your Committee heard testimony from the Board of Medical Examiners of the Department of Commerce and Consumer Affairs in support of this bill. The proposed amendments will ensure that the applicant passed the NCCPA examination and met the NCCPA criteria for recertification.

Your Committee has made technical, nonsubstantive amendments to this bill 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. 1212, SD 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1212, SD 1, HD 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1197 Consumer Protection and Commerce and Judiciary on S.B. No. 388

The purpose of this bill is to improve the process for registration of condominium projects and to revise the procedures for the review of documents and the issuance of public reports concerning condominium projects. The bill also provides for various non-substantive amendments to Chapter 514A, Hawaii Revised Statutes, concerning existing horizontal property regimes, for purposes of conformance and clarity.

Your Committees heard supporting testimony from the Hawaii Real Estate Commission and the Hawaii Developers' Council.

Chapter 514A, Hawaii Revised Statutes (HRS), concerns requirements for registration of documents of condominium projects. This bill facilitates the registration of condominium projects, the review of registration documents and proposed public reports, and expedites the issuance of public reports. The bill also makes uniform the provisions for condominium project registration and public reports, with the Uniform Land Sales Act (Chapter 484, HRS), time sharing plans (Chapter 514E, HRS) and federal subdivision laws.

Your Committees amended this bill pursuant to the recommendations of the Hawaii Real Estate Commission to substitute the regularly used term "legal non-conforming use" for "permitted non-conforming use", and to delete Section 514A-39, HRS, in order to eliminate ambiguities regarding the required disclosure of condominium projects.

Your Committees on Consumer Protection and Commerce and Judiciary are in accord with the intent and purpose of S.B. No. 388, SD 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 388, SD 1, HD 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees.

SCRep. 1198 Consumer Protection and Commerce on S.B. No. 1211

The purpose of this bill is to amend Chapter 447-1, Hawaii Revised Statutes, by revising the application deadline for the dental hygiene examination from thirty days to sixty days.

Supportive testimony was submitted by the Board of Dental Examiners (Board). The representative from the Board testified that the present thirty day deadline for dental hygiene applicants has exacerbated severe logistical and administrative problems for the licensing and examination branches of the Department of Commerce and Consumer Affairs (Department). Currently, the Department provides services to approximately forty other boards, commissions and programs. The representative added that the lengthening of the application period to sixty days would:

- (1) Ensure that the Department would have the necessary time to process dental hygiene applications without imposing undue hardship on applicants; and
- (2) Conform application processing periods with those applied to dental applicants.

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

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1211, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1211, HD 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1199 Water, Land Use and Hawaiian Affairs on S.B. No. 1819

The purpose of this bill is to extend the expiration date of Act 237, Session Laws of Hawaii 1988, from July 1, 1991, to July 1, 1993. Act 237 authorized the Department of Land and Natural Resources (DLNR) to help the permittees holding qualified agricultural or residential and home gardening revocable permits on State land by negotiating and converting these revocable permits to leases ranging from fifteen to thirty-five years. The expiration date originally set in Act 237 for this conversion opportunity was July 1, 1991.

DLNR testified that S.B. No. 1819, SD 1, HD 1, reflects the changes suggested by the Department and, therefore, they are in complete support of the bill.

Your Committee on Water, Land Use and Hawaiian Affairs is in accord with the intent and purpose of S.B. No. 1819, SD 1, HD 1, and recommends that it pass Third Reading.

Signed by all members of the Committee except Representative Santiago.

SCRep. 1200 Water, Land Use and Hawaiian Affairs on S.B. No. 1399

The purpose of this bill is to include meteorological, air quality, and noise data collection and monitoring facilities as permitted uses in low productivity agricultural lands.

According to the Department of Business and Economic Development (DBED), passage of this bill would facilitate the collection of useful environmental data in many areas of the State for which there is none currently available. The proposed new uses are already permitted within conservation districts and would be compatible with existing permitted uses in agricultural lands other than those with soil productivity classified as A or B.

DBED suggested that the Senate draft be amended to reflect the current House draft, H.B. No. 908, HD 1. The term "small-scale" was inserted at the beginning of the amendatory language to Section 205-2(d), Hawaii Revised Statutes. Also, adding the words "other scientific and environmental" to the description in the amendatory language of the types of facilities permitted, provides for the gathering of types of scientific data which would be useful to the State, but which were not foreseen by the original framers of the bill.

A few technical, nonsubstantive amendments were also made to the bill for the purposes of style and clarity.

Your Committee on Water, Land Use and Hawaiian Affairs is in accord with the intent and purpose of S.B. No. 1399, SD 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1399, SD 1, HD 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

**SCRep. 1201 Planning and Economic Development and Intergovernmental Relations and International Affairs
on S.B. No. 1344 (Majority)**

The purpose of this bill, as received by your Committees, is to clarify and strengthen the statewide planning process. Specifically, the bill:

- (1) Requires the Office of State Planning and other State agencies to conduct strategic planning activities to identify issues facing the State and formulate plans to address these issues; and
- (2) Transfers responsibility for preparing functional plan guidelines from the Office of State Planning to the Office of Budget and Finance to ensure that budget preparation reflects planning goals, objectives, policies, and priorities.

The bill would also abolish the State Plan Policy Council, whose functions are being carried out by advisory committees and special task forces.

Your Committees have amended this bill by deleting its substance and inserting the substance of H.B. No. 247, HD 1, with the exception of the appropriation section. This bill, which was previously heard, considered, and reported out of the Planning and Economic Development Committee, imposes a moratorium on construction or expansion of golf courses

within the Kaneohe Bay region until the year 1993. It further requires the Office of State Planning, in consultation with the Kaneohe Bay Task Force, to conduct a study to:

- (1) Determine the carrying capacity of the Kaneohe Bay region to sustain further golf course development; and
- (2) Identify and evaluate the cumulative impacts golf courses have on the social, cultural, and economic conditions of the people they employ and the region within which they are located.

Finally, it requires the Kaneohe Bay Task Force to include recommendations concerning golf course development in its Kaneohe Bay Master Plan.

Your Committees on Planning and Economic Development and Intergovernmental Relations and International Affairs are in accord with the intent and purpose of S.B. No. 1344, SD 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1344, SD 1, HD 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representative Kanoho.
(Representative Tam did not concur.)

SCRep. 1202 Health and Human Services on S.B. No. 246

The purpose of this bill, as received, is to amend Section 334-6, Hawaii Revised Statutes (HRS), to ensure that persons liable for hospitalization costs incurred at a psychiatric facility under state or county jurisdiction, make reasonable efforts to utilize private insurance, Medicare, or Medicaid to offset these costs.

Testimony was received in favor of the bill from the Department of Health, with suggested amendments, and the Mental Health Association of Hawaii. There was no testimony submitted in opposition to the bill.

Your Committees have amended the bill by:

- (1) Adding that the Department of Health's (Department) establishment and collection of charges for treatment services shall be pursuant to Chapter 91, HRS;
- (2) Removing text that gives specific direction to the Department in the collection of charges;
- (3) Expanding the scope of the bill to include costs incurred at Community Mental Health Centers; and
- (4) Deleting subsections (c), (d), and (e) of Section 334-6, HRS, which provide further direction to the Department in the collection of charges.

These amendments will allow the Department to establish rules that will ensure efforts to fully utilize private insurance, Medicare, and Medicaid. The Department has expressed a strong commitment to implementing more effective billing procedures in mental health treatments.

Your Committees on Health and Human Services are in accord with the intent and purpose of S.B. No. 246, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 246, HD 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representatives M. Ige and Peters.

SCRep. 1203 Consumer Protection and Commerce and Judiciary on S.B. No. 1188

The purpose of this administration bill is to bring Hawaii's measurement standards into alignment with national consensus standards for uniformity in weights and measures by amending Chapter 486, Hawaii Revised Statutes.

Your Committees received testimony from the Board of Agriculture (Board) supporting the bill and suggesting further changes which your Committees have incorporated.

The amendments to this bill include:

- (1) Increasing the administrative remedies so that they conform with the penalty sections;
- (2) Eliminating felony violations from this section. Your Committees deem these violations to be more appropriately considered misdemeanors;
- (3) Deleting the crime of "Impersonation" because this crime is already defined in the Penal Code. The crime of "Forgery" remains because it applies to specific items having to do with measurements and standards, such as official certificates; and
- (4) Standardizing the gender references to conform to accepted form in Hawaii Revised Statutes;

In addition, non-substantive, technical changes were made to this bill for purposes 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. 1188, SD 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1188, SD 1, HD 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees.

SCRep. 1204 Consumer Protection and Commerce and Judiciary on S.B. No. 699

The purpose of this bill is to prohibit the issuance, renewal, or transfer of liquor licenses for the on-site sale and consumption of alcohol to any establishment located within six hundred feet of a school, church, hospital, or public playground.

Testimony was submitted by the Hawaii Food and Beverage Association, the Hawaii Hotel Association, the Kihei Kauhale Community Association, the Kihei School Parent Teachers Association, the Kihei Community Association, the Department of Liquor Control of the County of Hawaii, and concerned citizens.

While this measure may reduce the frequency of motor vehicle accidents as well as promote a healthy learning environment for the children of the State of Hawaii, the over-encompassing nature of the language in the bill, as received, would produce certain adverse effects such as:

- (1) Eliminating approximately 33 percent of the 114 premises currently holding liquor licenses in the County of Kauai and approximately 35 percent of the 146 premises currently holding liquor licenses in the County of Hawaii;
- (2) Prohibiting the renewal of liquor licenses to many establishments located within Hawaii's resort areas, including Waikiki and Kailua-Kona; and
- (3) Restricting the issuance of liquor licenses from premises located in newly created resort areas -- establishments which need liquor licenses to be competitive.

Your Committees have amended this bill by deleting the substance and inserting the provisions of H.B. No. 532, HD 1, a similar bill, to stipulate that the issuance of liquor licenses for the on-site sale and consumption of alcohol to applicants located within 500 feet of a school shall be left to the discretion of the Liquor Commission.

In addition, the bill has been amended to provide that establishments located within areas designated as resort areas, as well as hotel liquor license applicants, are exempt from the aforementioned restrictions. Technical, nonsubstantive revisions were also made for the purposes of clarity and style.

Your Committees on Consumer Protection and Commerce and Judiciary are in accord with the intent and purpose of S.B. No. 699, SD 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 699, SD 1, HD 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representative Peters.

SCRep. 1205 Consumer Protection and Commerce on S.B. No. 1206

The purpose of this bill is to amend Chapter 439, Hawaii Revised Statutes, to clarify administrative procedures relating to Hawaii's cosmetologists and beauticians by:

- (1) Amending the effective period of temporary cosmetology permits from two years to a period of time covering the three consecutive examinations offered by the Board of Cosmetology after the permit's date of issuance;
- (2) Stipulating that a temporary cosmetology permit shall not be reissued to an applicant who fails to pass the third Board of Cosmetology examination;
- (3) Mandating beauty shops to:
 - (A) Maintain records of appointments and services for a period of three years; and
 - (B) Utilize equipment and facilities prescribed by the Board of Cosmetology;
- (4) Requiring that all cosmetology or beautician apprentices must work for a licensed beauty shop under the supervision of a licensed beauty operator in order to obtain a valid apprentice permit.

Testimony was submitted by the Board of Cosmetology, the National Assessment Institute, and a concerned cosmetology school owner.

Your Committee finds that this bill would amend existing statutory provisions to:

- (1) Clarify procedures and alleviate confusion related to the issuance and maintenance of cosmetology apprentice permits, temporary permits, and beauty shop licenses; and
- (2) Protect the interests and welfare of consumers by:

- (A) Providing a means for the Board to monitor apprenticeship training; and
- (B) Ensuring that all beauty shops have the means to provide adequate services to the general public.

Your Committee has made technical, nonsubstantive amendments to this bill 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. 1206, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1206, HD 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1206 Consumer Protection and Commerce on S.B. No. 1628

The purpose of this bill is to amend Chapter 460J-19, Hawaii Revised Statutes, by stipulating that Form PC-9 be used by pest control operators to complete written inspection reports of work sites.

Supportive testimony was submitted by the Pest Control Board and the Hawaii Pest Control Association.

Your Committee finds that this bill reflects industry practice and will help clarify when a written inspection report is required and the form to be used for the written inspection report.

Your Committee has amended this bill by conforming the bill to the provisions of H.B. No. 1772, HD 1.

In addition, your Committee has made technical, nonsubstantive amendments for the purposes of clarity and style.

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

Signed by all members of the Committee except Representative Peters.

SCRep. 1207 Consumer Protection and Commerce on S.B. No. 2097

The purpose of this bill is to amend existing law by permitting apartment owners to waive an annual audit of their association's financial account only if the association is comprised of fewer than twenty owners.

This bill also provides for the distribution of copies of the annual financial audit report to apartment owner at least thirty days prior to the annual meeting of owners. If the annual audit report is not completed within thirty days of the annual meeting of apartment owners, the boards must distribute to each owner an unaudited year end financial statement for the fiscal year and a copy of the annual financial audit report at the annual meeting or as soon as the audit is completed, whichever occurs later.

Testimony was submitted by the Hawaii Independent Condominium and Co-operative Owners, the Hawaii Council of Associations of Apartment Owners (Association), and the Hawaii Real Estate Commission.

Your Committee heard testimony that requiring apartment associations to bear the cost of distributing the annual audit reports or the other documents could add up and that making these documents available to owners would serve the intent as well.

In view of this testimony, your Committee has amended this bill by specifying that apartment associations shall make available copies of the financial audit report to apartment owners and by requiring the board of directors of apartment associations to provide either a summary of the financial audit report, or a copy of the financial audit report to those owners who have indicated upon the official proxy form their desire to obtain the information.

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

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 2097, SD 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2097, SD 1, HD 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Peters.

SCRep. 1208 Ocean and Marine Resources on S.B. No. 2053

The purpose of this bill is to consolidate the provisions of Chapter 422, Hawaii Revised Statutes (HRS), relating to fish marketing associations, into Chapter 421, HRS, relating to agricultural cooperative associations.

Your Committee heard testimony in support of this bill from the Department of Land and Natural Resources and an Agricultural Marketing Specialist with the Agricultural Cooperative Service, U.S. Department of Agriculture, testifying on his own behalf.

Your Committee finds that this consolidation would be beneficial to the fish marketing associations. For example, Chapter 422 still requires patronage refunds to nonmembers on the same basis as members unless time-consuming records are kept; but this is not the case for associations under Chapter 421. Moreover, it is easier for associations to organize under Chapter 421 than under Chapter 422.

Your Committee on Ocean and Marine Resources is in accord with the intent and purpose of S.B. No. 2053, SD 1, HD 1, and recommends that it pass Third Reading.

Signed by all members of the Committee except Representatives Bunda and Santiago.

SCRep. 1209 Consumer Protection and Commerce and Judiciary on S.B. No. 2007

The purpose of this bill is to create a new chapter in the Hawaii Revised Statutes entitled "Water Treatment Units" to regulate the sale, lease, distribution, and advertising of water treatment units.

Your Committees heard testimony from the Department of Commerce and Consumer Affairs (DCCA), the Hawaii State Department of Health, the Board of Water Supply, Associated Mill, Inc./POLLENEX, Amway Corporation, Shaklee Corporation, Water Quality Association, Kinetico, Inc., Ecowater Systems, and Servco Purewater Systems. All of the industry testifiers supported deletion of Sections 5(c) and 6 of the bill, arguing that those provisions were unnecessary and unduly burdensome.

Specifically, the bill as proposed prohibits the sale, lease, distribution, or installation of water treatment units unless the unit has been tested using industry or federally accepted product testing standards. The bill further requires every unit to be accompanied by written material stating manufacturer information, specifications of the unit, installation instruction, and other important consumer information. Additionally, this bill requires a clear statement in the contract regarding various prohibitions in connection with the sale of those products in Section 5(c) of the bill, prohibits unlawful advertising of water treatment units, provides additional requirements for door-to-door sales in Section 6 of the bill and sets out exchange policies.

Your Committees have amended Section 5(c) of this bill to incorporate language provided by DCCA and to require that information about the Office of Consumer Affairs also be provided to each prospective purchaser. Further, your Committees deleted Section 6 of the bill regarding additional disclosure requirements for door-to-door sales.

Your Committees have also made technical, nonsubstantive amendments to this bill for purposes 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. 2007, SD 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2007, SD 1, HD 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees.

SCRep. 1210 Consumer Protection and Commerce and Judiciary on S.B. No. 154

The purpose of this bill is to provide specific requirements for minimum content and labeling of Kona coffee.

Your Committees received testimony from the Board of Agriculture (Board), Lion Coffee, Kona Coffee Council, and Hawaii Food Industry Association. The Board proposed several amendments to this bill reflecting the consensus of the proponents of this measure.

Your Committees find that truth in labeling is vital to consumers. This bill will maintain the high quality of Kona coffee products and enhance enforcement within the industry as well as quality control and product differentiation.

The bill requires that all coffee made in Hawaii with Kona coffee beans be labeled to indicate whether it is a pure or blended product, specifies the size of type for the label, and further requires that there be a minimum of ten percent Kona coffee in a blend in order for its label to include the term "Kona".

Your Committees amended the bill as follows pursuant to the Board's suggestions:

- (1) Deleting the specifics as to size of type on the label but retaining the requirements of labeling;
- (2) Allowing the actual percentage of Kona coffee used in a blend to be stated on the label, while retaining the requirement that it be a minimum of at least ten percent and be so stated;
- (3) Amending Chapter 147, Hawaii Revised Statutes, rather than Chapter 486 because coffee export products are standardized within Chapter 147; and
- (4) Extending the effective date to January 1, 1992, to allow the industry to use its store labels and currently packaged coffee. The extension of the effective date will also allow the industry to gather data on the possible impact of this bill to present to the Legislature.

Your Committees on Consumer Protection and Commerce and Judiciary are in accord with the intent and purpose of S.B. No. 154, SD 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 154, SD 1, HD 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representative Peters.

SCRep. 1211 Consumer Protection and Commerce and Judiciary on S.B. No. 1168

The purpose of this administrative bill is to provide for a uniform professional and vocational licensing act for the various professions and vocations regulated by the State.

Your Committees heard supporting testimony from the Department of Commerce and Consumer Affairs (DCCA), the Hawaii Business League, and one individual licensee.

Currently, DCCA regulates approximately forty-four professions and vocations. This bill encompasses fundamental areas relating to licensing including the organization of boards and commissions, powers and duties of the licensing authority, the application process, licensee reporting requirements, licensing sanctions, and civil and criminal sanctions. This bill will fill voids in licensing statutes and provide uniformity and consistency in existing provisions that apply to applicants and licensees.

DCCA suggested several clarifying amendments, with which your Committees are in accord, as well as deletion of the portion of the sunset review cycle applying to real estate appraisers (Section 26H-4, Hawaii Revised Statutes) to comply with federal regulations which prohibit the sunseting of real estate appraiser regulations.

Your Committees on Consumer Protection and Commerce and Judiciary are in accord with the intent and purpose of S.B. No. 1168, SD 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1168, SD 1, HD 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representative Peters.

SCRep. 1212 Consumer Protection and Commerce on S.B. No. 1204

The purpose of this bill is to amend the laws relating to the regulation of long term care insurance.

Your Committee heard supporting testimony from the Department of Commerce and Consumer Affairs and the Retirees Unit of the Hawaii Government Employees Association.

Specifically, this bill:

- (1) Requires insurers to provide a policy summary for each individual life insurance policy providing long term care benefits;
- (2) Requires insurers to provide a monthly report to policyholders once payments have commenced under a life insurance policy;
- (3) Repeals the use of prior hospitalization or prior institutionalization as a requirement for a long term care policy;
- (4) Establishes prohibited practices and requires disclosure of certain requirements;
- (5) Allows an association, trust, or fund to maintain group long term care benefits for their members, and establishes requirements;
- (6) Amends the definition of long term care insurance, and prohibits policies from providing coverage for skilled nursing care only, or providing significantly more coverage for skilled nursing care in a facility than coverage for lower levels of care;
- (7) Provides a uniform six month limitation period for preexisting conditions, with no distinction based on age;
- (8) Requires delivery of an outline of coverage to a prospective applicant for long term care insurance when the initial solicitation is made;
- (9) Changes the requirements for contents of the outline of coverage; and
- (10) Allows the Insurance Commissioner to establish minimum standards for marketing practices, compensation arrangements, and reporting practices for long term care insurance.

The amendments proposed in this measure reflect the most recent amendments made to the National Association of Insurance Commissioners' (NAIC) model long term care insurance law, which served as the model for Hawaii's long term care law as originally enacted in 1987. Your Committee finds that the market for long term care insurance is increasing dramatically, and the types of long term care products and services available are increasing just as rapidly. This bill updates the current long term care law to promote the availability of long term care insurance coverage, and protects consumers by setting policy standards and providing coverage comparisons.

Your Committee has amended this bill by making several technical, nonsubstantive amendments for purposes of style and clarity, and to conform to recommended drafting style.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1204, SD 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1204, SD 1, HD 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Peters.

SCRep. 1213 Housing on S.B. No. 1249

The purpose of this bill is to amend Chapter 201E, Hawaii Revised Statutes, by:

- (1) Deleting the definition of "cash equity";
- (2) Amending the definition of "qualified resident" to clarify that in order to qualify, a resident and his or her spouse, if any, may not own a majority interest in fee simple or leasehold lands suitable for dwelling purposes except when husband and wife are living apart under a decree of separation;
- (3) Requiring preference to be given to qualified residents only with regard to the initial sale of market priced units developed and sold by the Housing Finance and Development Corporation (HFDC);
- (4) Providing that when the HFDC exercises its option to buyback dwelling units developed and sold under the chapter, the purchase price paid by the HFDC shall include simple interest on the original cost and capital improvements at the rate of one percent a year;
- (5) Providing that when a unit developed and sold under the chapter is transferred after the end of the tenth year from the date of purchase from the HFDC, the purchaser shall be required to pay the HFDC a share of the appreciation derived from the transfer as determined by rules; and
- (6) Allowing the HFDC to release repurchase restrictions if the dwelling unit is financed under a federally subsidized mortgage program.

Testimony in support of this measure was submitted by the HFDC and the City and County of Honolulu's Department of Housing and Community Development. The HFDC testified that preference should be given to qualified residents only in the initial sale of market priced units because it would be difficult to monitor subsequent sales and enforce qualified resident requirements with regard to these subsequent sales.

Your Committee has amended this bill by clarifying that Section 201E-222(a) restrictions on unit use shall not apply when the unit is sold pursuant to a mortgage foreclosure under Section 201E-221(c).

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

Your Committee on Housing is in accord with the intent and purpose of S.B. No. 1249, SD 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1249, SD 1, HD 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Peters.

SCRep. 1214 Housing on S.B. No. 1247

The purpose of this bill is to make amendments to Act 15, Session Laws of Hawaii 1988 (Act 15), with regard to housing projects developed by the Housing Finance and Development Corporation (HFDC). Specifically, this measure would:

- (1) Clarify that the counties are required to accept the dedication of streets, vehicular right of ways, and other public facilities or easements developed pursuant to Act 15 from the HFDC or developer;
- (2) Clarify that the subdivision, construction, and building standards of the State or county that are then in force, not otherwise exempt by the HFDC, will be the standards used in determining whether the subdivision or construction documents meet minimum standards of health and safety;
- (3) Provide that if no standards exist, the HFDC may develop standards to be used as a guide in the county review process;
- (4) Provide that when the corporation notifies the county that it has certified that the final plans and specifications of a project meet the requirements of the Act, the county will make the appropriate changes to conform its plans and standards to the corporation certified plans and specifications for the project and the land it covers. Any state or county agency concerned will treat the certified plans and specifications on the basis that they are the county standards for the project; and
- (5) Indemnify the counties against liability when they must accept the dedication of streets and other public facilities and easements pursuant to Act 15, or when the real property in any county is developed using exemptions from county standards under Act 15.

Your Committee received testimony from the County of Kauai Housing Agency, the City and County of Honolulu Department of Public Works and Department of Corporation Counsel, and the Housing Finance and Development Corporation.

The counties expressed concerns that they might be held liable for construction defects in construction that did not meet the county standards because of exemption provisions under Act 15. Concern was also expressed that the counties should not be liable for extraordinary maintenance. HFDC expressed concern that the previous amendments went too far in relieving the counties of liability for maintenance. HFDC expressed further concern that the protection from liability would even be effective if the public facilities were built to county standards and the county had approved the plans. The Department of the Corporation Counsel indicated in its testimony that an acceptable method of dealing with liability for damages might be to provide that the county would be liable for grossly negligent maintenance or would not be indemnified for "routine maintenance."

Your Committee finds that there has been inadequate communication between HFDC and the counties regarding the review and changes of plans and specifications during the development process. Your Committee expects that HFDC and the counties will hereafter take appropriate steps to ensure that their communication and cooperation in the review of plans and specifications will be close and effective in achieving the objective of providing affordable housing at an expeditious rate while meeting minimum requirements for health and safety.

As the HFDC rules now exist, if the county does not approve plans and specifications within thirty days of the time they are submitted, HFDC may take action to exempt the plans and specifications from county review. The counties feel that the thirty days are not sufficient to review the plans and specifications. Your Committee feels that HFDC should consider amending its rules to provide for a forty-five day review period to accommodate the concerns of the counties. In the interim, the counties should work as fast as possible to review plans and specifications within the thirty day period, and ask the HFDC to grant additional time as reasonably necessary. HFDC is urged to accommodate the counties and grant such extensions of time as are reasonably necessary and are allowed under the HFDC rules.

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

- (1) Requiring disclosure to purchasers of housing in the projects which have been developed under Act 15 that the project was developed under the provisions of Act 15 relating to the construction of affordable housing;
- (2) Requiring the State to cause construction defects affecting dwelling units developed under Act 15 to be corrected when claims are submitted within the time limitation of § 657-8, Hawaii Revised Statutes;
- (3) Providing that the State indemnification of the counties for maintenance does not extend to normal maintenance, negligent maintenance or negligent failure to maintain public facilities developed under exemption from county standards under the exemption provisions of Act 15 and dedicated to the counties; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and style.

It is the understanding of your Committee that this bill provides that the counties will perform routine maintenance on public facilities dedicated to them under the provisions of Act 15.

Your Committee on Housing is in accord with the intent and purpose of S.B. No. 1247, SD 1, HD 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1247, SD 1, HD 2.

Signed by all members of the Committee.

SCRep. 1215 Housing; Consumer Protection and Commerce; and Judiciary on S.B. No. 1255 (Majority)

The purpose of this bill, as received by your Committees, is to address the issue of land reform for leasehold condominiums and housing cooperatives by:

- (1) Providing for mandatory conversion of the lessor's defeasible fee interest appertaining to these units;
- (2) In conjunction with the conversion, establishing the compensation to the lessor in the amount of fifty percent of the value of the interest at its highest and best use; and
- (3) Upon each sale of the unit after conversion under the bill, requiring the seller to pay the lessor thirteen percent of the actual price or tax assessment value of the whole unit, whichever is higher.

Upon further consideration, your Committees have amended this bill by deleting the substance, and inserting therefor, the substance of H.B. No. 1982, HD 1, with amendments. Your Committees note that H.B. 1982, HD 1, passed out of the House of Representatives earlier this session after a public hearing before the House Committees on Housing and Consumer Protection and Commerce. Your Committees also note that although there are substantive differences between H.B. No. 1982, HD 1, and S.B. No. 1255, SD 1, considerable similarities exist, including the underlying intent, the shared appreciation concept, and several sections which are substantively the same.

The purpose of this bill is to:

- (1) Broaden opportunities for ownership of land used for housing;

- (2) Eliminate to the extent practicable the social and economic uncertainties that arise from the unpredictable risks inherent in long-term residential leases as negotiated in the past;
- (3) Extend the reach of the policies identified in and furthered in Chapter 516, Hawaii Revised Statutes (HRS); and
- (4) Provide alternatives and strategies to balance the concerns and interests of landowners with the critical needs of lessees of residential land in multifamily structures.

This bill applies to owners of projects leased to condominium apartment owners, owners of units in planned unit developments or cluster housing developments, and shareholders of cooperative housing corporations in which fifteen percent or more of the units within the development are owned by lessees or cooperative shareholders who are owner-occupants. As defined in the bill, owner-occupancy requires that the unit serve as the lessee or cooperative shareholder's principal place of residence for a period of not less than two years immediately prior to application for conversion, as well as during the period pending legal proceedings to acquire the fee.

Specifically, this bill adds a new chapter to the Hawaii Revised Statutes which provides as follows:

- (1) Designates the Housing Finance and Development Corporation (HFDC) as the agency in charge of administering the chapter;
- (2) Authorizes the HFDC to exercise the power of eminent domain or purchase under the threat of eminent domain, those developments, as defined in the chapter, wherein condominium units and units in planned unit developments, cluster developments, and cooperatives meet the aforementioned fifteen percent or more owner-occupancy requirement, and wherein twenty-five qualified lessees or cooperative shareholders or more than fifty percent of the qualified lessees or cooperative shareholders have applied to the HFDC to purchase the leased fee interest;
- (3) Requires the qualified owner/applicant to purchase the leased fee interest to the unit as well as the undivided leased fee interest equal to the percentage of common interest appurtenant to the owner's unit, from the HFDC by contract within sixty days of the acquisition of the leased fee interest by the HFDC;
- (4) Provides that only one unit shall be sold in fee simple to any one purchaser;
- (5) Establishes qualifications which the owner of the condominium apartment, unit in a planned unit development, cluster unit, or cooperative must meet in order to purchase the leased fee interest, including provisions which disqualify certain persons with revocable land trusts;
- (6) Provides alternative remedies to qualified lessees who are unable to qualify for mortgage loans to purchase the leased fee interest and allows lessors to avert the required sale of their leased fee interests by:
 - (A) Making an arrangement between lessor and lessees that is mutually agreeable to the qualifying lessees; or
 - (B) Agreeing to utilize the applicable special lease rent treatment formulas specified in the chapter and to either renew the lease under certain terms or compensate qualified lessees or cooperative shareholders for the then fair market value of all onsite improvements, irrespective of the surrender clause;
- (7) Provides special lease rent treatment formulas in connection with item (6) above, which are categorized by area median income, apply the consumer price index (CPI-U), as defined in the chapter, and add a percentage of the difference between the lease rent derived after application of the CPI-U and the lease rent which non-qualifying owners would pay;
- (8) Specifies how income is to be determined for purposes of applying the special lease rent treatment provisions;
- (9) Allows parties with disputes, with regard to application of the special lease rent treatment provisions, to seek remedy under chapter 658;
- (10) Requires reimbursement to the lessor in certain cases where a lessee who receives special lease rent treatment pursuant to the new chapter becomes unqualified to receive such treatment;
- (11) Clarifies that special lease rent treatment under this chapter shall not impact the appraisal of the leased fee interest at the time of conversion and shall not be considered in the computation of the value of the leased fee interest for conversion purposes;
- (12) Provides that a lessee may biennially apply for a certificate of eligibility for special lease rent treatment and allows the corporation to consider information provided by the lessee and other sources in verifying such eligibility;
- (13) Provides, in the case where a lessee purchases the leased fee interest under the new chapter and the unit is subsequently sold or resold within twenty years of that fee purchase, for sharing with the lessor of the appreciation derived from each resale under a sliding fee schedule;

- (14) Provides penalties applicable to any person who knowingly violates any provision of the new chapter and any applicant or other person who knowingly provides a false statement in connection with any application under the new chapter; and
- (15) Authorizes the HFDC to adopt rules pursuant to chapter 91 to carry out the purposes of the bill.

Representatives of the small landowners specifically requested that they be included in this legislation.

Your Committees have received exhibits and tables from the Lieutenant Governor's Office and the HFDC which exemplify the application of the special lease rent treatment formulas and the shared appreciation formula provided in the bill. For clarification purposes, your Committees have incorporated these exhibits and tables verbatim into this committee report, as follows:

Exhibit 1

TWO METHODS OF CALCULATING LEASE RENTS

A. SANDALWOOD example

		<u>Development</u>	<u>1 bdrm</u>	<u>2 bdrm</u>
Fixed lease rent:	1965	\$22,585.50/yr	\$17/mo	\$20/mo
	1980	\$27,102.60/yr	\$23/mo	\$27/mo
Renegotiated	1990	\$304,392/yr	\$242/mo	\$275/mo

B. CPI lease rent

CPI (1982-84 ave. = 100)

1965 CPI = 34.4

1990 CPI = 138.0

1965-90 increase = 401%

C. Two methods of calculating lease rents

1) CPI cap

1965 rent x 4.01 = new lease rent

1 bdrm. \$17/mo x 4.01 = \$68/mo

2 bdrm. \$20/mo x 4.01 = \$80/mo

2) AAILR cap (Refer to Table 1)

- a) Discount lease rent collections for each year back to the initial lease year by using the CPI. This results in expressing the lease rent for each year in dollars for the first year of the lease, in the case of the Sandalwood, in 1965.

To do this multiply the lease rent for each year by the CPI in the initial year (for the Sandalwood the 1965 CPI) and divide it by the CPI for the lease year in which the rent was collected.

Then figure the annual average discounted lease rent by dividing by the number of years in the fixed rent period.

AAILR 1965 base = ave. \$144.59/yr/unit =
ave. \$12.05/mo/unit

Apply the CPI increase over the 1965 to 1990 period (401%) to the AAILR base

1990 AAILR lease rent = \$12.05 x 4.01 = \$48.32

This is less than the rent computed using CPI method, so lessor would use first method in determining new lease rents.

The AAILR method will be more beneficial to lessors only if fixed rent period collections have exceeded inflation. The Attorney General's Office recommended this optional method to protect against a situation where the CPI cap might generate a lease rent lower than the last fixed lease rent. For the older leases this probably will not happen because fixed rent increases were nominal.

Its greatest impact will be on lease rents where there has already been a reopening because the bill does not apply retroactively. Take the Sandalwood as an example. The bill will not apply until the lease rent is next renegotiated in the year 2000.

1) CPI Method

1965 CPI 34.4
2000* CPI 192.2

1965-2000 increase = 559%

1 bdrm \$17/mo x 5.59 = \$95/mo in year 2000
2 bdrm \$20/mo x 5.59 = \$111.80/mo in year 2000

*CPI projections based on projecting out consumer prices based on the 1965-1990 trend (regression).

2) AAILR Method (Refer to Table 2)

1990 AAILR unit = ave. \$299.02/yr/unit = ave. \$24.92/mo/unit

Apply the CPI increase over the 1965 to 2000 period (559%) to the AAILR base

$\$24.92 \times 5.59 = \139.30

This is greater than the results of the CPI method, so lessor would use the AAILR method in determining new lease rents if cap did not apply until the second reopening.

Exhibit 2

SLIDING FEE SCALE

A. SANDALWOOD example

(assume eligible in 1990 for lease rent cap even though already negotiated and bill does not apply retroactively)

B. Lease Rent Break = Market Rent - CPI Capped Rent

1 bedroom = \$242 - \$68 = \$174
2 bedroom = \$275 - \$80 = \$195

C. Lease rent for owner occupants.

For a 4-person family, if adjusted gross income:

- 1) Does not exceed \$61,180 (140% of median family income), receives full lease rent break.

1 bdrm \$68 + \$0 = \$68
2 bdrm \$80 + \$0 = \$80

- 2) Is greater than \$61,180 (140%) but not exceeding \$65,550 (150%), pays CPI lease rent plus 15% of lease rent break.

1 bdrm $\$68 + (0.15)(\$174) = \$68 + \$26.10 = \$94.10$
2 bdrm $\$80 + (0.15)(\$195) = \$80 + \$29.25 = \$109.25$

- 3) Is greater than \$65,550 (150%) but not exceeding \$69,920 (160%), pays CPI lease rent plus 30% of lease rent break.

1 bdrm $\$68 + (0.30)(\$174) = \$68 + \$52.20 = \$120.20$
2 bdrm $\$80 + (0.30)(\$195) = \$80 + \$58.50 = \$138.50$

- 4) Is greater than \$69,920 (160%) but not exceeding \$74,290 (170%), pays CPI lease rent plus 45% of lease rent break.

1 bdrm $\$68 + (0.45)(\$174) = \$68 + \$78.30 = \$146.30$
2 bdrm $\$80 + (0.45)(\$195) = \$80 + \$87.75 = \$167.75$

- 5) Is greater than \$74,290 (170%) but not exceeding \$78,660 (180%), pays CPI lease rent plus 60% of lease rent break.

1 bdrm $\$68 + (0.60)(\$174) = \$68 + \$104.40 = \$172.40$
2 bdrm $\$80 + (0.60)(\$195) = \$80 + \$117.00 = \$197.00$

- 6) Is greater than \$78,660 (180%) but not exceeding \$83,030 (190%), pays CPI lease rent plus 75% of lease rent break.

1 bdrm $\$68 + (0.75)(\$174) = \$68 + \$130.50 = \$198.50$
2 bdrm $\$80 + (0.75)(\$195) = \$80 + \$146.25 = \$226.25$

- 7) Is greater than \$83,030 (190%) but not exceeding \$87,400 (200%), pays CPI lease rent plus 90% of lease rent break.

$$\begin{aligned} 1 \text{ bdrm } & \$68 + (0.90)(\$174) = \$68 + \$156.60 = \$224.60 \\ 2 \text{ bdrm } & \$80 + (0.90)(\$195) = \$80 + \$175.50 = \$255.50 \end{aligned}$$

- 8) Is greater than \$87,400 (200%), is not eligible for any lease rent break but pays same as non-qualifying lessees based on original lease terms.

$$\begin{aligned} 1 \text{ bdrm } & \$242 \\ 2 \text{ bdrm } & \$275 \end{aligned}$$

Exhibit 3

SHARED APPRECIATION FORMULA

AT TIME OF CONVERSION:

Upon Sale one year
later:

Leased Fee Value
Determined by Court: \$50,000

Value of Leasehold
(Improvements) \$100,000
\$150,000

SALE PRICE \$350,000
SALE COSTS -30,000
Net \$320,000

Appreciation between \$150,000 and \$320,000 is \$170,000. Appreciation percent: $\$170,000/\$150,000 = 113.3\%$.

The appreciation percent is then applied to the leased fee value. So 113.3% of \$50,000 = \$56,650 to be paid to the lessor.

Under the sliding scale, the \$56,650 would be diminished by 20% every two years as follows (assuming same sale price and costs):

<u>Year</u>	<u>Percentage</u>	<u>Leased Fee Value</u>	<u>Appreciation Percent</u>	<u>Amt Paid to Lessor</u>	<u>Amt Kept by "Owner"</u>
1 & 2	100% x	\$50,000 x	113.3 =	\$56,650	\$113,350
3 & 4	80% x	\$50,000 x	113.3 =	\$45,320	\$124,680
5 & 6	60% x	\$50,000 x	113.3 =	\$33,990	\$136,010
7 & 8	40% x	\$50,000 x	113.3 =	\$22,660	\$147,340
9-20	10% x	\$50,000 x	113.3 =	\$ 5,665	\$164,335

TABLE 1

YEARS	% 1965		TOTAL LEASE RENT PER YEAR	AVERAGE \$ 1965 DISCOUNTED DISCOUNTED RENT ANNUAL RENT PER UNIT	
	CPI-U	CPI-U			
1965 to 1966	34.40%	NA	\$22,585.50	\$22,585.50	\$237.74
1966 to 1967	35.30%	2.62%	\$22,585.50	\$22,009.67	\$231.68
1967 to 1968	36.30%	5.52%	\$22,585.50	\$21,403.34	\$225.30
1968 to 1969	37.70%	9.59%	\$22,585.50	\$20,608.52	\$216.93
1969 to 1970	39.40%	14.53%	\$22,585.50	\$19,719.32	\$207.57
1970 to 1971	41.50%	20.64%	\$22,585.50	\$18,721.47	\$197.07
1971 to 1972	43.20%	25.58%	\$22,585.50	\$17,984.75	\$189.31
1972 to 1973	44.60%	29.65%	\$22,585.50	\$17,420.21	\$183.37
1973 to 1974	46.60%	35.47%	\$22,585.50	\$16,672.56	\$175.50
1974 to 1975	51.50%	49.71%	\$22,585.50	\$15,086.24	\$158.80
1975 to 1976	56.30%	63.66%	\$22,585.50	\$13,800.02	\$145.26
1976 to 1977	59.10%	71.80%	\$22,585.50	\$13,146.21	\$138.38
1977 to 1978	62.10%	80.52%	\$22,585.50	\$12,511.13	\$131.70
1978 to 1979	66.90%	94.48%	\$22,585.50	\$11,613.47	\$122.25
1979 to 1980	74.30%	115.99%	\$22,585.50	\$10,456.81	\$110.07
1980 to 1981	83.00%	141.28%	\$27,102.60	\$11,232.88	\$118.24
1981 to 1982	91.70%	166.57%	\$27,102.60	\$10,167.17	\$107.02
1982 to 1983	97.20%	182.56%	\$27,102.60	\$9,591.87	\$100.97
1983 to 1984	99.30%	188.66%	\$27,102.60	\$9,389.02	\$98.83
1984 to 1985	103.50%	200.87%	\$27,102.60	\$9,008.01	\$94.82
1985 to 1986	106.80%	210.47%	\$27,102.60	\$8,729.68	\$91.89
1986 to 1987	109.40%	218.02%	\$27,102.60	\$8,522.21	\$89.71
1987 to 1988	114.90%	234.01%	\$27,102.60	\$8,114.27	\$85.41
1988 to 1989	121.70%	253.78%	\$27,102.60	\$7,660.88	\$80.64
1989 to 1990	128.70%	274.13%	\$27,102.60	\$7,244.21	\$76.25
1990	138.00%				

% CPI Increase Sum of the
 1965 to 1990 = 401.16% present values = \$343,399.41 \$3,614.73

Sum / 25 Years = \$13,735.98 \$144.59

TABLE 2

YEARS	% 1965		TOTAL LEASE RENT PER YEAR	\$ 1965 DISCOUNTED ANNUAL RENT	AVERAGE DISCOUNTED RENT PER UNIT
	CPI-U	CPI-U			
1965 to 1966	34.40%	NA	\$22,585.50	\$22,585.50	\$237.74
1966 to 1967	35.30%	2.62%	\$22,585.50	\$22,009.67	\$231.68
1967 to 1968	36.30%	5.52%	\$22,585.50	\$21,403.34	\$225.30
1968 to 1969	37.70%	9.59%	\$22,585.50	\$20,608.52	\$216.93
1969 to 1970	39.40%	14.53%	\$22,585.50	\$19,719.32	\$207.57
1970 to 1971	41.50%	20.64%	\$22,585.50	\$18,721.47	\$197.07
1971 to 1972	43.20%	25.58%	\$22,585.50	\$17,984.75	\$189.31
1972 to 1973	44.60%	29.65%	\$22,585.50	\$17,420.21	\$183.37
1973 to 1974	46.60%	35.47%	\$22,585.50	\$16,672.56	\$175.50
1974 to 1975	51.50%	49.71%	\$22,585.50	\$15,086.24	\$158.80
1975 to 1976	56.30%	63.66%	\$22,585.50	\$13,800.02	\$145.26
1976 to 1977	59.10%	71.80%	\$22,585.50	\$13,146.21	\$138.38
1977 to 1978	62.10%	80.52%	\$22,585.50	\$12,511.13	\$131.70
1978 to 1979	66.90%	94.48%	\$22,585.50	\$11,613.47	\$122.25
1979 to 1980	74.30%	115.99%	\$22,585.50	\$10,456.81	\$110.07
1980 to 1981	83.00%	141.28%	\$27,102.60	\$11,232.88	\$118.24
1981 to 1982	91.70%	166.57%	\$27,102.60	\$10,167.17	\$107.02
1982 to 1983	97.20%	182.56%	\$27,102.60	\$9,591.87	\$100.97
1983 to 1984	99.30%	188.66%	\$27,102.60	\$9,389.02	\$98.83
1984 to 1985	103.50%	200.87%	\$27,102.60	\$9,008.01	\$94.82
1985 to 1986	106.80%	210.47%	\$27,102.60	\$8,729.68	\$91.89
1986 to 1987	109.40%	218.02%	\$27,102.60	\$8,522.21	\$89.71
1987 to 1988	114.90%	234.01%	\$27,102.60	\$8,114.27	\$85.41
1988 to 1989	121.70%	253.78%	\$27,102.60	\$7,660.88	\$80.64
1989 to 1990	128.70%	274.13%	\$27,102.60	\$7,244.21	\$76.25
1990 to 1991	138.00%	301.16%	\$304,392.00	\$75,877.43	\$798.71
1991 to 1992	143.40%	316.86%	\$304,392.00	\$73,020.12	\$768.63
1992 to 1993	148.80%	332.56%	\$304,392.00	\$70,370.19	\$740.74
1993 to 1994	154.30%	348.55%	\$304,392.00	\$67,861.86	\$714.34
1994 to 1995	159.70%	364.24%	\$304,392.00	\$65,567.22	\$690.18
1995 to 1996	165.10%	379.94%	\$304,392.00	\$63,422.68	\$667.61
1996 to 1997	170.50%	395.64%	\$304,392.00	\$61,413.99	\$646.46
1997 to 1998	175.90%	411.34%	\$304,392.00	\$59,528.62	\$626.62
1998 to 1999	181.40%	427.33%	\$304,392.00	\$57,723.73	\$607.62
1999 to 2000	186.80%	443.02%	\$304,392.00	\$56,055.06	\$590.05
2000	192.20%				

% CPI Increase Sum of the
 1965 to 2000 = 558.72% present values = \$994,240.31 \$10,465.69

Sum / 35 Years = \$28,406.87 \$299.02

Your Committee on Housing and Consumer Protection and Commerce and Judiciary are in accord with the intent and purpose of S.B. No. 1255, SD 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1255, SD 2, HD 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Morihara.
(Representatives Duldaleo, M. Ige, Kawakami, Peters, Tom and Yoshimura did not concur.)

SCRep. 1216 Consumer Protection and Commerce on S.B. No. 1317

The purpose of this bill is add a section to the Temporary Disability Insurance (TDI) law requiring all insurers to maintain a complete local claims office or engage a local independent claims adjusting service with draft authority to enable claimants to obtain their benefits under the temporary disability insurance law with a minimum of delay.

Your Committee heard testimony from the Department of Labor and Industrial Relations that insurance carriers and self-insured employers are currently not required to maintain local offices with draft authority. This situation causes problems with the enforcement of timely benefit payments under the temporary disability insurance law by out-of-state insurers. Your Committee also received testimony from UNUM Life.

Your Committee finds that the current situation places an undue burden on a claimant who depends on such benefits during periods of temporary total disability and finds that this bill proposes a viable solution.

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

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1317, SD 1, HD 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1317, SD 1, HD 2.

Signed by all members of the Committee except Representative Peters.

SCRep. 1217 Consumer Protection and Commerce on S.B. No. 1714

The purpose of this bill is to make general amendments to Article 3 of the Uniform Commercial Code (UCC), relating to negotiable instruments, and Article 4, relating to bank deposits and collections.

The Hawaii Commission to Promote Uniform Legislation testified in support of the bill. This bill is the result of several years of work by the Uniform Law Commissioners and the Hawaii Commission to Promote Uniform Legislation. This bill will provide a modernized version of the laws relating to negotiable instruments and bank deposit transactions.

Your Committee amended the bill to add an effective date clause to the bill.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1714, SD 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1714, SD 1, HD 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Yoshimura.

SCRep. 1218 Consumer Protection and Commerce on S.B. No. 1207

The purpose of this bill is to amend Section 460-12, Hawaii Revised Statutes, to provide thirty days during which a osteopathic physician must provide to the board, in writing, notice of any disciplinary action against the physician in another jurisdiction.

Your Committee heard testimony from the Department of Commerce and Consumer Affairs in support of this bill.

Your Committee amended this bill to clarify subsection (14) of the bill regarding disciplinary actions in other jurisdictions against both licensees or applicants.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1207, SD 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1207, SD 1, HD 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1219 Consumer Protection and Commerce on S.B. No. 1205

The purpose of this bill is to amend Section 481B-5(b), Hawaii Revised Statutes, to impose time limits within which refunds must be made for consumer purchases made by credit card or on a store credit account.

Your Committee heard supporting testimony from the Department of Commerce and Consumer Affairs. Liberty House, Hawaii Business League, Retail Merchants of Hawaii, and J.C. Penney Company supported the intent of the bill but suggested amendments to account for unforeseen delays, such as due to power outages.

Current law provides time limits within which refunds must be made if the purchase was made in cash or by check, but does not contain comparable time limits for purchases made by credit card or on a credit account. Credits to the consumer's account may be delayed, causing interest payments as well as larger minimum monthly payments.

This bill remedies this situation by requiring that, if the purchase was made on a major credit card, the credit memo must be submitted to the appropriate institution within five business days. If the purchase was made on a credit account or credit card administered by the store, then the credit must be made at the time the goods are returned.

In view of the merchants' concerns, your Committee amended this bill so that initiating the submittal process within the required time frame will suffice. Your Committee also amended the bill to clarify that the time frame is within five business banking days, i.e., Monday through Friday.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1205, SD 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1205, SD 1, HD 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Yoshimura.

SCRep. 1220 Consumer Protection and Commerce and Judiciary on S.B. No. 2144

The purpose of this bill is to expand Chapter 486M, Hawaii Revised Statutes, relating to metal and gem dealers, to include pawnbrokers and secondhand dealers, and to define "article", "pawnbroker", and "secondhand dealer" as used in this chapter.

Your Committees received testimony from the Department of Commerce and Consumer Affairs and the Honolulu Police Department (HPD).

This bill consolidates three types of businesses into one chapter in order to standardize the regulation of them. HPD supports this consolidation to enhance their abilities to enforce prohibitions against the sale of stolen property.

Your Committees made the following amendments to the bill:

- (1) Adding gold bullion to the definition of precious or semiprecious metal; and
- (2) Including the sale of articles, as well as gems or metals, to the penalty section.

Your Committees on Consumer Protection and Commerce and Judiciary are in accord with the intent and purpose of S.B. No. 2144, SD 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2144, SD 1, HD 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representative Yoshimura.

SCRep. 1221 Consumer Protection and Commerce and Judiciary on S.B. No. 1757

The purpose of this bill is to prohibit motor fuel refiners from engaging in the business of a retail service station or motor fuel sales outlets of any nature, including any major brand or secondary brand or unbranded retail service station, or otherwise sell motor fuel at retail after July 1, 1991.

Your Committees heard testimony from the Hawaii Automotive and Retail Gasoline Dealers Association (HARGD), and several retail dealers in support of this bill. Opposing testimony was received from Chevron USA, Texaco Refining and Marketing Inc., Pacific Resources, Inc. (PRI), Shell Oil Company, UNOCAL, Western States Petroleum Association, and several individuals, some of whom were employees of Texaco or of Gas Express, the retail outlet of PRI. Consumer Alert, a non-profit nationwide organization for consumers, provided written testimony only discussing issues related to the bill and noting that consumers lose when low overhead refinery outlets, selling directly to the consumers are prohibited.

The testimony in support of the bill pointed out that the bill will ensure a competitive market place in which the various retail dealers compete to provide different services with which to attract customers. These services include a full service outlet, attention to automotive problems, automotive maintenance, and trouble call services. In addition, these dealers provide employment to high school and college students seeking part time work and automotive mechanics graduating from the community colleges.

The testimony in opposition to this bill indicated that this bill will reduce competition in the market place, which will eventually cause motor fuel prices to increase causing the consumers to suffer. Various studies were presented and the results indicated that there was no overwhelming evidence thus far to support the prohibition of refiners from retailing motor fuels. The studies also pointed out that Maryland, a state that enacted the divorcement law, actually saw an increase in prices to consumers after the law was enacted.

Your Committees, having considered the testimony presented, recommended the following amendments to the bill.

- (1) There will be a two year moratorium on refiners opening retail outlets for the purpose of selling motor fuels.
- (2) During the two year period the Attorney General's office will continue to collect and analyze information on the market and analyze the factors affecting the price of motor fuels.

- (3) The Office of Consumer Protection will analyze the effects of the moratorium with respect to the impact on the consumer.
- (4) Exceptions will be allowed only if a refiner has executed a binding lease or has acquired real property in fee simple and obtained substantially all necessary permits to commence construction prior to the effective date of this Act. A refiner shall be allowed to replace, in the same area, a service station or retail fuel outlet where the refiner has had to close a station or retail fuel outlet due to the real property lease terminating. A refiner may exercise this option to replace two times.

Your Committees on Consumer Protection and Commerce and Judiciary are in accord with the intent and purpose of S.B. No. 1757, SD 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1757, SD 1, HD 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committees except Representative Yoshimura.

SCRep. 1222

Consumer Protection and Commerce and Judiciary on S.B. No. 1329

The purpose of this bill, as received, is to enact a petroleum industry information reporting act modelled after the California Petroleum Industry Information Reporting Act of 1980.

At present, there is no formalized mechanism through which oil industry data is reported by the industry to the state government, nor is there any centralized core of oil industry expertise within the state government. Therefore, the state government is unable to provide appropriate consumer protection in a timely manner when the need arises.

The Department of the Attorney General is conducting an ongoing investigation of petroleum product pricing in Hawaii. The investigation was launched following the dramatic increase in gasoline prices after the Exxon Valdez oil spill in March 1989. The Department's preliminary report, issued in September 1990, indicated that it had great difficulty collecting needed information. The report stated that, accordingly, legislation should be adopted requiring refiners, terminal operators, and other wholesalers of petroleum products to report to the State of Hawaii their:

- (a) Raw material costs, production costs, storage costs, and marketing costs;
- (b) Sales revenues and volumes;
- (c) Profits for Hawaii operations; and
- (d) Weekly foreign and domestic imports of petroleum and petroleum products.

This bill will require producers, refiners, marketers, storers and transporters of oil and oil products to report data relating to the supply and price of petroleum products in Hawaii, including, without limitation, the data mentioned in the Attorney General's preliminary report to the "Commission," which is the Director of the Department of Business, Economic Development and Tourism. The Commission would report the Commission's analysis and interpretation of the data quarterly to the Governor and the Legislature. The Commission is given rule-making power so that the purpose of the measure can be fully effectuated.

Testimony in support of this measure was received from the Department of the Attorney General, the Department of Business, Economic Development, and Tourism (DBEDT), the East-West Center Energy Program, and the Hawaii Automotive and Retail Gasoline Dealers Association. DBEDT expressed concern, however, about funding for auditors and financial analysts not now within its Department. Testimony was also received from Chevron U.S.A., Inc., and Pacific Resources, Inc. expressing their concerns over the burden of reporting monthly.

Your Committees note the concerns of the industry regarding the burden of reporting and point out that the Legislature does not intend to make the reporting requirements unduly burdensome. For example, information provided to the federal government or other governmental entities by the petroleum industry could be submitted to the State as appropriate. In addition, your Committees are informed that monthly reporting can be done on a simple form which can be developed for industry's use. Your Committees are also informed that the industry provides this type of information to other states and the federal government, sometimes even more frequently than on a monthly basis.

Upon further consideration, your Committees have amended this bill as follows by:

- (1) Deleting certain references in the "findings" part of Section 1 relating to investment choices and decisions, market prices, and barriers to competition;
- (2) Naming the Public Utilities Commission (PUC) as the "Commission," rather than the director of DBEDT, as the entity to collect the information and promulgate rules;
- (3) Specifying that the reports required by the bill are to commence upon promulgation of appropriate rules by the PUC;
- (4) Requiring the Commission to publish summaries, analyses, and interpretations of the information collected annually instead of quarterly. The Commission would be required to submit these reports to the Governor and the Legislature within twenty days of the beginning of the legislative session;

- (5) Adding a new provision making it clear that the Attorney General, the Director of DBEDT, and the Consumer Advocate may have access to the information collected by the Commission, including confidential information;
- (6) Protecting confidential information to make it clear that the information collected by the Commission is governed by Chapter 92F, Hawaii Revised Statutes, including its penalty provisions relating to the disclosure of confidential information; and
- (7) Finally, making technical, nonsubstantive amendments for the purposes 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. 1329, SD 1, HD 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 1329, SD 1, HD 2.

Signed by all members of the Committees except Representative Yoshimura.

SCRep. 1223

Consumer Protection and Commerce on S.B. No. 1352

The purpose of this bill, as received, is to place a four-year moratorium on the demolition or conversion of existing residential rental housing structures to condominiums to prevent displacements caused by the demolition or conversion, and to require a study of the results. The bill exempts certain structures from the moratorium and allows waivers by the Housing Finance and Development Corporation (HFDC) in appropriate instances.

Your Committee received supportive testimony from HFDC, the Hawaii Housing Authority, several residents of the Tusalala Neighborhood, the Roman Catholic Church Diocese of Honolulu, the Hawaii Independent Condominium and Co-operative Owners, the City and County of Honolulu, the Affordable Housing Alliance, and Ala Wai Skyline. The Hawaii Association of Realtors, the Hawaii Developer's Council, two committees of the Hawaii State Bar Association, and Commercial Realty Corporation recognized the need for affordable rental units but stated their belief that the moratorium proposed would be counter-productive to the intent of the bill.

The Waikiki Improvement Association, the Building Industry Association of Hawaii, the Myers Corporation, and Aston Hotels and Resorts voiced opposition to the bill.

Your Committee is well aware of the need to increase Hawaii's stock of affordable rental housing. However, your Committee questions whether a blanket moratorium on conversions and demolitions will meet that objective, without, for example, implementing some form of rent control. Therefore, upon further consideration, your Committee has amended this bill to require a converter of condominiums who displaces renters to obtain comparable housing for the renters. A converter who wilfully attempts to circumvent the conversion restrictions in this section will be guilty of a misdemeanor.

Your Committee recognizes that the bill as amended leaves open questions such as what amount of damages, if any, should be paid to renters if comparable housing is not found or what assistance can be provided to those who are displaced not by conversion of their units into condominiums, but by demolishment of their units. It is expected that these and other questions, including the appropriate effective date to be inserted, will be addressed during further discussion on this bill in conference.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1352, HD 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1352, HD 2. This bill addresses the issue of displaced tenants but does not address the creation of affordable housing.

Signed by all members of the Committee except Representative Yoshimura.

SCRep. 1224

Consumer Protection and Commerce on S.B. No. 1822

The purpose of this bill is to provide insurance coverage for newborn adopted children, retroactive to the date of the child's birth, when the adopting parent or parents have health coverage.

Your Committee heard supporting testimony from Hawaii Healthy Mothers, Healthy Babies Coalition, Hawaii Public Health Association, a private attorney, a social worker specializing in adoption, and nine adoptive parents. Kaiser Permanente (Kaiser), Hawaii Medical Service Association (HMSA), and the Chamber of Commerce testified in support of the intent of the bill but in opposition to this vehicle and requested further study in the area.

Currently, adoptive parents are at a distinct disadvantage when attempting to obtain health care for their new child, because they are unable to receive such benefits until the child is legally named to their custody. Most health insurance companies require adoptive parents to produce a final adoption decree, which can take three to twelve months or more, before formally enrolling the child in the health insurance program. Under these circumstances, the adoptive family is liable for all medical expenses incurred prior to that date, which could theoretically run into the thousands of dollars, particularly if the child is ill or requires extra care. Though both Kaiser and HMSA testified that they do consider each such circumstance on a case by case basis, coverage is not uniform. Your Committee was informed that this benefits and coverage issue did not appear to be a problem until recently, which may be as a result of a change in policy by insurers. In any event, non-adopted infants are covered under their parent or parents' policies without the kinds of disputes or denials over coverage faced by adopted infants.

Your Committee recognizes the social value of adoption and the need to encourage adoption rather than create difficulties. Further, your Committee finds that adoptive families who purchase health care which is convertible to family care are being denied the full range of their purchased medical benefits, simply because their child is adopted.

Upon further consideration, your Committee has amended this bill as follows:

- (1) Require insurance coverage retroactive to the date of birth if the insurer is notified in writing within thirty days of the date of the child's birth;
- (2) Require prospective insurance coverage from the date of written notification when the insurer is notified after the thirtieth day period;
- (3) Add health maintenance organizations (HMOs) to the bill and require retroactive coverage to the date of birth if the child is born in an HMO facility, and prospective coverage from the date of written notification if the child is not born in an HMO facility; and
- (4) Sunset the act in four years, and request a study by the Legislative Auditor to determine the impact of this bill.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1822, SD 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1822, SD 1, HD 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Yoshimura.

SCRep. 1225 Consumer Protection and Commerce on S.B. No. 1719

The purpose of this bill is to repeal Article 6 of Chapter 490 relating to bulk transfers and replace it with a new Article 6 entitled bulk sales.

The Hawaii Commission to Promote Uniform Legislation testified in support of the bill. This bill is the result of several years of work by the Uniform Law Commissioners and the Hawaii Commission to Promote Uniform Legislation. This bill will provide legislation to conform the law of bulk sales to present day business needs.

Your Committee amended the bill by changing the effective date of the bill from October 1, 1991, to January 1, 1992.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1719, SD 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1719, SD 1, HD 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Yoshimura.

SCRep. 1226 Consumer Protection and Commerce on S.B. No. 819

The purposes of this bill are to require thrift account obligations to be insured by the Federal Deposit Insurance Corporation to the extent provided by law and to repeal the Industrial Loan Company Guaranty Act.

Your Committee received testimony in support of this bill from the Department of Commerce and Consumer Affairs.

Your Committee has made technical, nonsubstantive amendments to this bill 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. 819, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 819, HD 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Yoshimura.

SCRep. 1227 Consumer Protection and Commerce on S.B. No. 2008 (Majority)

The purpose of this bill is to permit trust companies that are not affiliated with a bank to engage in the business of selling insurance and securities through affiliated corporations.

The Department of Commerce and Consumer Affairs (DCCA), testified that while their position on the policy considerations of the bill was neutral, they suggested certain amendments from a regulatory standpoint. American Financial Services of Hawaii, Inc., holding company for American Trust Company and Bishop Trust Company; Hawaii State Association of Life Underwriters; and Bishop Trust Company testified in support of this bill. The American Council of Life Insurance testified against this bill.

The financial services industry has expanded tremendously over the last few years. Your Committee finds that this bill contains necessary safeguards to ensure that clients of a trust company are not adversely affected by the sale of insurance or securities through affiliates, and will allow independent trust companies to offer an expanded combination of products and services that will provide for a more diversified and stronger financial system in Hawaii.

Your Committee has amended this bill as follows, incorporating DCCA's suggested amendments:

- (1) Prior to application approval, the commissioner shall find, in addition to other enumerated conditions already in the bill,
 - (a) that the character, financial responsibility and general fitness of the applicant, its officers and directors, command the confidence of the community so as to warrant the belief that the business of the trust company will be honestly and efficiently conducted and
 - (b) that the relationship between the applicant and the affiliate or subsidiary and the condition of the affiliate or subsidiary will not prejudice the interest of the clients of the trust company.
- (2) Modified the definition of "affiliate" so that it follows the federal definitions used in the bank holding company law.

Your Committee also added a definition of the term "principal stockholder" to refer to anyone who holds twenty-five per cent or more of the stock in the trust company or trust holding company.

Your Committee also made technical and nonsubstantive amendments for clarity.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 2008, SD 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2008, SD 2, HD 1, and be placed on the calendar for Third Reading.

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

SCRep. 1228 Consumer Protection and Commerce on S.B. No. 348

The purpose of this bill, as received, is to prohibit the sale of collision damage waivers, commonly known as CDWs, by rental car companies and to create a confidentiality provision in the existing statute which relates to statistical data concerning CDWs.

The Department of Commerce and Consumer Affairs (DCCA) and the Insurance Division of DCCA testified in support of the bill. Car and Truck Renting and Leasing (CATRALA), Alamo Rent-A-Car, Inc., and Budget Rent A Car Systems, Inc. testified in opposition to this bill, arguing that the bill will result in higher rental rates for all in order to absorb the cost of damages.

Current law requires rental car companies to disclose that CDWs are optional. Your Committee is informed that CDW sales have decreased, arguably in part due to current legislation governing these sales. Since the current laws are only a few years old, your Committee declines to amend them to the extent proposed in this bill. Accordingly, your Committee has amended the bill to delete the provisions relating to the prohibition of CDW sales, while retaining the confidentiality provisions. The confidentiality provisions will enable DCCA to promulgate rules to collect data from the rental car companies while protecting the confidentiality of the data, as appropriate.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 348, SD 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 348, SD 1, HD 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Yoshimura.

SCRep. 1229 Consumer Protection and Commerce on S.B. No. 178

The purpose of this bill is to improve the financial solvency and planning of apartment owners associations by requiring them to prepare budgets and establish reserves for future expenses.

Your Committee heard supporting testimony from the Real Estate Commission, the Hawaii Independent Council of Condominium and Co-operative Owners, the Hawaii State Bar Association, and the Hawaii Council of Associations of Apartment Owners.

Many of Hawaii's condominium projects have insufficient reserves to fund major capital expenditures or planned maintenance which will inevitably be required to maintain the physical structures and equipment of those projects. This bill mandates that reserves be maintained through assessments over a period of time. Your Committee was informed that there have been numerous instances where reserves were not kept or were inadequate, necessitating substantial assessments, often running into many thousands of dollars. Requiring projects to maintain reserves will ensure that all condominium owners, over a period of time, will pay for their fair share of the upkeep of their projects. Florida and California have similar legislation.

Specifically, the bill requires:

- (1) The association to adopt a budget;
- (2) The budget to state the association's existing reserves;

- (3) The association to compute and state how much the association should have in reserves; and
- (4) The association to assess owners and establish the proper amount of reserves.

Temporary exceptions to mandatory funding of reserves are allowed pursuant to this bill. These exceptions are:

- (1) Existing projects which lack reserves are allowed five years to fully fund their reserves.
- (2) New projects which have not yet started to deteriorate are given until the next fiscal year to begin collection.
- (3) An association that depletes its reserves due to an emergency is allowed two years to fund its reserves.

It is expected that the Real Estate Commission will adopt rules to implement and enforce the provisions of this bill. The effective date of this bill is January 1, 1993 to provide adequate time for rules to be promulgated.

Your Committee amended this bill, as recommended by the Real Estate Commission, to include a provision that ensures the owners receive a clear statement in the budget of how much estimated cash reserves the association will be collecting for the fiscal year covered by the budget. Also, the associations, as well as the members, were granted immunity from liability if a good faith effort is made to calculate the required reserves. Further, the bill was amended to allow the cash reserves to be funded after an emergency even if the reserves are not totally depleted.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 178, SD 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 178, SD 1, HD 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1230 Consumer Protection and Commerce on S.B. No. 1469

The purpose of this bill is to provide a simplified, standard disclosure of leasehold information to a prospective purchaser of leasehold property. A standard form acknowledging receipt of such information will become part of the deposit, receipt, offer and acceptance (DROA) contract.

Your Committee heard testimony from the Real Estate Commission, The Hawaii Independent Condominium and Co-Operative Owners, the Hawaii Council of Associations of Apartment Owners, Small Landowners Association, Forum on Leasehold Issues, and the Hawaii Tax Map Key Service, Inc., in favor of the bill. The Lease Disclosure Services, Inc. testified in opposition to this bill. The Hawaii State Bar Association also opposed certain sections of the bill.

Those testifying in support of the bill requested that the civil penalties for failure to comply with the disclosure requirements contained in S.B. 2086, SD 1, be included in this bill as well as provisions allowing buyers other than natural persons to waive the leasehold disclosure requirements, as contained in a similar House bill passed by the House. In addition, concerns were raised over the standardized form included in the bill. For example, future changes to the form would require subsequent amendments to the statute before the changes could be effected.

Your Committee amended the bill by removing the standardized form from the bill, and incorporating language from H.B. No. 1985, which contained the civil penalty for non-disclosure and waiver provisions. Other technical and nonsubstantive amendments were made for clarity.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1469, SD 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1469, SD 1, HD 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1231 Consumer Protection and Commerce on S.B. No. 1799

The purpose of this bill is to ensure the availability of relay services for the speech impaired.

Presently, Act 207 passed by the Legislature provides telephone relay services only for the deaf and hearing-impaired and does not include the speech impaired.

Your Committee heard supporting testimony from the Public Utilities Commission, the Hawaii State Coordinating Council on Deafness, the Commission on Persons with Disabilities, GTE-Hawaiian Telephone, and the Hawaii Speech and Language Hearing Association. There was no testimony in opposition to the bill.

Your Committee finds that this bill will enable Hawaiian Telephone to be in full compliance with the telecommunications regulations developed under the Americans with Disabilities Act of 1990, which requires equal access for people with disabilities to public utilities services by 1993. The requirements of this bill should not result in an increase in rates, based on the testimony received.

Your Committee made conforming amendments to Section 269-16.7, which contains similar references to "deaf and hearing-impaired."

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1799, SD 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1799, SD 1, HD 1.

Signed by all members of the Committee except Representative Yoshimura.

SCRep. 1232 Water, Land Use and Hawaiian Affairs and Transportation on S.B. No. 1396

The purpose of this bill, as received by your Committee, is to extend the jurisdiction of the Aloha Tower Development Corporation (ATDC) to include submerged lands in a small (1-2 acre) quadrilateral area located makai of Piers 5 and 6 beyond the federal project line in Honolulu Harbor. This would ensure safe mooring of certain ships under surge conditions. The land will be used for the construction of Piers 5 and 6 which are part of the new waterfront facilities of the Aloha Tower development project. These piers will replace the present berths for inter-island cruise ships at Piers 9, 10, and 11.

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

Piers 16 through 23 are not necessary for the Aloha Tower development project, which will be between Piers 5 and 14. At the request of the commercial harbor users, jurisdiction over Piers 16 through 23 is returned to the Harbors Division of the Department of Transportation. These harbor-side lands must be preserved for cargo-handling activities and passenger ships which depend upon proximity and access to the Pacific Ocean.

Therefore, your Committee has amended the bill by providing for adjustments to the boundaries of the Aloha Tower Complex to:

- (1) Delete the "Fast" lands (excluding the pier properties) near the Dole Pineapple Cannery from the Aloha Tower Complex; and
- (2) Delete areas along Piers 16-23 from the Aloha Tower Complex effective July 1, 1992.

The deletion of the areas along Piers 16-23 was delayed so as not to interfere with on-going negotiations between the State and the ATDC which may involve those parcels. The above-mentioned "Fast" or onshore lands are not involved and can be deleted immediately.

Your Committees on Water, Land Use and Hawaiian Affairs and Transportation are in accord with the intent and purpose of S.B. No. 1396, as amended herein, and recommend that it pass Second Reading and be placed on the calendar for Third Reading in the form attached hereto as S.B. No. 1396, HD 1.

Signed by all members of the Committees except Representatives Alcon, Baker, Bunda, Hashimoto, Horita, Santiago, Yonamine, O'Kieffe and Ward.

SCRep. 1233 Judiciary on S.B. No. 193

The purpose of this bill is to:

- (1) Require the Department of Public Safety to provide notification of an offender's escape to the victim and the immediate, surviving family members of the victim of the crime; and
- (2) Delete an inappropriate reference to the Hawaii Witness Security and Protection Act in this particular statutory section which delineates the rights of victims and witnesses.

Section 801D-4(3), Hawaii Revised Statutes (HRS), gives the victim the right to receive protection from threats or harm "in accordance with the Hawaii Witness and Security Protection Act program guidelines". However, the Hawaii Witness and Security Protection Act is not intended to provide direct services or funds to victims. It is primarily a funding vehicle for use by law enforcement agencies to underwrite the cost of protecting witnesses in certain types of cases. The bill, therefore, deletes the reference to the Act to avoid any confusion.

The bill also makes Section 801D-4(7), HRS, consistent with Act 193, Session Laws of Hawaii 1990. Act 193 added Section 706-673, HRS, which requires the Department of Public Safety to notify victims or their next-of-kin of the escape by the prisoner who committed a crime against the victim.

Testimony in support of this measure was submitted by the Hawaii State Commission on the Status of Women and the Department of the Prosecuting Attorney of the City and County of Honolulu.

Your Committee has amended this bill by making technical, nonsubstantive revisions for the purposes of style and clarity.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 193, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 193, HD 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Yoshimura.

SCRep. 1234 Judiciary on S.B. No. 791

The purpose of this bill is to amend Chapter 367, Hawaii Revised Statutes, by clarifying the law relating to the State Commission on the Status of Women and by adding the Director of Health as an ex-officio member.

Supporting testimony was received from the Department of the Attorney General, the Department of Health, and the Hawaii State Commission on the Status of Women (Commission). Your Committee finds that the proposed changes will be helpful in addressing the concerns of the Commission.

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

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 791, SD 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 791, SD 2, HD 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1235 Judiciary on S.B. No. 600

The purpose of this bill is to:

- (1) Clarify notification procedures regarding requests to inspect adoption records;
- (2) Allow the adopted child to request that adoption records be kept confidential; and
- (3) Define the term "natural parent".

Testimony in support of this measure was submitted by the Judiciary and the Adoption Circle of Hawaii.

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

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

Signed by all members of the Committee.

SCRep. 1236 Judiciary on S.B. No. 602

The purpose of this bill is to:

- (1) Clarify that medical information on the natural parents of adopted children shall be part of the records of the Department of Health rather than the Family Court; and
- (2) Provide that a child's guardian or custodian may request this information on the child's behalf.

Testimony supporting this measure was submitted by the Department of Health and the Family Court.

Natural parents placing their children up for adoption are encouraged to disclose their medical history through the completion of individual medical forms. The Family Court, in conjunction with the Department of Health, believe that after submittal of the forms to the Family Court, the forms should be made a part of the records of the Department of Health to provide adult adoptees or adoptive parents on behalf of a minor child more readily available access to medical information when necessary.

Your Committee finds that forms filed with the Family Court remain permanent records of the Court as a matter of practice and will preclude the Family Court from forwarding the original forms to the Department of Health as proposed by this bill. To avoid inconsistencies, your Committee has amended the bill by deleting the references to filing with the Family Court.

Furthermore, to conform to current practice where the Family Court forwards a Certificate of Adoption to the Department of Health instead of an adoption decree as permitted by law, your Committee has added an amendment to the bill by amending subsection (c) of Section 578-14.5, Hawaii Revised Statutes, pertaining to the transmittal of records to the Department of Health, to remove the requirement of a decree of adoption.

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

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 602, SD 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 602, SD 1, HD 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1237 Judiciary on S.B. No. 1088

The purpose of this bill is to permit the use of blue lights on Department of Public Safety vehicles, as authorized and approved by the Director of Public Safety.

Supporting testimony was received from the Honolulu Police Department, the Department of Public Safety, and the Military Order of the Purple Heart of the USA, Inc.

Your Committee finds that this bill would allow vehicles utilized by the Department of Public Safety to be recognized when in use to meet an emergency situation.

Your Committee also finds that we should recognize certain war veterans for their heroic deeds and unselfish service to our country by issuing special license plates to residents of Hawaii who are recipients of the Purple Heart because of wounds received in combat.

This bill has been amended in the following manner:

- (1) Lines 7 through 11 in section 1 of the bill have been amended to reflect the original language of the statute.
- (2) A new section 2 was added to the bill to give the Director of the Department of Public Safety the authority to affix blue lights to state law enforcement vehicles so long as they are operated by persons with law enforcement powers.
- (3) A new section 3 was added to the bill which encompasses most of the provisions of S.B. No. 539, A 2, which allows recipients of the purple heart to have special license plates.
- (4) Technical, nonsubstantive amendments were made for the purposes of style and clarity.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1088, SD 1, HD 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1088, SD 1, HD 2.

Signed by all members of the Committee.

SCRep. 1238 Judiciary on S.B. No. 1304

The purpose of the bill, as received, is to amend Chapter 261, Hawaii Revised Statutes, to:

- (1) Provide the Director of Transportation the authority to regulate noncommercial activities in or about airport premises; and
- (2) To subject any person violating rules relating to the licensing and regulation of persons engaged in commercial and noncommercial activities in or about airport premises to criminal penalties.

Your Committee received testimony supporting the bill from the Department of Transportation. The Department of Transportation expressed concern that persons engaged in commercial activities in or about airport premises that violate licensing and other applicable regulations are not subject to the penalty provisions contained in Chapter 261. The Department of Transportation also wants similar authority over persons engaging in noncommercial activities to better protect the health, safety and welfare of the general public.

Testimony was received by your Committee opposing this measure from several concerned citizens. The testimony indicated that some are concerned this bill would authorize a complete ban on noncommercial activities and therefore violate people's constitutional right of free speech and right to assemble.

Your Committee finds that noncommercial activities can be subject to reasonable regulations in so far as the activities are offensive to the general public.

Your Committee intends to make clear that First Amendment rights in most cases supersede statutory limitations or regulatory schemes that seek to limit speech or expression other than time, place, or manner, and that it is specifically not the Committee's intent that such rights be in any way abridged or curtailed.

Furthermore, your Committee finds it inappropriate for a state agency to make rules involving criminal penalties. Your Committee believes these decisions are best left to the legislature and therefore has amended the bill by eliminating the criminal penalty and replaced it with a civil fine of \$2000.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1304, SD 1, HD 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1304, SD 1, HD 2.

Signed by all members of the Committee.

SCRep. 1239 Judiciary on S.B. No. 1524

The purpose of this bill is to require the installation and use of low flow water fixtures and devices in all new residential and public buildings beginning July 1, 1993.

Testimony in support of this measure was submitted by the Department of Business, Economic Development, and Tourism, Department of Health, Hawaii Housing Authority, Hawaii Chapter of the Sierra Club, and Plumbing and Mechanical Contractors Association of Hawaii.

Your Committee has amended this bill by:

- (1) Deleting the phrase "by the respective county" in the proposed amendment to ensure that all state or county agencies receiving funds under Section 342D-54(a), Hawaii Revised Statutes, will adhere to the installation requirements; and
- (2) Making technical, nonsubstantive revisions for the purposes of style and clarity.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1524, SD 3, HD 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1524, SD 3, HD 2.

Signed by all members of the Committee.

SCRep. 1240 Judiciary on S.B. No. 1956

The purpose of this bill is to modify the membership of the Medical Advisory Board.

Your Committee finds that the addition of a neurologist to the Medical Advisory Board would, in addition to other duties, allow the Medical Advisory Board the opportunity to evaluate the feasibility of modifying the duration of the seizure-free period required for persons with epilepsy prior to the issuance of a driver's license.

Testimony in support of this measure was submitted by the Department of Transportation.

A technical, nonsubstantive amendment has been made to the bill by your Committee for the purposes of style and clarity.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1956, SD 1, HD 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1956, SD 1, HD 2.

Signed by all members of the Committee.

SCRep. 1241 Judiciary on S.B. No. 1332

The purpose of this bill is to:

- (1) Allow driver license applicants to be tested in any county, regardless of where they reside in the State;
- (2) Require applicants to produce either a valid no-fault or liability insurance identification card as part of the examination;
- (3) Require every licensee to possess either a valid no-fault or liability insurance identification card when operating a motor vehicle; and
- (4) Correct archaic language and incorrect insurance law chapter numbers contained in Sections 286-108 and 286-116, Hawaii Revised Statutes.

Currently, all applicants for a driver's license must be examined in the county in which they reside. As a practicable measure, this amendment would help reduce time and costs for the driver's license applicant since all counties administer the same driver's license exam, and the results are acceptable in all counties.

Testimony in support of this measure was submitted by the Department of Transportation.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1332, SD 1, HD 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1242 Judiciary on S.B. No. 1312

The purpose of this bill is to permit the use of studded snow tires on either the Mauna Kea access road or any other road within the Mauna Kea Science Reserve leased to the University of Hawaii.

Your Committee finds that isolated ice patches in the early morning and late evening hours create dangerous driving conditions that can be lessened with the use of studded snow tires. Moreover, no appreciable damage would be caused to the paved road because of the low volume of traffic currently utilizing the roads.

Testimony in support of this measure was submitted by the University of Hawaii, the Canada-France-Hawaii Telescope Corporation, and the Joint Astronomy Centre.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1312, HD 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1243 Judiciary on S.B. No. 1307

The purpose of this bill is to amend Section 286-102, Hawaii Revised Statutes, by adding trucks and vans with a gross vehicle weight of ten thousand pounds or less to categories of motor vehicles, the operation of which requires a driver's examination and license.

Your Committee finds that this bill is necessary to correct an inadvertent omission from Act 320, Session Laws of Hawaii 1989, which is also reflected in Act 342, Session Laws of Hawaii 1990.

Your Committee received testimony in support of the measure from the Department of Transportation.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1307, HD 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1244 Judiciary on S.B. No. 1297

The purpose of this bill, as received by your Committee, is to extend the repeal date of Act 342, Session Laws of Hawaii, 1986, to 1993 and to require the Department of Transportation to submit annual reports on the effectiveness of Act 342 in preventing accidents.

Your Committee received testimony in support of this bill from the Department of Transportation, Mothers Against Drunk Driving, and the Honolulu Police Department. The Department of Transportation expressed a concern that federal highway funds amounting to approximately nine million dollars would be lost if the legal drinking age were lowered.

Your Committee received testimony opposing the bill from the Hawaii Food & Beverage Association and the Retail Liquor Dealers Association of Hawaii. They expressed concern that the current legal drinking age of twenty-one years old, creates a double standard for anyone aged above eighteen, the legal age of majority, and below twenty-one and results in discrimination against them. The testifiers are of the opinion that a reasonable alternative would be to make uniform the legal drinking age and the age of majority.

Your Committee finds that some of the benefits that may accrue by maintaining the minimum drinking age at 21 include the reduction in traffic accidents involving young adults, the mitigation of other social problems such as juvenile crime and poor school performance, and the prevention of the loss of federal highway funds for the State. Your Committee finds these interests to be legitimate and rationally related to the legal drinking age limit of 21 years old. Furthermore it is not the intent of your Committee to otherwise discriminate between eighteen to twenty-one year olds.

Your Committee further finds that Act 342, 1986, required the Department of Transportation to submit a study, consisting of two reports, one due in 1988 and the other due in 1991. This study was to evaluate the effectiveness of Act 342 and include, but not be limited to, information and recommendations relating to the extent to which Act 342 has reduced accidents, injuries, and fatalities caused by driving under the influence of intoxicating liquors, and the extent to which compliance has been achieved with this Act.

Your Committee further finds that the Department of Transportation failed to submit essential information as required by Act 342. Extending the repeal date to 1993 rather than eliminating it to await the Department of Transportation's reports is appropriate under the circumstances.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1297, HD 1, and recommends that it pass Third Reading.

Signed by all members of the Committee except Representative Yoshimura.

SCRep. 1245 Judiciary on S.B. No. 180

The purpose of this bill is to amend Section 201E-2, Hawaii Revised Statutes (HRS), by:

- (1) Defining "qualified resident" to include a person who will physically reside in the dwelling unit purchased or rented under Chapter 201E, HRS; and
- (2) Excluding from "qualified resident" status, a person who oneself or whose spouse has a majority interest in lands under any trust agreement or other fiduciary arrangement in which another person holds the legal title to the land.

By amending the definition of "qualified resident", this measure will provide a preference to owner-occupants in the initial sale of market-priced units in Housing Finance and Development Corporation sponsored projects.

Testimony in support of this measure was submitted by the Housing Finance and Development Corporation.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 180, SD 1, HD 1, and recommends that it pass Third Reading.

Signed by all members of the Committee except Representative Yoshimura.

SCRep. 1246 Judiciary on S.B. No. 25

The purpose of this bill is to amend Sections 290-2 and 290-11, Hawaii Revised Statutes, to facilitate the disposal of abandoned vehicles by providing the presumption that notice is received by the registered owner of a vehicle five days after mailing of the notice, rather than to require a return mail receipt signed by the registered owner.

Your Committee received testimony in support of this bill from the Department of Transportation and Hawaii Automotive and Retail Gasoline Dealers Association. The foregoing witnesses expressed concern that abandoned vehicles remain an ongoing problem to the public.

Your Committee finds that abandoned vehicles serve no public purpose and spoil the view of Hawaii's scenery. Your Committee further finds that many legal or registered owners of abandoned vehicles refuse to cooperate with the counties' efforts to remove abandoned vehicles by refusing to accept the notice sent by certified mail.

The expeditious removal and disposal of abandoned vehicles would benefit the public and the State. Your Committee intends to make clear that the new notice provision will apply to the removal of abandoned vehicles initiated either by the owner of property where the vehicle is located or by the counties.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 25, SD 1, HD 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1247 Judiciary on S.B. No. 1539

The purpose of this bill is to promote uniformity and efficiency in the enforcement of provisions under the jurisdiction of the Hawaii Civil Rights Commission (Commission) by conforming the provisions of Chapter 368, Hawaii Revised Statutes (HRS), with the contested case hearings and appeals procedures under Chapter 91, HRS. Specifically, the bill provides:

1. That the Commission may conduct depositions in association with investigations and hearings, and compel parties to attend hearings to testify.
2. That the Commission may seek relief in circuit court, including enforcement of any commission order, conciliation agreement, or predetermination settlement.
3. That the definition of "unlawful discriminatory practice" conforms with the usage of the term in other chapters of the HRS.
4. That the Commission may complete its investigation and attempt conciliation within 180 days rather than 60 days after the filing of the complaint unless the Commission grants an extension of time to issue a determination.

The Commission was created to establish a uniform procedure for the enforcement of the State's discrimination laws in employment, real estate transactions, public accommodations, and access to state and state-funded services.

Testimony supporting this measure was submitted by the Commission, Na Loio No Na Kanaka, and the Chamber of Commerce of Hawaii. However, Na Loio No Na Kanaka and the Commission proposed an amendment to the bill to eliminate de novo review of the Commission's determinations. They believe this amendment will conform Chapter 368 proceedings to the same standards applied in other State Administrative proceedings and with the judicial review standards of the Administrative Procedures Act. Additionally, the costly and time consuming process of going to the Supreme Court for a de novo review would be avoided.

Your Committee finds that hearings provided by the rules established by the Commission are essentially administrative trials before a hearings examiner. The hearings satisfy due process concerns by allowing for reasonable discovery that provides individuals notice as to the disputed issues and facts, and by providing individuals an opportunity to be heard.

Your Committee finds that the administrative trials and annual reports to the Legislature are adequate safeguards in preventing abuse by the Commission. Additionally, your Committee believes that the Commission will prudently exercise their authority and discretion in making determinations of discriminations and in imposing penalties.

De novo review of the Commission's determinations subjects the Commission to standards disparate from the standards of other state agencies which are not subjected to de novo review. Your Committee has amended this measure by amending Section 368-16, HRS, to eliminate de novo review and to have appeals be subject to Chapter 91, administrative review.

Your Committee has further amended this measure by inserting a sunset provision which reinstates de novo review of the Commission's determinations, after three years. The three years will allow for a review of whether or not the Commission has abused its discretion.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1539, SD 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1539, SD 1, HD 1, and be placed on the calendar for Third Reading.

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

SCRep. 1248 Judiciary on S.B. No. 1529

The purpose of this bill, as received by your Committee, is to extend the provisions of Act 2, First Special Session Laws of Hawaii 1986, for two more years.

Your Committee received testimony in support of this measure from the Office of the State Attorney General, the Hawaii Independent Insurance Agents Association, the Chamber of Commerce, the Hawaii Tort Reform Coalition, the Hawaii Medical Association, and the Statewide Medical Alliance for Reform of Torts.

Your Committee finds that insurance availability and affordability were major issues in 1986. Since the Tort Reform Law was passed, the crisis has abated. Moreover, the abolition of joint and several liability and the limits on pain and suffering have yet to reveal their full impact since the legal issues involved with those provisions have not been extensively litigated. Your Committee finds that the extension of the law to allow the Legislature to re-evaluate or reassess the efficacy of its provisions is appropriate.

Your Committee has amended the bill by adding a section to the bill to conform to Ramseyer requirements.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1529, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1529, HD 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Yoshimura.

SCRep. 1249 Judiciary and Consumer Protection and Commerce on S.B. No. 153

The purpose of this bill is to provide deaf and physically handicapped persons the right to be accompanied by a signal or service dog in public places without being required to pay extra charges and to prohibit discrimination in certain transactions because a service dog is used. This bill also allows any disabled person who uses a guide, signal, or service dog, to reside on the quarantine site for the duration of the quarantine if housing is available.

Testimony supporting this measure was received by your Committees from the Commission on Persons with Disabilities, the Hawaiian Humane Society, the Hawaii State Coordinating Council on Deafness and several disabled persons.

It is the policy of this State to encourage and enable the blind and physically disabled to participate fully in the social and economic life of the State. Your Committees believe that disabled persons have the same right to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities, and other public places as the able-bodied.

Your Committees finds that guide, signal, and service dogs are invaluable in allowing persons with disabilities to enjoy the comfort, safety, independence and freedom, which would otherwise be very difficult. Your Committees also finds that the provision of housing on-site is necessary to ensure the continued independence and working relationship of the animal and the person with the disability.

Testimony was received by your Committees from the Hawaii Food Industry Association, who expressed concern that shop and restaurant owners would encounter difficulty in differentiating a guide, signal, or service dog from dogs without special capabilities.

Your Committees has made the following amendments to the bill:

1. Amended section 143-4, Hawaii Revised Statutes, relating to the issuance of license and tags of dogs, to authorize the Director of Finance to adopt rules, pursuant to Chapter 91, administrative rules and procedures, for the licensing of guide, signal, or service dogs. The Director of Finance will also designate on the license the appropriate qualifications of the dog to aid identification of special training.
2. Added a new section, which would temporarily be in effect while the Director of Finance is developing its licensing rules, to allow disabled persons with service dogs trained, certified, and licensed by a nationally recognized nonprofit organization, to visit public establishments without extra charge provided the disabled person produce the certificate of training upon request by the establishment.

Your Committees on Judiciary and Consumer Protection and Commerce are in accord with the intent and purpose of S.B. No. 153, SD 1, HD 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 153, SD 1, HD 2.

Signed by all members of the Committees except Representatives Yoshimura and Ward.

SCRep. 1250 Judiciary and Consumer Protection and Commerce on S.B. No. 827

The purpose of this bill is to prohibit the labeling of processed macadamia nuts or unprocessed macadamia nut products which are not grown in Hawaii with the term "grown in Hawaii", and to require notice of the Hawaii origin of macadamia nuts or macadamia nut products that are grown in Hawaii.

Testimony in support of this measure was received from the Board of Agriculture, the Hawaii Farm Bureau Federation, the Hawaii Macadamia Nut Association, the Hawaii Food Industry and the Kapulena Orchards, Inc.

Your Committees find that worldwide production and sale of macadamia nuts have increased significantly in recent years. In order to preserve the quality and reputation of Hawaii macadamia nuts and maintain the continued viability of this important industry, quality control and product differentiation is essential.

This bill was amended by adding subsection (e) to section 1 to allow manufacturers to use either the term "100% Hawaii-Grown Macadamia Nuts" or "Hawaii-Grown Macadamia Nuts" only if 100% of the nuts were grown in Hawaii. This amendment would restrict packages from misleading the public as being grown in Hawaii if the packages contain less than 100% Hawaiian grown nuts.

Your Committees on Judiciary and Consumer Protection and Commerce are in accord with the intent and purpose of S.B. No. 827, SD 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 827, SD 1, HD 1.

Signed by all members of the Committees except Representatives Yoshimura and Ward.

SCRep. 1251 Judiciary on S.B. No. 1279

The purposes of this bill are to:

- (1) Clarify language relating to the minimum sizes of fish by replacing general terminology with more appropriate terms;
- (2) Allow the Department of Land and Natural Resources to transfer to administrative rules the licensing measures relating to the selling and serving of pond raised mullet, Kona crab, and lobsters during their respective closed seasons; and
- (3) Prohibit the taking of rocks to which marine life is attached.

Supporting testimony was received from the Department of Land and Natural Resources and an individual proposing an amendment to extend aquacultural lease terms.

Your Committee finds that marine organisms are valuable to the people of Hawaii. Although many people appreciate the benefits that these organisms provide as a food source or as a vital part of our fragile marine ecosystem, your Committee wishes to point out their value to Hawaii's growing aquarium industry as well as to our tourism industry.

Your Committee also finds that fish ponds have played an important and vital role in Hawaii's history. Commercial aquaculture has not fared well recently, and where ventures do thrive, they should be encouraged and supported. Your Committee amended this bill by adding a new section 1 to provide for the extension of leases for businesses where the lessee has made improvements to the premise which will benefit the public. This amendment will allow commercial aquaculture businesses to continue to serve the public. Accordingly, the remaining sections were renumbered.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1279, SD 1, HD 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1279, SD 1, HD 2.

Signed by all members of the Committee except Representative Yoshimura.

SCRep. 1252 Judiciary on S.B. No. 1567

The purpose of this bill is to prohibit the sale of cigarettes from vending machines except on premises where the machine can be supervised by an adult to be sure that no one under the age at which tobacco may be bought uses it.

Testimony in support of this measure was received from the Department of Health, Hawaii Food Industry, Hawaii Medical Association, Hawaii Thoracic Society, and various individuals.

Your Committee finds that adult employee supervision of vending machines is not effective in deterring youth from purchasing cigarettes. Adult supervision does not work because, in actuality, no one supervises the machines. Therefore, section 2 of this bill has been amended by requiring that the vending machines be located in a bar, cabaret or any establishment for which the minimum age for admission is eighteen.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1567, SD 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1567, SD 1, HD 1.

Signed by all members of the Committee except Representative Yoshimura.

SCRep. 1253 Judiciary on S.B. No. 140

The purpose of this bill is to establish guidelines and restrictions regarding the release of medical records relating to a person's HIV status for the purposes of chapter 350, child abuse and neglect, and chapter 587, the Child Protective Act. The bill also clarifies that mandatory reporting to the Department of Human Services is required under chapters 350 and 587.

Testimony supporting the measure was submitted by the Department of Health, the Department of Human Services, the HIV Coalition for Hawaii's Women, Children, and Families, the Life Foundation and the Governor's Committee on AIDS.

Your Committee recognizes the need to know about a child's HIV status to enable foster parents or adoptive parents, as well as other individuals or entities to responsibly and properly care for the child. Your Committee agrees with the proposed amendment jointly offered by the Department of Health, the Department of Human Services and the Governor's Committee on AIDS that the release of information should include consultation with the Child Protective Services Multidisciplinary Team.

Your Committee finds the amendment to be both practical and appropriate and therefore, has amended paragraph (7) to include the Child Protective Services Multidisciplinary Team.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 140, SD 2, HD 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 140, SD 2, HD 2.

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

SCRep. 1254 Judiciary on S.B. No. 1250

The purpose of this bill is to exempt the Housing Finance and Development Corporation (HFDC) from liability for pre-existing and future conditions of land condemned for the purpose of residential lease to fee simple conversion.

The HFDC's role, essentially, is to facilitate the conversion of leased land to fee simple. Pre-existing or future conditions such as soil erosion or flooding may be factors in the determination of just compensation; however, these factors do not fall within the jurisdiction of the HFDC.

Testimony in support of this measure was submitted by the HFDC.

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

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1250, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1250, HD 1.

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

SCRep. 1255 Judiciary on S.B. No. 1366

The purpose of this bill is to amend section 338-18, Hawaii Revised Statutes, to clarify who is eligible to receive certified copies of vital records.

Testimony supporting this measure was submitted by the Department of Health, who expressed concern that a person not related to the registrant or persons adverse to the registrant's business or litigation interests are required to secure a court order to obtain copies of the registrant's vital records. The Department of Health feels that applicants requesting copies of vital records should have the same access requirements as applicants who are related to the registrant.

Your Committee believes this measure will clarify and expand the eligibility section of the present law. This measure will also conform the present law to the National Model Vital Statistics Act, which permits persons who can show they have a direct and tangible interest in the vital record to receive a certified copy.

The following language on lines 16-18, page 1, "and that the information contained therein is necessary for the determination of personal or property rights," was deleted. The purpose of this amendment is to delete redundant language and provide clarity in the measure.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1366, SD 1, HD 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1366, SD 1, HD 2.

Signed by all members of the Committee except Representative Yoshimura.

SCRep. 1256 Judiciary on S.B. No. 1278

The purpose of this bill is to amend section 190-4.5, Hawaii Revised Statutes, to provide the Department of Land and Natural Resources with the authority to regulate anchoring within Marine Life Conservation Districts (MLCDs). Section 190-4.5 now authorizes the Department to regulate mooring in MLCDs.

Testimony supporting this measure was submitted by the Department of Land and Natural Resources (DLNR) and the Department of Transportation.

DLNR is responsible for establishing MLCs and managing the resources therein. Public use of the MLCs include many water oriented non-consumptive activities. DLNR expressed concern that without authority over all activities occurring in MLCs, management is difficult.

Your Committee finds that anchoring can be destructive to the habitat of bottom dwelling aquatic resources and boating poses a hazard to snorkelers and divers in the waters of the MLC. Your Committee further finds that the authority to control the speed of boats, their numbers, or size are also essential to the management of the MLCs.

The Department of Transportation has no objection to relinquishing authority to control boating to DLNR. However, the Department of Transportation expressed concern that the non-passage of a related bill, HB 917, which transfers all functions, powers, and duties involving the regulation of ocean recreational boating and coastal activities to DLNR may create inconsistencies in the law if the control of boating is transferred to DLNR in this measure.

Your Committee has weighed the concerns expressed and has amended the bill by inserting a new subsection that provides DLNR with the authority to control boating and added a provision that conditions the passage of the subsection on the passage of the related bill.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1278, HD 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1278, HD 2.

Signed by all members of the Committee except Representative Yoshimura.

SCRep. 1257 Judiciary on S.B. No. 1962

The purpose of this bill is to amend certain provisions of Chapter 342J, Hawaii Revised Statutes, which deal with hazardous waste requirements. This bill would make the State's hazardous waste regulatory program substantially equivalent to the federal Resource Conservation and Recovery Act (RCRA) program administered by the United States Environmental Protection Agency (EPA), as part of a plan to obtain authorization from the EPA for the State to administer its hazardous waste program in lieu of the federal RCRA program. This bill also gives the Director of the Department of Health the statutory authority to adopt rules which will be equivalent to regulations promulgated by the EPA.

Supporting testimony was received from the Department of Health and the Sierra Club.

Your Committee finds that this measure will aid the Department of Health in pursuing the development of a hazardous waste program which is equivalent to, and consistent with, the federal RCRA hazardous waste management program. As such, the State needs equivalent statutory authority to promulgate rules which are also equivalent to, and consistent with the Code of Federal Regulations.

This measure was amended by adding a new section to chapter 342J, Hawaii Revised Statutes, which would allow for citizen's suits. This amendment would protect the public when hazardous waste presents an endangerment to health or the environment. This would protect the public and the environment, particularly when government is unable to act due to a lack of resources.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1962, SD 2, HD 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1962, SD 2, HD 2.

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

SCRep. 1258 Judiciary on S.B. No. 1756

The purpose of this bill is to amend Chapter 128D which is the environmental response or "superfund" law.

Testimony was received from the ILWU, the Estate of James Campbell, the Hawaiian Electric Company, Chevron USA, Pacific Resources Inc., Amfac, the Hawaii Rainbow Coalition, the Sierra Club and the Environmental Community Group.

Your Committee finds that this bill as amended, is similar to the administration's bill H.B. number 957, but includes amendments which improve, clarify and refine existing law.

This bill has been amended in the following manners (note: the page and line references are to the first house draft):

- (1) A new subsection was added to section 1 to address joint and several liability issues. Subsection (e) was also amended to address the same issues. Paragraph (1) on page 3 was amended for the purpose of clarification. Costs for the apportionment and contribution were amended to include reasonable attorney's fees.
- (2) Page 4, line 21 was amended to thirty days.
- (3) Page 6 was amended to require the director to consult with the Attorney General in settling de minimis suits.
- (4) The words "standard" and "condition" were deleted from page 8 regarding citizen's suits.
- (5) Page 9, line 11 was amended to require that actions be commenced in accordance with chapter 91. Lines 16 and 17 were deleted.

- (6) On page 11, "environment" was added to the protected list under the statute. The heading on line 9 was changed from "permit" to "exemption from state and county permits". Lines 17 and 18 were deleted.
- (7) Page 12 was amended by moving lines 16 - 18 to line 1. Page 12, line 1 through page 14, line 3 was put into a new section 10 to amend HRS 128D-6(c).
- (8) Page 14, lines 11 - 15 pertaining to the definition of "hazardous substance" was deleted. Lines 16 - 22 were moved to the bottom of the definition. The definition was also amended to allow pollutants or contaminants to be designated by the State Legislature or by emergency rules pursuant to section 91-3(b).
- (9) Page 16, line 15 through page 17, line 11 was deleted.
- (10) "Environment" was deleted from page 20, line 15.
- (11) Page 22, lines 12 - 18 were deleted.
- (12) The fine on page 24 was changed to a civil penalty and the violation was made a class C felony.
- (13) All references to "pollutants or contaminants" was deleted.
- (14) A reference for certain types of costs was made on page 29.
- (15) The word "reasonable" was added to line 1 on page 34.
- (16) The penalty on page 38 was reduced to \$50,000.
- (17) The penalty on page 39 was reduced to \$100,000 and made a class C felony. The reference for repeat offenders was deleted.
- (18) Subsections (3) and (4) were deleted from page 45.
- (19) The reference on page 48, line 8 was changed to "subsection (c) and (e)".
- (20) Technical nonsubstantive amendments were made for the purposes of style and clarity.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1756, SD 1, HD 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1756, SD 1, HD 2.

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

SCRep. 1259

Agriculture on H.R. No. 257

The purpose of this resolution is to request the Department of Agriculture (DOA) to:

- (1) Conduct a study on the feasibility of expanding State regulatory controls to include the labeling of all agricultural products grown or made in Hawaii; and
- (2) Prepare a report of its findings and recommendations including, but not limited to:
 - (a) Whether the labeling requirements should be addressed within the State Agricultural Functional Plan;
 - (b) Resources (fiscal and human) that would be needed to enforce a labeling requirement; and
 - (c) Legislation that would have to be enacted to carry out the recommendations.

Representatives from the DOA and the Hawaii Farm Bureau Federation (HFBB) submitted testimony in support of this resolution.

Your Committee finds that the merchandising success of Hawaiian-grown agricultural products has induced foreign and mainland producers to use names associated with Hawaii in product-marketing strategies and severely disrupted the strength of Hawaiian-grown products in the marketplace.

Upon further consideration, your Committee has adopted the recommendation of the HFBB by amending the resolution to include an assessment of the federal labeling laws and its requirements to place Hawaiian-grown products under federal labeling controls.

Your Committee on Agriculture concurs with the intent and purpose of H.R. No. 257, as amended herein, and recommends that it be referred to the Committees on Consumer Protection and Commerce and Judiciary in the form attached hereto as H.R. No. 257, HD 1.

Signed by all members of the Committee.

SCRep. 1260 Agriculture on H.C.R. No. 232

The purpose of this concurrent resolution is to request the Department of Agriculture (DOA) to:

- (1) Conduct a study on the feasibility of expanding State regulatory controls to include the labeling of all agricultural products grown or made in Hawaii; and
- (2) Prepare a report of its findings and recommendations including, but not limited to:
 - (a) Whether the labeling requirements should be addressed within the State Agricultural Functional Plan;
 - (b) Resources (fiscal and human) that would be needed to enforce a labeling requirement; and
 - (c) Legislation that would have to be enacted to carry out the recommendations.

Representatives from the DOA and the Hawaii Farm Bureau Federation (HFBBF) submitted testimony in support of this concurrent resolution.

Your Committee finds that the merchandising success of Hawaiian-grown agricultural products has induced foreign and mainland producers to use names associated with Hawaii in product-marketing strategies and severely disrupted the strength of Hawaiian-grown products in the marketplace.

Upon further consideration, your Committee has adopted the recommendation of the HFBBF by amending the concurrent resolution to include an assessment of the federal labeling laws and its requirements to place Hawaiian-grown products under federal labeling controls.

Your Committee on Agriculture concurs with the intent and purpose of H.C.R. No. 232, as amended herein, and recommends that it be referred to the Committees on Consumer Protection and Commerce and Judiciary, in the form attached hereto as H.C.R. No. 232, HD 1.

Signed by all members of the Committee.

SCRep. 1261 Planning and Economic Development on H.R. No. 303

The purpose of this resolution is to request the development of a comprehensive regional plan for the Hana District, County of Maui.

The Office of State Planning and Friends of the Hana Coast, Inc. presented testimony in support of this resolution. Testimony in opposition to this resolution was submitted by the Honorable Linda Crockett Lingle, Mayor, County of Maui.

Your Committee on Planning and Economic Development concurs with the intent and purpose of H.R. No. 303 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 1262 Transportation and Intergovernmental Relations and International Affairs on H.R. No. 96

The purpose of this Resolution is to study the feasibility of establishing a reciprocity system for the enforcement of traffic violations by out-of-state visitors.

Testimony was submitted by the Department of Transportation, the Deputy Administrative Director of the Courts, the State Attorney General, the Prosecuting Attorney of the City and County of Honolulu, the Department of Finance of the City and County of Honolulu, the Prosecuting Attorney of the County of Kauai, and Budget Rent a Car Systems Incorporated.

Your Committees find that reciprocal agreements can be made with other states which would permit the enforcement of traffic violations by out-of-state drivers. Currently, there is little that can be done to compel out-of-state visitors to pay traffic fines and penalties. Establishing a traffic violations enforcement reciprocity system would benefit the State by garnering additional revenues by enhancing the enforcement of traffic violations.

Your Committees have amended this Resolution by:

- (1) Requesting that this study be conducted by the Legislative Reference Bureau;
- (2) Requesting an estimate of the amount of revenues lost annually by the lack of enforcement for traffic violations committed by out-of-state visitors;
- (3) Deleting requirements for explanations of the State's inability to enforce traffic violations;
- (4) Including a review of existing National Reciprocity Models; and
- (5) Technical, nonsubstantive amendments for the purposes of style, clarity and consistency.

Your Committees on Transportation and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.R. No. 96, as amended herein, and recommend that it be referred to the Committees on Judiciary and Legislative Management in the form attached hereto as H.R. No. 96, HD 1.

Signed by all members of the Committees.

SCRep. 1263 Transportation and Intergovernmental Relations and International Affairs on H.C.R. No. 86

The purpose of this Concurrent Resolution is to study the feasibility of establishing a reciprocity system for the enforcement of traffic violations by out-of-state visitors.

Testimony was submitted by the Department of Transportation, the Deputy Administrative Director of the Courts, the State Attorney General, the Prosecuting Attorney of the City and County of Honolulu, the Department of Finance of the City and County of Honolulu, the Prosecuting Attorney of the County of Kauai, and Budget Rent a Car Systems Incorporated.

Your Committees find that reciprocal agreements can be made with other states which would permit the enforcement of traffic violations by out-of-state drivers. Currently, there is little that can be done to compel out-of-state visitors to pay traffic fines and penalties. Establishing a traffic violations enforcement reciprocity system would benefit the State by garnering additional revenues by enhancing the enforcement of traffic violations.

Your Committees have amended this Concurrent Resolution by:

- (1) Requesting that this study be conducted by the Legislative Reference Bureau;
- (2) Providing an estimate of the amount of revenues lost annually by the lack of enforcement for traffic violations committed by out-of-state visitors;
- (3) Deleting requirements for explanations of the State's inability to enforce traffic violations;
- (4) Including a review of existing National Reciprocity Models; and
- (5) Technical, nonsubstantive amendments for the purposes of style, clarity and consistency.

Your Committees on Transportation and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.C.R. No. 86, as amended herein, and recommend that it be referred to the Committees on Judiciary and Legislative Management in the form attached hereto as H.C.R. No. 86, HD 1.

Signed by all members of the Committees.

SCRep. 1264 Energy and Environmental Protection on H.C.R. No. 119

The purpose of this concurrent resolution is to request the Legislative Auditor to conduct a study to determine whether the certification or registration of drinking water treatment operators would be consistent with the Hawaii Regulatory Licensing Reform Act.

The Department of Health expressed support for this resolution, since the administration had proposed the creation of the drinking water treatment operator certification program to meet an identified need for the protection of our public water supplies. The Department of Water Supply, County of Hawaii, testified in support of the certification or regulation of drinking water treatment plant operators, since Hawaii is one of the few states which does not require such certification.

Your Committee finds that where regulation of professions and vocations is reasonably necessary to protect consumers, government regulation in the form of licensure should be adopted. Since the mishandling of the public's drinking water could have severe impacts on the health and well-being of users, drinking water treatment systems should be staffed with qualified personnel. A certification or regulation program would help to insure that operations are in the hands of qualified people.

Your Committee on Energy and Environmental Protection concurs with the intent and purpose of H.C.R. No. 119 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 1265 Labor and Public Employment on H.C.R. No. 214

The purpose of this concurrent resolution is to request the Department of Personnel Services to:

- (1) Conduct a study on the pricing of Personnel Clerks and Technician positions within the State, along with the Association of Professional Clerks, and report its findings to the Legislature; and
- (2) Initiate any appropriate repricing action as a result of the study.

Your Committee finds that Personnel Clerks and Technicians play an important role in personnel administration in the State, which requires them to have a broad and comprehensive understanding of state and federal labor laws. During the past twenty years, there have been major changes in state and federal laws, and this has made the nature of their duties and responsibilities increasingly more difficult and complex.

Despite the fact that the complexity of the work of Personnel Clerk and Technician positions has increased, the Public Employees Compensation Appeals Board (PECAB) failed to reprice Personnel Clerk and Technician positions when PECAB repriced School Administrative Services Assistant and Secretary positions in January, 1990. This measure would address this oversight.

Your Committee received testimony in support of the intent of this measure from the Department of Personnel Services, the Department of Education, the Public Employees Management Association of Hawaii, the Hawaii Government Employees Association, and several personnel clerks and technicians.

The Department of Personnel Services noted that it has no authority to act independently of the Conference of Personnel Directors in the repricing of any class. Accordingly, your Committee has amended this concurrent resolution by requiring the Conference of Personnel Directors to conduct the study instead of the Department of Personnel Services.

To reflect this change, the title of this concurrent resolution has been changed to: "REQUESTING THE CONFERENCE OF PERSONNEL SERVICES TO CONDUCT A STUDY ON THE PRICING OF PERSONNEL CLERKS AND TECHNICIANS."

This measure has also been amended to provide that certified copies be transmitted to all members of the Conference of Personnel Directors (the Director of Personnel Services, the Administrative Director of the Judiciary, and the Personnel Directors of the counties).

Your Committee on Labor and Public Employment 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 Education in the form attached hereto as H.C.R. No. 214, HD 1.

Signed by all members of the Committee.

SCRep. 1266 Education on H.R. No. 189

The purpose of this resolution is to establish a task force to examine the issue of governance of public education. The task force would compile recommendations on the issue of governance in public school education and submit its report to the Legislature prior to the convening of the Regular Session of 1992.

The United Parents for Education Coalition testified in favor of this measure, citing the need for resolving the governance issue. The Board of Education and Hawaii Business Roundtable expressed support for the intent of the measure, however, both organizations also expressed concern regarding the size and composition of the task force.

Your Committee amended the resolution by:

- (1) Adding a clause on the restricting or impounding of funds for education by the Governor without public hearings conducted in accordance with provisions contained in section 91, HRS;
- (2) Adding a clause on the use of federal impact aid funds to supplement, not supplant, state general fund appropriations to the Department of Education; and
- (3) Revising the composition of the task force by removing the Chairs of the House and Senate Education Committees and reducing from two to one the number of representatives from the business community, to be replaced by one member representing labor unions, one school advisory council member, one parent and one student.

Your Committee on Education concurs with the intent and purpose of H.R. No. 189, as amended herein, and recommends that it be referred to the Committee on Judiciary.

Signed by all members of the Committee.

SCRep. 1267 Education on H.R. No. 190

The purpose of this resolution is to request the Committee on Education of the State House of Representatives to convene a task force to study the issue of lump-sum budgeting for public school financing. The composition of the task force would include, but not be limited to representatives from the Hawaii State Legislature, the Department of Education, parent-teacher associations, the University of Hawaii, private schools, the business community and labor unions.

The Department of Education testified in support of examining the present system of resource allocation and the adequacy of funding for public education. Testimony was also received from the United Parents for Education Coalition, which called for the study to be conducted by an external, independent agency.

Your Committee on Education concurs with the intent and purpose of H.R. No. 190, and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1268 Transportation and Intergovernmental Relations and International Affairs on H.R. No. 361

The purpose of this resolution is to encourage the counties to enforce State statutes relating to temporary motor vehicle license plates.

Your Committees find that Section 286-53, Hawaii Revised Statutes regulates the information printed on temporary motor vehicle license plates. Your Committees also find that there are automobile dealers or salespersons who may use the temporary license plates for purposes other than permitted by law. In several instances, temporary license plates have been utilized to display advertising slogans or personal messages. These temporary license plates are in violation of State law.

Your Committees received testimony from the Director of Finance of the City and County of Honolulu.

Your Committees have amended this resolution by including the Hawaii Automobile Dealers' Association among those organizations receiving a copy of this resolution.

Your Committees on Transportation and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.R. No. 361, as amended herein, and recommend that it be referred to the Committee on Judiciary in the form attached hereto as H.R. No. 361, HD 1.

Signed by all members of the Committees.

SCRep. 1269 Transportation and Intergovernmental Relations and International Affairs on H.C.R. No. 336

The purpose of this concurrent resolution is to encourage the counties to enforce State statutes relating to temporary motor vehicle license plates.

Your Committees find that Section 286-53, Hawaii Revised Statutes regulates the information printed on temporary motor vehicle license plates. Your Committees also find that there are automobile dealers or salespersons who may use the temporary license plates for purposes other than permitted by law. In several instances, temporary license plates have been utilized to display advertising slogans or personal messages. These temporary license plates are in violation of State law.

Your Committees received testimony from the Director of Finance of the City and County of Honolulu.

Your Committees have amended this concurrent resolution by including the Hawaii Automobile Dealers' Association among those organizations receiving a copy of this concurrent resolution.

Your Committees on Transportation and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.C.R. No. 336, as amended herein, and recommend that it be referred to the Committee on Judiciary in the form attached hereto as H.C.R. No. 336, HD 1.

Signed by all members of the Committees.

SCRep. 1270 Transportation on H.R. No. 91

The purpose of this resolution is to request the Legislative Reference Bureau to study the feasibility of providing tax incentives to promote ridesharing arrangements and programs.

Your Committee finds that ridesharing is a transportation alternative that decreases the amount of traffic congestion and reduces the State's dependence on fossil fuels. However, to increase the proliferation of ridesharing programs, your Committee believes that various tax incentives may be feasible. Your Committee further finds that the economic benefits that would be realized from participating in ridesharing programs that are provided by employers may attract employees away from single occupant vehicles.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 91 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 1271 Transportation on H.C.R. No. 81

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to study the feasibility of providing tax incentives to promote ridesharing arrangements and programs.

Your Committee finds that ridesharing is a transportation alternative that decreases the amount of traffic congestion and reduces the State's dependence on fossil fuels. However, to increase the proliferation of ridesharing programs, your Committee believes that various tax incentives may be feasible. Your Committee further finds that the economic benefits that would be realized from participating in ridesharing programs that are provided by employers may attract employees away from single occupant vehicles.

Your Committee on Transportation concurs with the intent and purpose of H.C.R. No. 81 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 1272 Transportation on H.R. No. 123

The purpose of this resolution is to request the Legislative Reference Bureau to study the feasibility of issuing citations for high-occupancy vehicle lane violations by mail.

Your Committee finds that currently, the Police Department faces a dilemma since violators of the minimum occupancy requirements for high occupancy vehicle lanes must be pulled over to the side of the road to be issued a citation. Pulling violators to the shoulder of the road from the high occupancy vehicle lane can be hazardous, and often results in additional traffic congestion. Your Committee finds that a reasonable alternative for citing high occupancy vehicle lane violators is needed.

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

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 123 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 1273 Transportation on H.C.R. No. 114

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to study the feasibility of issuing citations for high-occupancy vehicle lane violations by mail.

Your Committee finds that currently, the Police Department faces a dilemma since violators of the minimum occupancy requirements for high occupancy vehicle lanes must be pulled over to the side of the road to be issued a citation. Pulling violators to the shoulder of the road from the high occupancy vehicle lane can be hazardous, and often results in additional traffic congestion. Your Committee finds that a reasonable alternative for citing high occupancy vehicle lane violators is needed.

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

Your Committee on Transportation concurs with the intent and purpose of H.C.R. No. 114 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 1274 Human Services on H.C.R. No. 156

The purpose of this concurrent resolution is to urge the Legislature to recognize cash assistance or cash reimbursement for family support services as a benefit to families and not considered taxable income.

Your Committee received favorable testimony from the Department of Human Services, the Commission on Persons with Disabilities, and the State Planning Council on Developmental Disabilities.

Your Committee realizes the importance of family support services and therefore has amended this concurrent resolution to include sending a certified copy to the Hawaii congressional members.

Your Committee on Human Services concurs with the intent and purpose of H.C.R. No. 156, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 156, HD 1.

Signed by all members of the Committee except Representatives Bainum and Tatibouet.

SCRep. 1275 Human Services on H.C.R. No. 228

The purpose of this concurrent resolution is to request a study on the feasibility of establishing a one-stop service center to help needy individuals find and receive effective and efficient public assistance and human services.

Your Committee received favorable testimony from the Department of Human Services and the Office of Children and Youth. The Legislature is committed to achieving an exemplary human resource system that provides for those who are in need of assistance, services, and protection in meeting the problems of daily living and that promotes the preservation and maintenance of human health, dignity, and values.

Your Committee on Human Services concurs with the intent and purpose of H.C.R. No. 228 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee except Representatives Bainum and Tatibouet.

SCRep. 1276 Water, Land Use and Hawaiian Affairs on H.C.R. No. 220

The purpose of this resolution is to request the Legislative Auditor to examine the impact of amending Section 183-41(c)(3), Hawaii Revised Statutes, to eliminate future residential construction on conservation district lands as a permitted use. The findings of this study are to be reported to the Legislature within twenty days of the opening of the 1992 session.

Your Committee received testimony from the Department of Land and Natural Resources. Testimony in strong support of this resolution was given by Environment Hawai'i, the Kailua Neighborhood Board #31, the Lanikai Association, the Natural Resources Defense Council, the Save Mt. Olomana Association, and Hawaii's Thousand Friends.

Because of the growing movement against development in the conservation district, most notably on Mt. Olomana, your Committee feels that it would be both useful and timely to conduct the study called for in this resolution. Statistics on the number of residences in existence, the number planned, and the types and sizes of these structures would greatly help in determining whether or not this permitted use should be continued.

Your Committee on Water, Land Use and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 220 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 1277 Water, Land Use and Hawaiian Affairs on H.R. No. 341

The purpose of this resolution is to assess the feasibility of establishing regulatory controls to protect and preserve cultural landscapes. This measure urges the Legislature to establish an interim task force that would be headed by the Vice Speaker and composed of, among others, selected members of the the House Committee on Water, Land Use and Hawaiian Affairs and the Senate Committee on Culture, Arts, and Historic Preservation.

Although there is a State functional plan on historic preservation, the plan adds little in the way of additional regulatory controls with respect to historic sites. Today, much of the responsibility for historic site protection has been turned over to the counties. However, despite the existence of various historic preservation zoning schemes, the administration of historic site protection by the counties is inconsistent and varies greatly in effectiveness. Accordingly, your Committee finds that consideration of establishing regulatory controls is both a timely and necessary undertaking.

Your Committee on Water, Land Use and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 341 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 1278 Water, Land Use and Hawaiian Affairs on H.C.R. No. 322

The purpose of this concurrent resolution is to assess the feasibility of establishing regulatory controls to protect and preserve cultural landscapes. This measure urges the Legislature to establish an interim task force that would be headed by the Vice Speaker and composed of, among others, selected members of the the House Committee on Water, Land Use and Hawaiian Affairs and the Senate Committee on Culture, Arts, and Historic Preservation.

Although there is a State functional plan on historic preservation, the plan adds little in the way of additional regulatory controls with respect to historic sites. Today, much of the responsibility for historic site protection has been turned over to the counties. However, despite the existence of various historic preservation zoning schemes, the administration of historic site protection by the counties is inconsistent and varies greatly in effectiveness. Accordingly, your Committee finds that consideration of establishing regulatory controls is both a timely and necessary undertaking.

Your Committee on Water, Land Use and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 322 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 1279 Housing on H.R. No. 113

The purpose of this resolution is to request the Committee on Housing of the Hawaii House of Representatives to conduct a comprehensive review of the internal policies, administrative procedures, and the operations of the Housing Finance and Development Corporation.

Your Committee heard testimony from the Housing Finance and Development corporation not in support of this bill because of the man-hours required by the Corporation to comply. They further noted that because of the shortness of time which the Corporation has operated, it may be premature for a thorough evaluation of the agency's operation.

Testimony in favor of the resolution was received from the Hawaii Developer's Council and the Hawaii Association of Realtors.

Your Committee on Housing is in accord with the intent and purpose of H.R. No. 113 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 1280 Housing on H.R. No. 346

The purpose of this resolution is as follows:

- (1) To request the Legislative Auditor to compile and analyze data on the resale of units converted under the Hawaii Land Reform Act, including the effect which such conversions may have on rising housing prices and the extent to which speculators and foreign interests have benefited from the resale process; and
- (2) To request the Housing Finance and Development Agency (HFDC) to collect and compile data regarding the single family houselots converted from leasehold to fee simple and subsequently resold on or after the effective date of the resolution, including the number of completed conversions resold, the resale price, date of resale, and other data reflecting the effect which such resales may have on rising housing prices.

Your Committee received testimony in support of the intent of this resolution from the HFDC and the Kamehameha Schools/Bernice Pauahi Bishop Estate (Bishop Estate).

Your Committee is aware of allegations that fee conversion under the Hawaii Land Reform Act has fueled speculation of single-family residential property. In light of these allegations, a study of the effects of Chapter 516 on rising housing prices is warranted.

Your Committee encourages private entities, such as the Bishop Estate, to assist in funding the proposed study.

Your Committee on Housing concurs with the intent and purpose of H.R. No. 346 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 1281 Housing on H.C.R. No. 327

The purpose of this concurrent resolution is as follows:

- (1) To request the Legislative Auditor to compile and analyze data on the resale of units converted under the Hawaii Land Reform Act, including the effect which such conversions may have on rising housing prices and the extent to which speculators and foreign interests have benefited from the resale process; and
- (2) To request the Housing Finance and Development Agency (HFDC) to collect and compile data regarding the single family houselots converted from leasehold to fee simple and subsequently resold on or after the effective date of the concurrent resolution, including the number of completed conversions resold, the resale price, date of resale, and other data reflecting the effect which such resales may have on rising housing prices.

Your Committee received testimony in support of the intent of this concurrent resolution from the HFDC and the Kamehameha Schools/Bernice Pauahi Bishop Estate (Bishop Estate).

Your Committee is aware of allegations that fee conversion under the Hawaii Land Reform Act has fueled speculation of single-family residential property. In light of these allegations, a study of the effects of Chapter 516 on rising housing prices is warranted.

Your Committee encourages private entities, such as the Bishop Estate, to assist in funding the proposed study.

Your Committee on Housing concurs with the intent and purpose of H.C.R. No. 327 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 1282 Housing on H.R. No. 348

The purpose of this resolution is to request the Legislative Reference Bureau to assess the feasibility of implementing a housing downpayment bond program, such as the State of Michigan's Home Ownership Savings Trust (HOST) program, to provide downpayment assistance for moderate and market income families in Hawaii.

Your Committee received testimony in support of this resolution from the Housing Finance and Development Corporation (HFDC). This testimony acknowledged that the lack of a sufficient downpayment is one of the most common deterrents to homeownership for many of Hawaii's families.

Your Committee is aware that the State of Michigan has implemented the HOST program which enables Michigan residents to save for a downpayment. In seeking downpayment assistance for Hawaii residents, your Committee believes that the Michigan HOST program, which allows participants to invest in portions of a bond issued by the State, is a

worthwhile model to consider because the interest earned from savings under this program is exempt from federal, state, and local income taxes.

Your Committee encourages the Department of Budget and Finance to cooperate with the Legislative Reference Bureau in connection with the proposed study.

Your Committee on Housing concurs with the intent and purpose of H.R. No. 348 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 1283 Housing on H.C.R. No. 329

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to assess the feasibility of implementing a housing downpayment bond program, such as the State of Michigan's Home Ownership Savings Trust (HOST) program, to provide downpayment assistance for moderate and market income families in Hawaii.

Your Committee received testimony in support of this concurrent resolution from the Housing Finance and Development Corporation (HFDC). This testimony acknowledged that the lack of a sufficient downpayment is one of the most common deterrents to homeownership for many of Hawaii's families.

Your Committee is aware that the State of Michigan has implemented the HOST program which enables Michigan residents to save for a downpayment. In seeking downpayment assistance for Hawaii residents, your Committee believes that the Michigan HOST program, which allows participants to invest in portions of a bond issued by the State, is a worthwhile model to consider because the interest earned from savings under this program is exempt from federal, state, and local income taxes.

Your Committee encourages the Department of Budget and Finance to cooperate with the Legislative Reference Bureau in connection with the proposed study.

Your Committee on Housing concurs with the intent and purpose of H.C.R. No. 329 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 1284 Housing on H.R. No. 362 (Majority)

The purpose of this resolution is to request the Legislative Reference Bureau to study the feasibility of implementing rent control measures to ensure fair rental rates.

Your Committee heard testimony from the Housing Finance and Development Corporation in support of the study. Testimony stating that the study was unnecessary because of studies conducted elsewhere, particularly in the District of Columbia, was presented by the Hawaii Association of Realtors.

Your Committee on Housing concurs with the intent and purpose of H.R. No. 362 and recommends that it be referred to the Committee on Legislative Management.

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

SCRep. 1285 Housing on H.C.R. No. 337 (Majority)

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to study the feasibility of implementing rent control measures to ensure fair rental rates.

Your Committee heard testimony from the Housing Finance and Development Corporation in support of the study. Testimony stating that the study was unnecessary because of studies conducted elsewhere, particularly in the District of Columbia, was presented by the Hawaii Association of Realtors.

Your Committee on Housing concurs with the intent and purpose of H.C.R. No. 337 and recommends that it be referred to the Committee on Legislative Management.

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

SCRep. 1286 Finance on S.B. No. 1239

The purpose of this bill is to allow the Board of Trustees of the Employees' Retirement System (Board) more discretion when making investments. Specifically, this measure enables the Board to:

- (1) Invest in global fixed-income securities;

- (2) Establish minimum and maximum member home loan mortgage amounts; and
- (3) Determine mortgage interest rates at its discretion.

In addition, this bill eliminates limits in asset classes as a percentage of the total book value of the system's assets.

Testimony in support of this measure was received from the Department of Budget and Finance.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1239, SD 2, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1287 Judiciary and Intergovernmental Relations and International Affairs on H.R. No. 151

The purpose of this resolution is to request the state and county agencies to use gender-neutral terms in all publications and communications.

Supporting testimony was received from the Hawaii State Commission on the Status of Women and the Honolulu County Committee on the Status of Women.

Your Committee finds that gender bias in various sectors of the public institutions is often manifested in the form of language. Gender bias, as well as perceptions of gender bias as used in the public discourse greatly hinders social change towards gender equity in our society.

This resolution was amended by adding a provision that it shall be the responsibility of the state and county equal employment opportunity/affirmative action officers to monitor compliance with their non-discriminatory policies. This resolution was further amended to require that certified copies of this resolution be transmitted to these officers.

Your Committees on Judiciary and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.R. No. 151, as amended herein, and recommend that it be referred to the Committee on Legislative Management in the form attached hereto as H.R. No. 151, HD 1.

Signed by all members of the Committees except Representatives Hirono, Horita, Peters, Tam and Yoshimura.

SCRep. 1288 Judiciary and Intergovernmental Relations and International Affairs on H.C.R. No. 142

The purpose of this concurrent resolution is to request the state and county agencies to use gender-neutral terms in all publications and communications.

Supporting testimony was received from the Hawaii State Commission on the Status of Women and the Honolulu County Committee on the Status of Women.

Your Committee finds that gender bias in various sectors of the public institutions is often manifested in the form of language. Gender bias, as well as perceptions of gender bias as used in the public discourse greatly hinders social change towards gender equity in our society.

This concurrent resolution was amended by adding a provision that it shall be the responsibility of the state and county equal employment opportunity/affirmative action officers to monitor compliance with their non-discriminatory policies. This concurrent resolution was further amended to require that certified copies of this concurrent resolution be transmitted to these officers.

Your Committees on Judiciary and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.C.R. No. 142, 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. 142, HD 1.

Signed by all members of the Committees except Representatives Horita, Peters, Tam and Yoshimura.

SCRep. 1289 Judiciary and Transportation on H.R. No. 142

The purpose of this resolution is to request a study by the Legislative Reference Bureau on the operations of various parking lot operations.

Private parking lot operations, unmanned and manned, are virtually ungoverned by the State. The manner of operations allows the parking lots unlimited opportunity to abuse the privilege of operating a business and take advantage of consumers. Many lots do not provide receipts for payment of parking fees. The owner of the vehicle has no proof of payment when questioned or when the car is towed. Unfair business practice is particularly apparent where the towing company is owned by the parking lot owner.

It is the State's responsibility to insure that all businesses authorized to do business in Hawaii operate under legal and ethical standards and that the public is adequately protected from unfair business practices. Given the growing population and the increasing use of the motor vehicle, the need for parking will be in high demand. The requested study will aid in

assessing the ethical and legal standards parking lot owners are violating. The study will also provide recommendations as to protecting the public from unfair business practices.

Your Committees on Judiciary and Transportation concur with the intent and purpose of H.R. No. 142 and recommend that it be referred to the Committee on Legislative Management.

Signed by all members of the Committees except Representatives Amaral, Horita, Peters, Tam, Yoshimura and Ward.

SCRep. 1290 Judiciary and Transportation on H.C.R. No. 133

The purpose of this concurrent resolution is to request a study by the Legislative Reference Bureau on the operations of various parking lot operations.

Private parking lot operations, unmanned and manned, are virtually ungoverned by the State. The manner of operations allows the parking lots unlimited opportunity to abuse the privilege of operating a business and take advantage of consumers. Many lots do not provide receipts for payment of parking fees. The owner of the vehicle has no proof of payment when questioned or when the car is towed. Unfair business practice is particularly apparent where the towing company is owned by the parking lot owner.

It is the State's responsibility to insure that all businesses authorized to do business in Hawaii operate under legal and ethical standards and that the public is adequately protected from unfair business practices. Given the growing population and the increasing use of the motor vehicle, the need for parking will be in high demand. The requested study will aid in assessing the ethical and legal standards parking lot owners are violating. The study will also provide recommendations as to protecting the public from unfair business practices.

Your Committees on Judiciary and Transportation concur with the intent and purpose of H.C.R. No. 133 and recommend that it be referred to the Committee on Legislative Management.

Signed by all members of the Committees except Representatives Amaral, Horita, Peters, Tam, Yoshimura and Ward.

SCRep. 1291 Consumer Protection and Commerce and Tourism on H.C.R. No. 260

The purpose of this concurrent resolution is to call for a feasibility study, by the Office of the Legislative Auditor, requiring a certification of tour guides.

Your Committees received extensive supporting testimony from the University of Hawaii. The Department of Commerce and Consumer Affairs testified in support of the sunrise review process.

Your Committees find that the quality of a visitors' experience in Hawaii is of great importance if tourism is to prosper in today's marketplace. In light of this, your Committees paid particular attention to the University of Hawaii's testimony that many European and Asian countries have recognized the professional standards required of the tour guide and that London and Tokyo, among others, have extensive, sophisticated methods of preparing, testing, and evaluating tour guides.

Furthermore, your Committees suggest the inclusion of tour industry representatives in any review. In addition, the Office of the Legislative Auditor is asked to consider the possible "grandfathering" of current tour guides if certification is suggested, as well as the possibility of merely allowing certification rather than requiring it.

Your Committees on Consumer Protection and Commerce and Tourism are in accord with the intent and purpose of H.C.R. No. 260 and recommend that it be referred to the Committee on Legislative Management.

Signed by all members of the Committees except Representatives Peters, Yoshimura and Ward.

SCRep. 1292 Consumer Protection and Commerce on H.C.R. No. 258

The purpose of this concurrent resolution is to request the Legislative Auditor to study the practices of Financial Exchange Intermediaries, and to consider legislation that would protect the public by ensuring that Intermediaries, who are presently unregulated, are regulated by the State and are appropriately bonded.

Your Committee heard testimony in favor of this concurrent resolution from the Commissioner of Financial Institutions and the president of T.G. Exchange Companies. Both cited the need to protect consumers in like-kind exchanges, which are not regulated as escrow depositories are. Intermediaries may hold large amounts of money in uninsured accounts, yet no bonds are required nor reports of financial stability. This concurrent resolution would allow appropriate legislation regarding such practices to be enacted during the 1992 session.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of H.C.R. No. 258 and recommends that it be referred to the Committee on Legislative Management.

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

SCRep. 1293 Judiciary on H.C.R. No. 76

The purpose of this concurrent resolution is to:

- (1) Request that the Commission on Memorials for Veterans of the Korean and Vietnam Conflicts and the Governor of the State of Hawaii to reconsider their decision to locate the memorials honoring Hawaii's dead and missing of the Korean and Vietnam conflicts on the Ewa grounds of the State Capitol to the proposed Eternal Flame Memorial Mall;
- (2) Provide for the lapsing of the \$1,000,000 appropriation made for fiscal year 1990-1991 for these memorials;
- (3) Provide for the reappropriation of the \$1,000,000 for fiscal year 1991-1993 to situate the memorials on the Eternal Flame Memorial Mall proposed by the Department of Accounting and General Services (DAGS); and
- (4) Provide for an increase in the current request by DAGS for \$590,000 in fiscal year 1991-1992 to \$6,500,000 for the extension of the Eternal Flame Memorial Mall and the first phase of the basement parking facility in order to house the Korean and Vietnam memorials on a timely basis.

In 1988, the Legislature passed legislation to establish a State commission for the purpose of planning and selecting a memorial design for the construction of a State memorial to honor Korean and Vietnam War veterans. Subsequently, the Ewa lawn of the State Capitol was designated as the specific site for the memorials and a memorial design was chosen.

A number of community groups and individuals have voiced opposition to the designation of the Ewa lawn of the State Capitol for the State memorial because it would compromise the integrity of the Capitol district, specifically the historical relationship between Iolani Palace and Washington Place. Moreover, the construction of the State memorial would be inconsistent with a Honolulu City Ordinance on Special Districts, Chapter 21, Article 7.30, which established the Hawaii Capitol Special District and set forth objectives to "preserve and enhance the park-like setting of the Hawaii Capitol Special District, including its view from the Punchbowl lookout."

Traditionally, the Legislature has abided by the City Ordinance and has rejected several proposals in the past to use the Capitol lawn areas as sites for other memorials and capital improvement projects, including the Queen Liliuokalani Statue and a parking lot. The State Capitol itself was designed and constructed to provide for as much open space as possible, and was specifically constructed to provide mauka and makai views between Iolani Palace to Washington Place, with a mauka view of St. Andrews Cathedral and the mountains beyond.

In view of the history and intent of the Hawaii Capitol Special District, your Committee believes that the proposed Eternal Flame Memorial Mall would be an appropriate alternative site for the State memorial.

Testimony in support of this measure was submitted by the Friends of Iolani Palace, the Downtown Neighborhood Board No. 13, the Association of Hawaiian Civic Clubs, Team DMZ, the Veterans of Foreign Wars of the United States, and other organizations and individuals from the community-at-large.

While your Committee is aware that the lapsing, reappropriation and supplemental appropriation references in this resolution are not legally binding, such action, if taken, by the Committees on Finance and Ways and Means in preparing the budget will best serve the public.

Your Committee on Judiciary concurs with the intent and purpose of H.C.R. No. 76 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee except Representatives Amaral, Arakaki, Bainum, Peters, Yoshimura and Ward.

SCRep. 1294 Health on H.R. No. 333

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

- (1) to examine various strategies for the delivery of health care services on the neighbor islands; and
- (2) to convene a series of discussions on issues relating to those strategies.

The Hawaii State Primary Care Association testified in support of this resolution. Its representative noted that the neighbor islands, like mainland rural areas, are medically underserved, and that rural residents both in Hawaii and on the mainland experience lower rates of coverage from public and private health care financing programs. The Department of Health submitted testimony affirming the importance of the issues addressed by this resolution. In its testimony the Department of Human Services offered to help carry out the activities which this resolution requests.

Your Committee finds that several important strategies for improving the delivery of health care on the neighbor islands recently have surfaced and that it is important to encourage study, thought, and wide discussion regarding the implications, interrelationships, and optimal implementation of those strategies.

Your Committee on Health is in accord with the intent and purpose of H.R. No. 333 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee except Representative Peters.

SCRep. 1295 Health and Human Services on H.C.R. No. 246

The purpose of this concurrent resolution is to request the Legislative Auditor to perform a comprehensive review of all administrative rules relating to the administration, dispersal, and development of residential care homes.

Testimony was received in favor of this measure from the Department of Health, the State Planning Council on Developmental Disabilities with suggested amendments, the Commission on Persons with Disabilities with suggested amendments, the United Group of Home Operators, and a private citizen. There was no testimony submitted in opposition.

Your Committee finds that the Legislative Auditor has submitted two prior reports to this Legislature. One in 1989 entitled, "A Study of the Adequacy of Adult Residential Care Home Payments and problems of Vacancy, Admission, and Demand", and one in 1990 entitled, "Evaluation of the Quality of Care in Homes Serving People with Developmental Disabilities". In order to avoid duplication and to further focus the directives of this resolution, the following amendments have been made:

- (1) Add a WHEREAS indicating the previous reports submitted by the Legislative Auditor;
- (2) Add a WHEREAS pointing out the numerous recommendations presented by the previous reports;
- (3) Add an item (5) to page 3, to direct the Auditor to assess the previous reports while determining the current status and development of a plan of action on addressing the issues in question;
- (4) Add an item (6) to page 3, requesting the Auditor to determine the support and training needed to improve the quality of service provided by residential care homes; and
- (5) Add items (1) through (5), page 3 of House Resolution No. 270 as items (7) through (11). These items provide additional specific direction to the Legislative Auditor for the scope of their study, to include:
 - (a) An examination of the short-term and long-term needs for residential care home operators throughout the State;
 - (b) The determination of possible incentives to encourage citizens to become residential care home operators;
 - (c) An examination of the Dispersal Review Council's activities since its establishment;
 - (d) A status report from the Office of the Attorney General regarding litigation involving the constitutionality and the application of Act 205, Session Laws of Hawaii, 1988;
 - (e) A determination of the financial burdens experienced by residential care home operators, including: (1) the premium costs for liability insurance coverage; and (2) the distribution of state and federal funds for direct compensation; and

Your Committees on Health and Human Services concur with the intent and purpose of H.C.R. No. 246, 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. 246, HD 1.

Signed by all members of the Committees except Representative Peters.

SCRep. 1296 Health on H.C.R. No. 47

The purpose of this concurrent resolution is to request the Legislative Auditor to study and report on the coordination of mental health needs of children and adolescents between State agencies.

Testimony was received in support of this measure from the Department of Health with a suggested amendment, the Department of Education, the Mental Health Association in Hawaii, the Commission on Persons with Disabilities, Catholic Charities of the Diocese of Honolulu, the State Advisory Council on Mental Health and Substance Abuse, the State Planning Council on Developmental Disabilities, and the Mental Health Coalition.

Your Committee, recognizing that cooperation and coordination must be obtained not only between the Departments of Health and Education, but with the Department of Human Services in the delivery of effective services, has amended the bill to request the Legislative Auditor to include the Department of Human Services in its study and report.

Your Committee on Health concurs with the intent and purpose of H.C.R. No. 47, 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. 47, HD 1.

Signed by all members of the Committee.

SCRep. 1297 Health on H.C.R. No. 306

The purpose of this concurrent resolution is to request the Legislative Auditor to study the Department of Health's current system and contract policies regarding the provision of services to persons with developmental disabilities.

Testimony was received in favor of this measure from the Department of Health, the Commission on Persons with Disabilities, and the State Planning Council on Developmental Disabilities.

Your Committee finds that the provision of services (POS) process has become confusing not only for the service providers, but for the Department itself. This concurrent resolution will begin the important process of reviewing the way we fund important programs.

Your Committee on Health concurs with the intent and purpose of H.C.R. No. 306 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee except Representative Peters.

SCRep. 1298 Health on H.C.R. No. 311

The purpose of this concurrent resolution is to request the Legislative Auditor to study interagency approaches to the provision of services for persons with developmental disabilities who require services from more than one agency and to report to the Legislature on its findings.

The Department of Health, the State Planning Council on Developmental Disabilities, and the Commission on Persons with Disabilities testified in support of this concurrent resolution, while the Department of Education testified against it.

According to the testimony submitted by the Department of Education, an interagency approach is already in place through the activities of the State Planning Council and the statewide cluster system. The testimony from the State Planning Council, however, noted that while the cluster system works well, it serves children only and is used only to address the most severe cases. It also was pointed out that the State Planning Council's role is one of planning and oversight and that it is not involved in the delivery of services.

Your Committee finds that interagency coordination and cooperation are necessary to ensure that persons with developmental disabilities receive the full range of services which they require. When, on the other hand, the service system is fragmented because such coordination and cooperation are lacking, individuals with disabilities and their families experience deep frustration as they follow complicated, time consuming procedures involving numerous agencies in order to receive needed services.

Your Committee on Health is in accord with the intent and purpose of H.C.R. No. 311 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee except Representative Peters.

SCRep. 1299 Health on H.C.R. No. 309

The purpose of this concurrent resolution is to request the Office of the Legislative Auditor to evaluate the Waianae Coast Community Mental Health Center as a model for the provision of mental health services and to report its findings and recommendations to the Legislature.

The Department of Health, the Mental Health Association, the State Advisory Council on Mental Health and Substance Abuse, and the Waianae Coast Community Mental Health Center presented testimony in support of this concurrent resolution.

Your Committee finds that the Waianae Coast Community Mental Health Center is of great interest as a model for the delivery of community mental health services because of its success and unique characteristics. Formerly a State agency, it is now a private non-profit agency providing community-based services under the guidance of a community-based board of directors. As a result, it is better oriented to community needs and more effective. One concrete result has been a reduction in the number of people sent to the State Mental Hospital, thus saving thousands of tax dollars.

Your Committee on Health is in accord with the intent and purpose of H.C.R. No. 309 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 1300 Labor and Public Employment on H.C.R. No. 77

The purpose of this concurrent resolution is request the Legislative Auditor to conduct a comprehensive review of the Employees' Retirement System.

The United Public Workers Union local 646 testified that retiring members often times experience difficulty in obtaining pension and retirement benefits. These benefits have, in many cases, not been allotted on a timely basis causing undue financial hardships.

Your Committee finds that the Employees' Retirement System, since its establishment in 1926, has never had a comprehensive review.

Your Committee received testimony from the Employees' Retirement System and the United Public Workers Union Local 646.

Your Committee on Labor and Public Employment concurs with the intent and purpose of H.C.R. No. 77 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 1301 Labor and Public Employment on H.R. No. 301

The purpose of this resolution is to request the Legislative Reference Bureau to study the feasibility of providing health insurance benefits for emergency and temporary hires of the state and county governments.

Your Committee notes that in numerous cases, emergency and temporary hires are renewed from period to period until the necessary staffing situation is resolved. However, these special hires are not considered regular work force employees, therefore, they are unable to obtain health insurance coverage under the Hawaii Public Employees Health Fund.

Your Committee received testimony in support of this measure, including testimony from the Hawaii State Department of Health. Your Committee concurs with the Department that health insurance benefits should be made available to all of Hawaii's residents.

Your Committee recommends that in conducting this study, the Legislative Reference Bureau be requested to:

- (1) Determine the number of emergency and temporary hires who have had their appointments renewed for approximately one, two, three, and six or more months, excluding Department of Education and University of Hawaii employees;
- (2) Determine, for Department of Education and University of Hawaii employees who are not eligible for Health Fund insurance coverage, the number of such employees who are employed for approximately one, two, three, and six or more months;
- (3) Determine the number of hires in paragraphs (1) and (2) who are not covered by health insurance policies;
- (4) Explore means of providing health insurance coverage to these persons under the Health Fund law;
- (5) Ascertain the state and county government's additional cost to enroll these uninsured persons in the Health Fund Program, as if they were regular work force employees;
- (6) Estimate the financial impact on the monthly health insurance premium rates of the enrollees of the Health Fund from the anticipated adverse selection and higher plan utilization of these newly eligible persons; and
- (7) Submit recommendations and proposed legislation to modify the Health Fund law to enable emergency and temporary hires to purchase health insurance.

Your Committee on Labor and Public Employment concurs with the intent and purpose of H.R. No. 301 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 1302 Labor and Public Employment on H.C.R. No. 282

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to study the feasibility of providing health insurance benefits for emergency and temporary hires of the state and county governments.

Your Committee notes that in numerous cases, emergency and temporary hires are renewed from period to period until the necessary staffing situation is resolved. However, these special hires are not considered regular work force employees, therefore, they are unable to obtain health insurance coverage under the Hawaii Public Employees Health Fund.

Your Committee received testimony in support of this measure, including testimony from the Hawaii State Department of Health. Your Committee concurs with the Department that health insurance benefits should be made available to all of Hawaii's residents.

Your Committee recommends that in conducting this study, the Legislative Reference Bureau be requested to:

- (1) Determine the number of emergency and temporary hires who have had their appointments renewed for approximately one, two, three, and six or more months, excluding Department of Education and University of Hawaii employees;
- (2) Determine, for Department of Education and University of Hawaii employees who are not eligible for Health Fund insurance coverage, the number of such employees who are employed for approximately one, two, three, and six or more months;
- (3) Determine the number of hires in paragraphs (1) and (2) who are not covered by health insurance policies;

- (4) Explore means of providing health insurance coverage to these persons under the Health Fund law;
- (5) Ascertain the state and county government's additional cost to enroll these uninsured persons in the Health Fund Program, as if they were regular work force employees;
- (6) Estimate the financial impact on the monthly health insurance premium rates of the enrollees of the Health Fund from the anticipated adverse selection and higher plan utilization of these newly eligible persons; and
- (7) Submit recommendations and proposed legislation to modify the Health Fund law to enable emergency and temporary hires to purchase health insurance.

Your Committee on Labor and Public Employment concurs with the intent and purpose of H.C.R. No. 282 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee.

SCRep. 1303 Labor and Public Employment on H.R. No. 315

The purpose of this resolution is to request the Legislative Reference Bureau to conduct a study on the practices and decisions of the Hawaii Labor Relations Board.

Your Committee finds that questions have been raised as to how determinations are made regarding what employees are determined to be "included" or "excluded" from membership in collective bargaining units. Your Committee also finds that it is in the best interest of public sector employees and employers, that there be clear guidelines and criteria established for making such determinations.

Your Committee received testimony from the Hawaii Labor Relations Board, the Public Employees Management Association of Hawaii, and the Hawaii Government Employees Association.

Your Committee has amended this resolution to include the United Public Workers Union, the Hawaii State Teachers Association, the University of Hawaii Professional Assembly, the Hawaii Nurses Association, State of Hawaii Organization of Police Officers, Hawaii Fire Fighters Association, and the Public Employees Management Association of Hawaii as organizations receiving certified copies of the resolution.

Your Committee on Labor and Public Employment concurs with the intent and purpose of H.R. No. 315, as amended herein, and recommends that it be referred to the Committee on Legislative Management in the form attached hereto as H.R. No. 315, HD 1.

Signed by all members of the Committee.

SCRep. 1304 Labor and Public Employment on H.C.R. No. 299

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to conduct a study on the practices and decisions of the Hawaii Labor Relations Board.

Your Committee finds that questions have been raised as to how determinations are made regarding what employees are determined to be "included" or "excluded" from membership in collective bargaining units. Your Committee also finds that it is in the best interest of public sector employees and employers, that there be clear guidelines and criteria established for making such determinations.

Your Committee received testimony from the Hawaii Labor Relations Board, the Public Employees Management Association of Hawaii, and the Hawaii Government Employees Association.

Your Committee has amended this concurrent resolution to include the United Public Workers Union, the Hawaii State Teachers Association, the University of Hawaii Professional Assembly, the Hawaii Nurses Association, State of Hawaii Organization of Police Officers, Hawaii Fire Fighters Association, and the Public Employees Management Association of Hawaii as organizations receiving certified copies of the concurrent resolution.

Your Committee on Labor and Public Employment concurs with the intent and purpose of H.C.R. No. 299, 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. 299, HD 1.

Signed by all members of the Committee.

SCRep. 1305 Transportation and Intergovernmental Relations and International Affairs on H.R. No. 205

The purpose of this resolution is to urge the State Department of Transportation and the counties to act cooperatively to resolve the jurisdictional dispute involving the ownership of many of Hawaii's roads. Your Committees find that the net result of this dispute is many publicly used roadways are neglected and unimproved leaving the public frustrated when told by each jurisdiction that the responsibility for those roads belongs with the other jurisdiction.

Your Committees received testimony supporting the intent of the resolution from the State Department of Transportation, the State Attorney General, and the City and County of Honolulu Department of Public Works.

Your Committees believe that this longstanding dispute must be resolved. Furthermore your Committees understand that the State Department of Transportation and the City and County of Honolulu have agreed to proceed on a joint motion to ask the Hawaii State Supreme Court for a declaratory ruling on this matter.

Therefore, your Committees have amended the resolution to more accurately reflect the request to be filed with the Hawaii Supreme Court and to request that the State and counties cooperatively develop and submit specific legislative proposals to address the related issues surrounding road ownership.

Your Committees on Transportation and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.R. No. 205, as amended herein, and recommend that it be referred to the Committee on Judiciary in the form attached hereto as H.R. No. 205, HD 1.

Signed by all members of the Committees.

SCRep. 1306 Transportation and Intergovernmental Relations and International Affairs on H.C.R. No. 177

The purpose of this concurrent resolution is to urge the State Department of Transportation and the counties to act cooperatively to resolve the jurisdictional dispute involving the ownership of many of Hawaii's roads. Your Committees find that the net result of this dispute is many publicly used roadways are neglected and unimproved leaving the public frustrated when told by each jurisdiction that the responsibility for those roads belongs with the other jurisdiction.

Your Committees received testimony supporting the intent of the concurrent resolution from the State Department of Transportation, the State Attorney General, and the City and County of Honolulu Department of Public Works.

Your Committees believe that this longstanding dispute must be resolved. Furthermore your Committees understand that the State Department of Transportation and the City and County of Honolulu have agreed to proceed on a joint motion to ask the Hawaii State Supreme Court for a declaratory ruling on this matter.

Therefore, your Committees have amended the concurrent resolution to more accurately reflect the request to be filed with the Hawaii Supreme Court and to request that the State and counties cooperatively develop and submit specific legislative proposals to address the related issues surrounding road ownership.

Your Committees on Transportation and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.C.R. No. 177, as amended herein, and recommend that it be referred to the Committee on Judiciary in the form attached hereto as H.C.R. No. 177, HD 1.

Signed by all members of the Committees.

SCRep. 1307 Water, Land Use and Hawaiian Affairs on H.R. No. 210

The purpose of this resolution is to:

- 1) Honor Grover Cleveland, the Twenty-second and Twenty-fourth President of the United States, for his efforts to prevent the annexation of the independent nation of Hawai'i;
- 2) Request that his name be given to a government building, park, highway, or other appropriate major facility on the island of Oahu;
- 3) Request the Governor of the State of Hawai'i to bestow President Cleveland's name on the facility during 1991.

Your Committee received testimony from the Office of Hawaiian Affairs, Alu Like, and an individual.

In 1893, while Benjamin Harrison was President, a group of American businessmen, acting in their own selfish interests and without formal authority from the United States government, forced Queen Liliuokalani to abdicate her throne. President Harrison pushed for immediate annexation of Hawai'i. Grover Cleveland, the President-elect, convinced the U.S. Senate to defer action until the facts could be fully examined.

Upon inauguration, he appointed an impartial member of Congress as Special Commissioner to Hawai'i. His report to Cleveland placed the blame for the businessmen's revolution directly upon the U.S. Minister to Hawai'i. Cleveland named a new Minister, conveying his deep regrets to the Queen and promising to correct the wrongs done to the Kingdom of Hawai'i. He presented his findings of the overthrow in a speech to the Congress, condemning the U.S. Minister and calling the unauthorized military intervention against the Hawaiian nation an "act of war".

Many months of debate followed, during which time President Cleveland continued his unsuccessful efforts to restore Queen Liliuokalani to her rightful throne. Not until 1898, after Cleveland was defeated by pro-annexationist William McKinley, was Hawai'i annexed. Even then there was sufficient moral outrage in the U.S. Congress to prevent the passage of a treaty of annexation. Hawai'i was annexed by a joint resolution of both houses, requiring only a simple majority instead of the two-thirds vote needed for a treaty.

In light of the present willingness of the United States to come to the rescue of small monarchies, some may find it hard to understand why President Cleveland did not simply send in the troops and restore Queen Liliuokalani to her throne.

However, short of military action, Cleveland did do enough on behalf of Queen Liliuokalani and the Hawaiian people to merit having some important Oahu facility named after him. He certainly deserves this honor more than McKinley does.

Your Committee has amended this resolution to correct technical drafting errors.

Your Committee on Water, Land Use and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 210, as amended herein, and recommends that it be referred to the Committee on Judiciary in the form attached hereto as H.R. No. 210, HD 1.

Signed by all members of the Committee.

SCRep. 1308 Water, Land Use and Hawaiian Affairs on H.C.R. No. 182

The purpose of this concurrent resolution is to:

- 1) Honor Grover Cleveland, the Twenty-second and Twenty-fourth President of the United States, for his efforts to prevent the annexation of the independent nation of Hawai'i;
- 2) Request that his name be given to a government building, park, highway, or other appropriate major facility on the island of Oahu;
- 3) Request the Governor of the State of Hawai'i to bestow President Cleveland's name on the facility during 1991.

Your Committee received testimony from the Office of Hawaiian Affairs, Alu Like, and an individual.

In 1893, while Benjamin Harrison was President, a group of American businessmen, acting in their own selfish interests and without formal authority from the United States government, forced Queen Liliuokalani to abdicate her throne. President Harrison pushed for immediate annexation of Hawai'i. Grover Cleveland, the President-elect, convinced the U.S. Senate to defer action until the facts could be fully examined.

Upon inauguration, he appointed an impartial member of Congress as Special Commissioner to Hawai'i. His report to Cleveland placed the blame for the businessmen's revolution directly upon the U.S. Minister to Hawai'i. Cleveland named a new Minister, conveying his deep regrets to the Queen and promising to correct the wrongs done to the Kingdom of Hawai'i. He presented his findings of the overthrow in a speech to the Congress, condemning the U.S. Minister and calling the unauthorized military intervention against the Hawaiian nation an "act of war".

Many months of debate followed, during which time President Cleveland continued his unsuccessful efforts to restore Queen Liliuokalani to her rightful throne. Not until 1898, after Cleveland was defeated by pro-annexationist William McKinley, was Hawai'i annexed. Even then there was sufficient moral outrage in the U.S. Congress to prevent the passage of a treaty of annexation. Hawai'i was annexed by a joint resolution of both houses, requiring only a simple majority instead of the two-thirds vote needed for a treaty.

In light of the present willingness of the United States to come to the rescue of small monarchies, some may find it hard to understand why President Cleveland did not simply send in the troops and restore Queen Liliuokalani to her throne. However, short of military action, Cleveland did do enough on behalf of Queen Liliuokalani and the Hawaiian people to merit having some important Oahu facility named after him. He certainly deserves this honor more than McKinley does.

Your Committee has amended this concurrent resolution to correct technical drafting errors.

Your Committee on Water, Land Use and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 182, as amended herein, and recommends that it be referred to the Committee on Judiciary in the form attached hereto as H.C.R. No. 182, HD 1.

Signed by all members of the Committee.

SCRep. 1309 Water, Land Use and Hawaiian Affairs and Intergovernmental Relations and International Affairs on H.R. No. 258

The purpose of this resolution is to urge the Mayors and the Councils of each county to evaluate and revise the current real property tax system to provide tax relief for agroforestry and reforestation efforts. Certified copies of this resolution are to be transmitted to the Mayor and the Chairperson of the Council of each county.

Your Committees received supporting testimony from the Department of Land and Natural Resources (DLNR), the Conservation Council for Hawaii, the Hawaii Society of American Foresters, and the Natural Resources Defense Council.

Hawaii's unique forests are listed among the planet's top twenty endangered forest ecosystems, with only one-fifth of their original extent still standing. It is crucial for the State and its people to protect what remains. In addition, DLNR stated in its testimony "Studies have shown that the conversion of forest land to other uses, and intensive grazing of forest lands, contribute to greater run-off and erosion, resulting in less percolation to recharge the ground water supplies. With the accelerated developments that are occurring today, it is imperative that forest watersheds remain as productive as ever."

One of the contributing factors to the destruction of Hawaii's forests is that tax rates for forested land are higher than for lands in pasture. Naturally, this provides an incentive for landowners to remove forests in favor of grazing cattle. By reversing this financial incentive, it is your Committees' hope that both pristine forest will be protected and deforested lands will be replanted.

In response to suggestions presented in the testimony, your Committees have amended this resolution by:

- 1) Rewriting the fifth paragraph, the intent of which is unclear;
- 2) Correcting the date of the report referred to in the ninth paragraph; and
- 3) Amending the first "resolved" clause to explicitly protect native forest ecosystems from inappropriate forestry efforts.

Your Committees on Water, Land Use and Hawaiian Affairs and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.R. No. 258, as amended herein, and recommend that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 258, HD 1.

Signed by all members of the Committees.

SCRep. 1310 Water, Land Use and Hawaiian Affairs and Intergovernmental Relations and International Affairs on H.C.R. No. 233

The purpose of this concurrent resolution is to urge the Mayors and the Councils of each county to evaluate and revise the current real property tax system to provide tax relief for agroforestry and reforestation efforts. Certified copies of this concurrent resolution are to be transmitted to the Mayor and the Chairperson of the Council of each county.

Your Committees received supporting testimony from the Department of Land and Natural Resources (DLNR), the Conservation Council for Hawaii, the Hawaii Society of American Foresters, and the Natural Resources Defense Council.

Hawaii's unique forests are listed among the planet's top twenty endangered forest ecosystems, with only one-fifth of their original extent still standing. It is crucial for the State and its people to protect what remains. In addition, DLNR stated in its testimony "Studies have shown that the conversion of forest land to other uses, and intensive grazing of forest lands, contribute to greater run-off and erosion, resulting in less percolation to recharge the ground water supplies. With the accelerated developments that are occurring today, it is imperative that forest watersheds remain as productive as ever."

One of the contributing factors to the destruction of Hawaii's forests is that tax rates for forested land are higher than for lands in pasture. Naturally, this provides an incentive for landowners to remove forests in favor of grazing cattle. By reversing this financial incentive, it is your Committees' hope that both pristine forest will be protected and deforested lands will be replanted.

In response to suggestions presented in the testimony, your Committees have amended this concurrent resolution by:

- 1) Rewriting the fifth paragraph, the intent of which is unclear;
- 2) Correcting the date of the report referred to in the ninth paragraph; and
- 3) Amending the first "resolved" clause to explicitly protect native forest ecosystems from inappropriate forestry efforts.

Your Committees on Water, Land Use and Hawaiian Affairs and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.C.R. No. 233, as amended herein, and recommend that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 233, HD 1.

Signed by all members of the Committees.

SCRep. 1311 Education on H.C.R. No. 262

The purpose of this concurrent resolution is to request the conversion of general fund positions from temporary to permanent status within the Department of Education.

Testimony in support of the intent of this measure was submitted by the Department of Education, the Hawaii State Public Library System, the Hawaii Government Employees Association, the Hawaii State Teachers Association, and concerned citizens.

Upon further consideration, your Committee has expanded the scope of this measure to request the Department of Education, in conjunction with the Hawaii State Teachers Association, the Hawaii Government Employees Association, the United Public Workers, the Governor, the Legislature, the Department of Budget and Finance, and the Department of Personnel Services, develop a mechanism to convert temporary positions to permanent positions.

At the same time, this measure has been amended to provide that certified copies would be transmitted to the Executive Director of the Hawaii State Teachers Association, the Executive Director of the Hawaii Government Employees

Association, the State Director of the United Public Workers, the Governor, the Senate President, the Speaker of the House of Representatives, the Director of Finance, and the Director of Personnel Services.

Your Committee on Education concurs with the intent and purpose of H.C.R. No. 262, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 262, HD 1.

Signed by all members of the Committee.

SCRep. 1312 Education on H.R. No. 285

The purpose of this resolution is to request the conversion of general fund positions from temporary to permanent status within the Department of Education.

Testimony in support of the intent of this measure was submitted by the Department of Education, the Hawaii State Public Library System, the Hawaii Government Employees Association, the Hawaii State Teachers Association, and concerned citizens.

Upon further consideration, your Committee has expanded the scope of this measure to request the Department of Education, in conjunction with the Hawaii State Teachers Association, the Hawaii Government Employees Association, the United Public Workers, the Governor, the Legislature, the Department of Budget and Finance, and the Department of Personnel Services, develop a mechanism to convert temporary positions to permanent positions.

At the same time, this measure has been amended to provide that certified copies would be transmitted to the Executive Director of the Hawaii State Teachers Association, the Executive Director of the Hawaii Government Employees Association, the State Director of the United Public Workers, the Governor, the Senate President, the Speaker of the House of Representatives, the Director of Finance, and the Director of Personnel Services.

Your Committee on Education concurs with the intent and purpose of H.R. No. 285, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 285, HD 1.

Signed by all members of the Committee.

SCRep. 1313 Education on H.R. No. 191

The purpose of this resolution is to request the House Committee on Education to convene a Task Force for the comprehensive review of special education programs to include:

- (1) The development of a statewide special education strategic plan of action, an operational timetable of action, and a list of operational guidelines to be used in the implementation of the strategic plan;
- (2) An assessment of service barriers to special education students; and
- (3) An analysis of the costs incurred for the provision of special education services.

The Department of Education testified against this measure, citing numerous other studies on this issue over the past several years, with the most recent study conducted in 1990. However, the Department of Health, the State Planning Council on Developmental Disabilities, the Commission on Persons with Disabilities, and the Hawaii Association for Children and Adults with Learning Disabilities submitted testimony in favor of this resolution.

Upon further consideration, your Committee has amended the resolution as follows:

- (1) Specified that the Task Force also conduct a comprehensive review of the identification and assessment process of evaluations;
- (2) Deleted the Senate Committees on Health and Human Services, Ways and Means, and Education from the pre-session joint meeting; and
- (2) Corrected other technical and stylistic errors.

Your Committee on Education concurs with the intent and purpose of H.R. No. 191, as amended herein, and recommends that it be referred to the Committee on Legislative Management in the form attached hereto as H.R. No. 191, HD 1.

Signed by all members of the Committee.

SCRep. 1314 Education on H.R. No. 173

The purpose of this resolution is to promote cooperation with education reform efforts in Hawaii by requesting that all agencies in the Executive and Judiciary branches of State government develop plans of action detailing ways in which they will address the objectives set forth as the Hawaii Goals for Education.

As part of the process of reforming the public education system in Hawaii, the community has formulated a set of goals to direct the efforts toward education reform. It is recognized that many of these goals reflect efforts that are beyond the

strict confines of the Department of Education (DOE). The quality of a child's family life has a major impact on the child's ability to learn, and issues such as housing, employment, child support efforts and domestic violence affect the quality of family life.

The DOE and the United Parents For Education Coalition testified in support of this measure.

Your Committee has amended this resolution to:

- (1) Direct the Office of State Planning (OSP) to participate in the preparation of a strategic plan to coordinate the efforts of all the State agencies in achieving these goals;
- (2) Direct that the development of the strategic plans include involvement of the business community and other community groups in supporting the achievement of the State's educational goals; and
- (3) Include that the Director of OSP receive a certified copy of this resolution.

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

Your Committee on Education concurs with the intent and purpose of H.R. No. 173, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 173, HD 1.

Signed by all members of the Committee except Representative Bunda.

SCRep. 1315 Education on H.R. No. 186

The purpose of this resolution is to request the Department of Education (DOE) to formulate a sliding fee schedule for A+ program participants.

In addition, this resolution also requests the DOE to:

- (1) Compare A+ program rates with other program rates;
- (2) Determine the financial impact of A+ program rates on families with one child and two or more children; and
- (3) Evaluate the impact of the pilot A+ program on the DOE general fund budget.

The Board of Education (BOE) and DOE testified that this resolution was not necessary, citing recent in-depth discussion on this issue and the BOE's decision to maintain a single fee.

The United Parents for Education Coalition submitted testimony in support of this resolution.

Upon further consideration, your Committee has amended the resolution by adding two clauses on the issue of federal impact fees. It is your Committee's intent that the impact fees be used to pay for A+ subsidy.

Your Committee on Education concurs with the intent and purpose of H.R. No. 186, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 186, HD 1.

Signed by all members of the Committee except Representative Bunda.

SCRep. 1316 Education on H.R. No. 184

The purpose of this resolution is to request that the State Librarian conduct a study and recommend options to provide a secure and quiet setting in the public libraries that is conducive to reading, studying, researching and other uses of library resources.

Law enforcement and security requirements for the Hawaii State Public Library System involve unarmed, uniformed foot patrol of library facilities to provide parking control, protection of State property and ensuring the personal safety of library users and staff during the hours of operation of the libraries.

Your Committee on Education received testimony in support of this resolution from the Hawaii State Public Library System.

Your Committee on Education concurs with the intent and purpose of H.R. No. 184 and recommends that it be referred to the Committee on Judiciary.

Signed by all members of the Committee.

SCRep. 1317 Education on H.R. No. 231

The purpose of this resolution is to request the Windward District of the Department of Education to provide funding for the Kalaheo High School ASPIRE Program for the 1992-1993 school year.

A voluminous amount of testimony was submitted in support of this resolution by the Department of Education, administrators of Kalaheo High School, members of the Kalaheo High School Parent Teacher Student Association, participants of the ASPIRE Program, parents of students participating in the ASPIRE Program, and teachers of Kalaheo High School.

Your Committee finds that:

- (1) The ASPIRE Program provides:
 - (A) Aid to high school students who are able to work independently, but require assistance in specific curricular areas;
 - (B) Specialized services to students with special needs who require assistance on an individualized basis; and
 - (C) A one-hour after school study hall on a daily basis for students seeking assistance;
- (2) Due to the success of the ASPIRE Program, a majority of the three-hundred to four-hundred student participants at Kalaheo High School have demonstrated a dramatic improvement in grades;
- (3) In addition, the ASPIRE Program has reduced the proliferation of drop-outs at Kalaheo High School and increased the self-esteem of high school students; and
- (4) In the interest of the people of the Windward District, your Committee recommends that the House Committee on Finance and the Senate Committee on Ways and Means support the intent of this resolution and support the Kalaheo High School ASPIRE Program.

Your Committee has amended this resolution by referring to the ASPIRE Program by its full title, the ASPIRE Basic Skills Program. Accordingly, the title of the resolution was amended to read as follows:

"REQUESTING THE WINDWARD DISTRICT OF THE DEPARTMENT OF EDUCATION TO PROVIDE FUNDING FOR THE ASPIRE BASIC SKILLS PROGRAM AT KALAHEO HIGH SCHOOL."

Technical, nonsubstantive amendments were also made for the purposes of clarity and style.

Your Committee on Education concurs with the intent and purpose of H.R. No. 231, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 231, HD 1.

Signed by all members of the Committee.

SCRep. 1318

Education on H.C.R. No. 269

The purpose of this concurrent resolution is to request the Legislative Auditor to perform a financial and management audit of the Department of Accounting and General Services' (DAGS) public school building construction and restoration program for the period extending from July 1, 1984 to June 30, 1991.

Your Committee received supporting testimony from the United Parents For Education Coalition; however, the Department of Education (DOE) testified in opposition to this measure, recommending that the intent of the concurrent resolution be clarified as to whether the Legislative Auditor is being requested to audit both the Capital Improvement Program (CIP) and the Repair and Maintenance (R & M) Program.

Based on the foregoing testimony, your Committee has amended the concurrent resolution as follows:

- (1) Expanded the scope of the audit by the Legislative Auditor to include the building construction and restoration program of the Hawaii State Public Library System;
- (2) Changed the title of the measure to read: **"REQUESTING A FINANCIAL AND MANAGEMENT AUDIT OF THE PUBLIC SCHOOL SYSTEM AND THE HAWAII STATE PUBLIC LIBRARY SYSTEM CAPITAL IMPROVEMENT PROGRAMS";**
- (3) Specified that constructing and maintaining the buildings and facilities of the public school system is under the jurisdiction of the DOE as well as DAGS;
- (4) Clarified that DAGS is responsible for designing and constructing the buildings of the public school system;
- (5) Amended the period that the Legislative Auditor's financial and management audit would cover to read "for the biennium periods extending from July 1, 1987 to June 30, 1991";
- (6) Increased the amount of the construction and restoration projects that the audit review would cover to include only those projects that are in excess of \$250,000 instead of those projects that are in excess of \$100,000;
- (7) Clarified that the audit review include the amount of funds appropriated to construct the project; and
- (8) Requiring the Legislative Auditor to report the results of the audit, including recommendations on the ways in which the Legislature can provide support, as well as the ways in which the capital improvement programs

for the Department of Education and the Hawaii State Public Library System can be improved, to the Legislature at least twenty days prior to the convening of the Regular Session of 1992.

Technical, nonsubstantive amendments were also made for the purposes of style and clarity.

Your Committee on Education concurs with the intent and purpose of H.C.R. No. 269, as amended herein, and recommends that it be referred to the Committee on Legislative Management in the form attached hereto as H.C.R. No. 269, HD 1.

Signed by all members of the Committee.

SCRep. 1319 Education on H.C.R. No. 50

The purpose of this concurrent resolution is to name the new gymnasium at Kauai High and Intermediate School in honor of the late United States Senator Spark M. Matsunaga, as a lasting tribute to his memory from the people of the State of Hawaii, and to allocate five per cent of the construction cost of the gymnasium to construct an entryway in which a plaque, portrait and any other memorabilia may be displayed.

The naming of the new gymnasium at Kauai High and Intermediate School in honor of the late Senator Matsunaga will also help to preserve his accomplishments and ideals in the hearts and minds of the young people of his native Kauai.

Testimony in support of this concurrent resolution was submitted by the Department of Education, the Kauai High School Student Council, Kauai High and Intermediate School, the Kauai Democratic Party, residents of Hanapepe, Kauai and surrounding areas, as well as the son of the late Senator Matsunaga.

Your Committee on Education concurs with the intent and purpose of H.C.R. No. 50 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1320 Education on H.R. No. 183

The purpose of this resolution is to request that the Department of Accounting and General Services conduct a study which shall include, but not be limited to:

- (1) Identifying schools that do not have sufficient parking to accommodate current or projected future levels of need by participants in school activities;
- (2) Determining a fair and reasonable formula for the present and future parking demands on campuses, taking into account variables including but not limited to the off-campus availability of parking spaces; and
- (3) Examining the layouts of schools identified as having inadequate parking and proposing sites for additional on-campus or off-campus parking spaces.

The House Committee on Education received testimony from the Departments of Education and Accounting and General Services and finds that the expansion of services provided to students, lower student-teacher classroom ratios and projected increased participation of parents and community members in the activities of the school, necessitate a review of present and future parking demands at our schools.

Your Committee on Education concurs with the intent and purpose of H.R. No. 183 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1321 Intergovernmental Relations and International Affairs on H.R. No. 261

The purpose of this resolution is to request the counties to re-evaluate their real property tax structure to establish a forest classification that will protect the natural vegetation of this State.

Your Committee finds that the present tax policy encourages deforestation and the conversion of prime and native forest lands to pasture or other agricultural uses that are included in a lower tax classification rate. Reforestation and enhancement of existing forests on private land is in the public interest. In this regard, forest classification for real property tax purposes would remove the current economic incentive for private landowners to convert their forest land to other uses.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.R. No. 261 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1322 Intergovernmental Relations and International Affairs on H.C.R. No. 237

The purpose of this concurrent resolution is to request the counties to re-evaluate their real property tax structure to establish a forest classification that will protect the natural vegetation of this State.

Your Committee finds that the present tax policy encourages deforestation and the conversion of prime and native forest lands to pasture or other agricultural uses that are included in a lower tax classification rate. Reforestation and enhancement of existing forests on private land is in the public interest. In this regard, forest classification for real property tax purposes would remove the current economic incentive for private landowners to convert their forest land to other uses.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.C.R. No. 237 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1323 Human Services on H.R. No. 254

The purpose of this resolution is to request the Legislative Reference Bureau to study the feasibility of consolidating the foster care programs for troubled youth of the Department of Corrections (DOC) and the Judiciary under the Office of Youth Services (OYS).

Testimony in support of this resolution was submitted by the OYS and the Judiciary.

Your Committee has amended this resolution by:

- (1) Deleting that portion of the study pertaining to the transfer of foster care programs of the DOC since these programs will be transferred to the OYS by July 1, 1991 under Act 375, Session Laws of Hawaii 1989, which mandates the transfer of all juvenile corrections functions to the OYS;
- (2) To reflect the foregoing amendment, changing the title of the resolution to read: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE FEASIBILITY OF TRANSFERRING JURISDICTION OF THE FOSTER CARE PROGRAMS FOR TROUBLED YOUTHS OF THE JUDICIARY TO THE OFFICE OF YOUTH SERVICES";
- (3) Replacing all references to the "Department of Corrections" with "Department of Public Safety"; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and style.

Your Committee on Human Services concurs with the intent and purpose of H.R. No. 254, as amended herein, and recommends that it be referred to the Committee on Legislative Management in the form attached hereto as H.R. No. 254, HD 1.

Signed by all members of the Committee.

SCRep. 1324 Human Services on H.C.R. No. 229

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to study the feasibility of consolidating the foster care programs for troubled youth of the Department of Corrections (DOC) and the Judiciary under the Office of Youth Services (OYS).

Testimony in support of this concurrent resolution was submitted by the OYS and the Judiciary.

Your Committee has amended this concurrent resolution by:

- (1) Deleting that portion of the study pertaining to the transfer of foster care programs of the DOC since these programs will be transferred to the OYS by July 1, 1991 under Act 375, Session Laws of Hawaii 1989, which mandates the transfer of all juvenile corrections functions to the OYS;
- (2) To reflect the foregoing amendment, changing the title of the concurrent resolution to read: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE FEASIBILITY OF TRANSFERRING JURISDICTION OF THE FOSTER CARE PROGRAMS FOR TROUBLED YOUTHS OF THE JUDICIARY TO THE OFFICE OF YOUTH SERVICES";
- (3) Replacing all references to the "Department of Corrections" with "Department of Public Safety"; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and style.

Your Committee on Human Services concurs with the intent and purpose of H.C.R. No. 229, as amended herein, and recommends that it be referred to the Committee on Legislative Management in the form attached hereto as H.C.R. No. 229, HD 1.

Signed by all members of the Committee.

SCRep. 1325 Health and Human Services on H.R. No. 270 (Majority)

The purpose of this resolution is to request the House Committee on Health to conduct a comprehensive review of the issues relating to the administration, dispersal, and development of residential care homes.

Testimony was received in favor of this measure from the Department of Health, the State Planning Council on Developmental Disabilities, the United Group of Home Operators, and a private citizen. There was no testimony submitted in opposition.

Your Committees believe that a review of the residential care homes in Hawaii will aid the committee members in the development of necessary legislation and informed decisions.

The resolution has been amended to correct certain typographic, technical, and stylistic errors; no substantive changes were made.

Your Committees on Health and Human Services concur with the intent and purpose of H.R. No. 270, as amended herein, and recommend that it be referred to the Committee on Legislative Management in the form attached hereto as H.R. No. 270, HD 1.

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

**SCRep. 1326 Higher Education and the Arts and Water, Land Use and Hawaiian Affairs on H.R. No. 218
(Majority)**

The purpose of this resolution is to request a study on tuition waivers for native Hawaiians within the University of Hawai'i system.

Your Committees find that the Native Hawaiian population is underrepresented at the University of Hawai'i in comparison to their numbers in the total state population. This resolution can serve as a vehicle to enhance the recruitment and retention of native Hawaiians in higher education programs.

Hawai'i is the only state which enables native Hawaiians, residents and non-residents alike, to study their ethnicity. Your Committees have therefore amended this resolution to include Native Hawaiian non-residents in order to encourage them to return to Hawai'i in pursuit of higher education.

Your Committees on Higher Education and the Arts and Water, Land Use and Hawaiian Affairs concur with the intent and purpose of H.R. No. 218, as amended herein, and recommend that it be referred to the Committee on Legislative Management in the form attached hereto as H.R. No. 218, HD 1.

Signed by all members of the Committees except Representative Yoshimura.
(Representative Bellinger did not concur.)

**SCRep. 1327 Higher Education and the Arts and Water, Land Use and Hawaiian Affairs on H.C.R. No. 192
(Majority)**

The purpose of this concurrent resolution is to request a study on tuition waivers for native Hawaiians within the University of Hawai'i system.

Your Committees find that the native Hawaiian population is underrepresented at the University of Hawai'i in comparison to their numbers in the total state population. This resolution can serve as a vehicle to enhance the recruitment and retention of native Hawaiians in higher education programs.

Hawai'i is the only state which enables native Hawaiians, residents and non-residents alike, to study their ethnicity. Your Committees have therefore amended this resolution to include native Hawaiian non-residents in order to encourage them to return to Hawai'i in pursuit of higher education.

Your Committees on Higher Education and the Arts and Water, Land Use and Hawaiian Affairs concur with the intent and purpose of H.C.R. No. 192, 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. 192, HD 1.

Signed by all members of the Committees except Representative Yoshimura.
(Representative Bellinger did not concur.)

SCRep. 1328 Labor and Public Employment on H.R. No. 263

The purpose of this resolution is to request the Legislative Auditor to conduct a study regarding the feasibility of offering the option of job sharing to teachers near retirement. Retirement credits and benefits will be calculated on the employee's full-time salary.

Your Committee finds that job sharing has been highly successful for many teachers in the Department of Education. The state of California has taken the job sharing concept and applied it to teachers near retirement and found that the savings gained outweighed the costs.

Your Committee received favorable testimony from the Department of Education and Lois Tyler, a teacher from Konawaena High School.

Your Committee has amended this resolution to have the Department of Education conduct the study in conjunction with the Employees' Retirement System.

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

Your Committee on Labor and Public Employment concurs with the intent and purpose of H.R. No. 263, as amended herein, and recommends that it be referred to the Committee on Legislative Management in the form attached hereto as H.R. No. 263, HD 1.

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

SCRep. 1329 Labor and Public Employment on H.C.R. No. 239

The purpose of this concurrent resolution is to request the Legislative Auditor to conduct a study regarding the feasibility of offering the option of job sharing to teachers near retirement. Retirement credits and benefits will be calculated on the employee's full-time salary.

Your Committee finds that job sharing has been highly successful for many teachers in the Department of Education. The state of California has taken the job sharing concept and applied it to teachers near retirement and found that the savings gained outweighed the costs.

Your Committee received favorable testimony from the Department of Education and Lois Tyler, a teacher from Konawaena High School.

Your Committee has amended this concurrent resolution to have the Department of Education conduct the study in conjunction with the Employees' Retirement System.

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

Your Committee on Labor and Public Employment concurs with the intent and purpose of H.C.R. No. 239, 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. 239, HD 1.

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

SCRep. 1330 Labor and Public Employment on H.R. No. 228

The purpose of this resolution is to request the Department of Personnel Services to grant the same veteran employment preference to those members of the United States military who served on active duty in Operation Desert Shield and Desert Storm as previously granted to United States veterans of previous wars, conflicts, and campaigns.

Your Committee commends the men and women of the armed forces who immediately responded to the call of our country and served admirably under difficult and dangerous conditions in Saudi Arabia. Their performance and dedication in the recent conflict is appreciated by all who are the beneficiaries of their efforts.

In the past, the Legislature has granted employment preference to those veterans considering public service in our State. This was done in an effort to acknowledge our debt to America's veterans who served diligently in armed conflicts. It has been the Legislature's policy to assist returning war veterans in rejoining the mainstream of society by granting them employment preference.

Your Committee received testimony in support of this measure from the Department of Personnel Service.

Your Committee on Labor and Public Employment concurs with the intent and purpose of H.R. No. 228 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1331 Labor and Public Employment on H.C.R. No. 205

The purpose of this concurrent resolution is to request the Department of Personnel Services to grant the same veteran employment preference to those members of the United States military who served on active duty in Operation Desert Shield and Desert Storm as previously granted to United States veterans of previous wars, conflicts, and campaigns.

Your Committee commends the men and women of the armed forces who immediately responded to the call of our country and served admirably under difficult and dangerous conditions in Saudi Arabia. Their performance and dedication in the recent conflict is appreciated by all who are the beneficiaries of their efforts.

In the past, the Legislature has granted employment preference to those veterans considering public service in our State. This was done in an effort to acknowledge our debt to America's veterans who served diligently in armed conflicts. It has been the Legislature's policy to assist returning war veterans in rejoining the mainstream of society by granting them employment preference.

Your Committee received testimony in support of this measure from the Department of Personnel Services.

Your Committee on Labor and Public Employment concurs with the intent and purpose of H.C.R. No. 205 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1332 Tourism on H.R. No. 302

The purpose of this resolution is to request the Waikiki Convention Center Authority to seek to reduce the density of the Waikiki Convention Center development.

Your Committee received testimony in support of this resolution from the Waikiki Convention Center Authority, the Hawaii Convention Park Council, the Waikiki Improvement Association, and the Outdoor Circle.

Your Committee finds that the Waikiki Convention Center Authority has always negotiated with the developer to reduce the density of the complex, and that this resolution would affirm the Legislature's support for the authority's goals.

Your Committee further finds that the Waikiki Convention Center Authority should not seek to reduce the actual convention center facility beneath the minimum 625,000 square feet called for in the Hawaii Revised Statutes, Section 206X-5. Your Committee also finds that the authority should include condemnation among the means that it will explore to reduce the density, including options such as condemnation of surrounding properties, estimates of the cost of condemnation measures, and recommendations to the Legislature.

Your Committee on Tourism concurs with the intent and purpose of H.R. No. 302 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1333 Tourism on H.C.R. No. 283

The purpose of this concurrent resolution is to request the Waikiki Convention Center Authority to seek to reduce the density of the Waikiki Convention Center development.

Your Committee received testimony in support of this concurrent resolution from the Waikiki Convention Center Authority, the Hawaii Convention Park Council, the Waikiki Improvement Association, and the Outdoor Circle.

Your Committee finds that the Waikiki Convention Center Authority has always negotiated with the developer to reduce the density of the complex, and that this concurrent resolution would affirm the Legislature's support for the authority's goals.

Your Committee further finds that the Waikiki Convention Center Authority should not seek to reduce the actual convention center facility beneath the minimum 625,000 square feet called for in the Hawaii Revised Statutes, Section 206X-5. Your Committee also finds that the authority should include condemnation among the means that it will explore to reduce the density, including options such as condemnation of surrounding properties, estimates of the cost of condemnation measures, and recommendations to the Legislature.

Your Committee on Tourism concurs with the intent and purpose of H.C.R. No. 283 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1334 Intergovernmental Relations and International Affairs on H.R. No. 216

The purpose of this resolution is to urge the members of the Hawaii Congressional delegation to support the establishment of the United States-Pacific Nations Joint Commercial Commission (JCC) headquarters in Hawaii.

Testimony in support of this resolution was submitted by the Pacific and Asian Affairs Council, the Pacific Forum/CSIS, the Pacific Basin Development Council, the Pacific Rim Foundation, and the Office of International Relations.

Your Committee finds that a consensus has been reached among the Governors of Hawaii, American Samoa, Guam, and the Commonwealth of the Northern Marianas Islands that the JCC's secretariat function would best be met if the JCC is headquartered in Hawaii.

As the world's political and economic center of gravity shifts to the Asia-Pacific region, Hawaii needs to establish itself as a geographical and intellectual "hub" of international activity if it is to be considered a regional leader in the 21st Century. Having the JCC headquarters in Hawaii would be consistent with goals to provide challenging and rewarding new opportunities for Hawaii's people within a broader-based local economy.

Your Committee has amended the resolution to provide that certified copies of this concurrent resolution be transmitted to the Governors and Congressional delegations of American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands, in addition to those already mentioned.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.R. No. 216, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 216, HD 1.

Signed by all members of the Committee except Representatives Baker, Horita and Takamine.

SCRep. 1335 Intergovernmental Relations and International Affairs on H.C.R. No. 188

The purpose of this concurrent resolution is to urge the members of the Hawaii Congressional delegation to support the establishment of the United States-Pacific Nations Joint Commercial Commission (JCC) headquarters in Hawaii.

Testimony in support of this concurrent resolution was submitted by the Pacific and Asian Affairs Council, the Pacific Forum/CSIS, the Pacific Basin Development Council, the Pacific Rim Foundation, and the Office of International Relations.

Your Committee finds that a consensus has been reached among the Governors of Hawaii, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands that the JCC's secretariat function would best be met if the JCC is headquartered in Hawaii.

As the world's political and economic center of gravity shifts to the Asia-Pacific region, Hawaii needs to establish itself as a geographical and intellectual "hub" of international activity if it is to be considered a regional leader in the 21st Century. Having the JCC headquarters in Hawaii would be consistent with goals to provide challenging and rewarding new opportunities for Hawaii's people within a broader-based local economy.

Your Committee has amended the concurrent resolution to provide that certified copies of this concurrent resolution be transmitted to the Governors and Congressional delegations of American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands, in addition to those already mentioned.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.C.R. No. 188, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 188, HD 1.

Signed by all members of the Committee except Representatives Baker, Horita and Takamine.

SCRep. 1336 Intergovernmental Relations and International Affairs on H.R. No. 215

The purpose of this resolution is to urge President George Bush and the U.S. Secretaries of State, Commerce, and Interior to recommend Hawaii as the site of the United States-Pacific Nations Joint Commercial Commission headquarters.

Your Committee finds that as the world's political and economic center of gravity shifts to the Asia-Pacific region, Hawaii needs to establish itself as a geographical and intellectual "hub" of international activity if it is to be considered a region leader in the 21st Century. Having the Joint Commercial Commission headquarters in Hawaii is consistent with goals to provide challenging and rewarding new opportunities for Hawaii's people within a broader-based local economy.

The Pacific and Asian Affairs Council, the Pacific Forum/CSIS, the Pacific Basin Development Council, the Pacific Rim Foundation, and the Office of International Relations submitted testimony in support of this measure.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.R. No. 215 and recommends its adoption.

Signed by all members of the Committee except Representatives Baker, Horita and Takamine.

SCRep. 1337 Intergovernmental Relations and International Affairs on H.C.R. No. 187

The purpose of this concurrent resolution is to urge President George Bush and the U.S. Secretaries of State, Commerce, and Interior to recommend Hawaii as the site of the United States-Pacific Nations Joint Commercial Commission headquarters.

Your Committee finds that as the world's political and economic center of gravity shifts to the Asia-Pacific region, Hawaii needs to establish itself as a geographical and intellectual "hub" of international activity if it is to be considered a region leader in the 21st Century. Having the Joint Commercial Commission headquarters in Hawaii is consistent with goals to provide challenging and rewarding new opportunities for Hawaii's people within a broader-based local economy.

The Pacific and Asian Affairs Council, the Pacific Forum/CSIS, the Pacific Basin Development Council, the Pacific Rim Foundation, and the Office of International Relations submitted testimony in support of this measure.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.C.R. No. 187 and recommends its adoption.

Signed by all members of the Committee except Representatives Baker, Horita and Takamine.

SCRep. 1338 Intergovernmental Relations and International Affairs on H.R. No. 214

The purpose of this resolution is to request the Office of International Relations to develop a master plan to establish Hawaii as the "Geneva of the Pacific."

Your Committee finds that as the world's political and economic center of gravity shifts to the Asia-Pacific region, Hawaii needs to establish itself as a geographical and intellectual "hub" of international activity if it is to be considered a region leader in the region in the 21st Century. Encouraging the non-tourist international activity of high-level diplomacy is consistent with goals to provide challenging and rewarding new opportunities for Hawaii's people within a broader-based local economy.

The Pacific and Asian Affairs Council, the Pacific Forum/CSIS, the Pacific Rim Foundation, and the Office of International Relations submitted testimony in support of this measure.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.R. No. 214 and recommends its adoption.

Signed by all members of the Committee except Representatives Baker, Horita and Takamine.

SCRep. 1339 Intergovernmental Relations and International Affairs on H.C.R. No. 186

The purpose of this concurrent resolution is to request the Office of International Relations to develop a master plan to establish Hawaii as the "Geneva of the Pacific."

Your Committee finds that as the world's political and economic center of gravity shifts to the Asia-Pacific region, Hawaii needs to establish itself as a geographical and intellectual "hub" of international activity if it is to be considered a region leader in the region in the 21st Century. Encouraging the non-tourist international activity of high-level diplomacy is consistent with goals to provide challenging and rewarding new opportunities for Hawaii's people within a broader-based local economy.

The Pacific and Asian Affairs Council, the Pacific Forum/CSIS, the Pacific Rim Foundation, and the Office of International Relations submitted testimony in support of this measure.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.C.R. No. 186 and recommends its adoption.

Signed by all members of the Committee except Representatives Baker, Horita and Takamine.

SCRep. 1340 Intergovernmental Relations and International Affairs on H.R. No. 213

The purpose of this resolution is to determine the feasibility of establishing a Pacific International Center that would provide a physical and intellectual focal point for Hawaii to play a key role in the emerging "Pacific Community."

Testimony supporting this resolution was submitted by the Pacific and Asian Affairs Council, the Pacific Rim Foundation, the Pacific Forum/CSIS, the Department of Business, Economic Development, and Tourism (DBED), and the Office of International Relations.

Your Committee finds that a Pacific International Center would be the link for economic, trade, and political information exchange in the Asia-Pacific region, through an international telecommunications network, with Hawaii as its hub.

Relatedly, your Committee has been informed that DBED is developing an International Business Center. Moreover, the State is an affiliate member of the World Trade Center Association, and has access to this network's on-line trade information systems offered by the International Business Center. In addition, private interests are pursuing a Hawaii World Trade Center project.

As the world's political and economic center of gravity shifts to the Asia-Pacific region, Hawaii must establish itself as a geographical and intellectual "hub" of international activity if it is to be considered a regional leader in the 21st Century.

Based on the foregoing, your Committee finds that the study should more appropriately evaluate existing plans for the International Business Center, Hawaii World Trade Center, and other related projects to ensure that these projects provide the resources and facilities that Hawaii needs to focus its international activities into a cohesive local framework that will serve as a catalyst for positive commercial ventures -- integrating training, education, research, and other functions that will generate attractive employment opportunities for the people of Hawaii. This resolution has been amended accordingly.

For consistency, the title of this measure has been changed to: "REQUESTING THE OFFICE OF INTERNATIONAL RELATIONS AND THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO EVALUATE AND REVIEW PLANS FOR THE INTERNATIONAL BUSINESS CENTER, HAWAII WORLD TRADE CENTER, AND OTHER RELATED PROJECTS IN BOTH THE PRIVATE AND PUBLIC SECTORS."

Your Committee on Intergovernmental Relations and International Affairs 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.C.R. No. 213, HD 1.

Signed by all members of the Committee except Representatives Baker, Horita and Takamine.

SCRep. 1341 Intergovernmental Relations and International Affairs on H.C.R. No. 185

The purpose of this concurrent resolution is to determine the feasibility of establishing a Pacific International Center that would provide a physical and intellectual focal point for Hawaii to play a key role in the emerging "Pacific Community."

Testimony supporting this concurrent resolution was submitted by the Pacific and Asian Affairs Council, the Pacific Rim Foundation, the Pacific Forum/CSIS, the Department of Business, Economic Development, and Tourism (DBED), and the Office of International Relations.

Your Committee finds that a Pacific International Center would be the link for economic, trade, and political information exchange in the Asia-Pacific region through an international telecommunications network, with Hawaii as its hub.

Relatedly, your Committee has been informed that DBED is developing an International Business Center. Moreover, the State is an affiliate member of the World Trade Center Association, and has access to this network's on-line trade information systems offered by the International Business Center. In addition, private interests are pursuing a Hawaii World Trade Center project.

As the world's political and economic center of gravity shifts to the Asia-Pacific region, Hawaii must establish itself as a geographical and intellectual "hub" of international activity if it is to be considered a regional leader in the 21st Century.

Based on the foregoing, your Committee finds that the study should more appropriately evaluate existing plans for the International Business Center, Hawaii World Trade Center, and other related projects to ensure that these projects provide the resources and facilities that Hawaii needs to focus its international activities into a cohesive local framework that will serve as a catalyst for positive commercial ventures -- integrating training, education, research, and other functions that will generate attractive employment opportunities for the people of Hawaii. This concurrent resolution has been amended accordingly.

For consistency, the title of this measure has been changed to: "REQUESTING THE OFFICE OF INTERNATIONAL RELATIONS AND THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO EVALUATE AND REVIEW PLANS FOR THE INTERNATIONAL BUSINESS CENTER, HAWAII WORLD TRADE CENTER, AND OTHER RELATED PROJECTS IN BOTH THE PRIVATE AND PUBLIC SECTORS."

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.C.R. No. 185, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 185, HD 1.

Signed by all members of the Committee except Representatives Baker, Horita and Takamine.

SCRep. 1342 Intergovernmental Relations and International Affairs on H.R. No. 217

The purpose of this resolution is to request President George Bush and U.S. Secretary of State James Baker to designate Hawaii as the venue for high-level official and quasi-official meetings among Asian and Pacific nations.

Your Committee finds that as the world's political and economic center of gravity shifts to the Asia-Pacific region, Hawaii needs to establish itself as a geographical and intellectual hub of international activity if it is to be considered a region leader in the 21st Century. Encouraging the non-tourist international activity of high-level diplomacy is consistent with goals to provide challenging and rewarding new opportunities for Hawaii's people within a broader-based local economy.

Representatives from the Pacific and Asian Affairs Council, the Pacific Forum/CSIS, the Pacific Rim Foundation, and the Office of International Relations submitted testimony in support of this measure.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.R. No. 217 and recommends its adoption.

Signed by all members of the Committee except Representatives Baker, Horita and Takamine.

SCRep. 1343 Intergovernmental Relations and International Affairs on H.C.R. No. 189

The purpose of this concurrent resolution is to request President George Bush and U.S. Secretary of State James Baker to designate Hawaii as the venue for high-level official and quasi-official meetings among Asian and Pacific nations.

Your Committee finds that as the world's political and economic center of gravity shifts to the Asia-Pacific region, Hawaii needs to establish itself as a geographical and intellectual hub of international activity if it is to be considered a region leader in the 21st Century. Encouraging the non-tourist international activity of high-level diplomacy is consistent

with goals to provide challenging and rewarding new opportunities for Hawaii's people within a broader-based local economy.

Representatives from the Pacific and Asian Affairs Council, the Pacific Forum/CSIS, the Pacific Rim Foundation, and the Office of International Relations submitted testimony in support of this measure.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.C.R. No. 189 and recommends its adoption.

Signed by all members of the Committee except Representatives Baker, Horita and Takamine.

SCRep. 1344 Tourism on H.R. No. 304

The purpose of this resolution is to request the Department of Business, Economic Development, and Tourism to form a task force, to include Pacific Asia Travel Association Hawaii Chapter members, to work toward persuading the Pacific Asia Travel Association to move its headquarters from San Francisco, California to Hawaii, in coordination with Hawaii Chapter members, and to report to the Legislature on the relocation efforts. The resolution also requests Hawaii Chapter members attending the 1991 Annual Conference in Indonesia to encourage relocation among other delegates.

Your Committee received testimony in support of this resolution from the Department of Business, Economic Development, and Tourism, and America West Airlines.

Your Committee finds that the Pacific Asia Travel Association was formed in Hawaii in 1951, but later relocated its main headquarters to San Francisco, California. The organization continues to work toward its goals of promoting development of travel industries throughout Asia and the Pacific while maintaining Pacific/Asia's unique natural, social and cultural resources.

Your Committee further finds that relocation to Hawaii would allow PATA to take full advantage of Hawaii's central location, cultural ties to Pacific-Asia, and strong tourism industry.

Your Committee amended the resolution by:

- (1) Changing the title to "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO FORM A TASK FORCE TO PERSUADE THE PACIFIC ASIA TRAVEL ASSOCIATION TO RELOCATE ITS HEADQUARTERS TO HAWAII;"
- (2) Requesting that the task force develop a plan for persuading the Pacific Asia Travel Association to relocate;
- (3) Providing for the transmitting of certified copies to the Governor and Hawaii's congressional delegation; and
- (4) Making technical, non-substantive changes for the purposes of style and clarity.

Your Committee on Tourism concurs with the intent and purpose of H.R. No. 304, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 304, HD 1.

Signed by all members of the Committee.

SCRep. 1345 Tourism on H.C.R. No. 284

The purpose of this concurrent resolution is to request the Department of Business, Economic Development, and Tourism to form a task force, to include Pacific Asia Travel Association Hawaii Chapter members, to work toward persuading the Pacific Asia Travel Association to move its headquarters from San Francisco, California to Hawaii, in coordination with Hawaii Chapter members, and to report to the Legislature on the relocation efforts. The concurrent resolution also requests Hawaii Chapter members attending the 1991 Annual Conference in Indonesia to encourage relocation among other delegates.

Your Committee received testimony in support of this concurrent resolution from the Department of Business, Economic Development, and Tourism, and America West Airlines.

Your Committee finds that the Pacific Asia Travel Association was formed in Hawaii in 1951, but later relocated its main headquarters to San Francisco, California. The organization continues to work toward its goals of promoting development of travel industries throughout Asia and the Pacific while maintaining Pacific/Asia's unique natural, social and cultural resources.

Your Committee further finds that relocation to Hawaii would allow PATA to take full advantage of Hawaii's central location, cultural ties to Pacific-Asia, and strong tourism industry.

Your Committee amended the concurrent resolution by:

- (1) Changing the title to "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO FORM A TASK FORCE TO PERSUADE THE PACIFIC ASIA TRAVEL ASSOCIATION TO RELOCATE ITS HEADQUARTERS TO HAWAII;"
- (2) Requesting that the task force develop a plan for persuading the Pacific Asia Travel Association to relocate;

- (3) Providing for the transmitting of certified copies to the Governor and Hawaii's congressional delegation; and
- (4) Making technical, non-substantive changes for the purposes of style and clarity.

Your Committee on Tourism concurs with the intent and purpose of H.C.R. No. 284, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 284, HD 1.

Signed by all members of the Committee.

SCRep. 1346 Tourism on H.R. No. 306

The purpose of this resolution is to request the Department of Business, Economic Development, and Tourism to study possible negative impacts on Hawaii's visitor industry.

Your Committee received testimony in support of the intent of this resolution from the Department of Business, Economic Development, and Tourism, and the Hawaii Visitors Bureau.

Your Committee finds that this year's economic downturn in Hawaii from reduced visitor traffic underscores our dependence on tourism and that the report from this resolution would contribute towards a greater understanding of Hawaii's visitors.

Your Committee also finds that the 90 percent visitor satisfaction rate cited by the Hawaii Visitors Bureau, although high, does show room for improvement, especially in such a competitive international tourism market. Your Committee also finds that the Hawaii Visitors Bureau should take action to address this matter.

Your Committee on Tourism concurs with the intent and purpose of H.R. No. 306 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1347 Tourism on H.C.R. No. 286

The purpose of this concurrent resolution is to request the Department of Business, Economic Development, and Tourism to study possible negative impacts on Hawaii's visitor industry.

Your Committee received testimony in support of the intent of this concurrent resolution from the Department of Business, Economic Development, and Tourism, and the Hawaii Visitors Bureau.

Your Committee finds that this year's economic downturn in Hawaii from reduced visitor traffic underscores our dependence on tourism and that the report from this concurrent resolution would contribute towards a greater understanding of Hawaii's visitors.

Your Committee also finds that the 90 percent visitor satisfaction rate cited by the Hawaii Visitors Bureau, although high, does show room for improvement, especially in such a competitive international tourism market. Your Committee also finds that the Hawaii Visitors Bureau should take action to address this matter.

Your Committee on Tourism concurs with the intent and purpose of H.C.R. No. 286 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1348 Tourism on H.R. No. 92

The purpose of this resolution is to request a study on increasing worker productivity in the visitor industry by the Department of Business, Economic Development, and Tourism, in conjunction with the Department of Labor and Industrial Relations Tourism Training Council, University of Hawaii School of Travel Industry Management, and other appropriate agencies.

Your Committee received testimony in support of this resolution from the Hawaii Hotel Association.

Your Committee finds that the study called for in this resolution will improve the competitiveness of Hawaii's visitor industry and enable Hawaii to maintain or increase its level of economic activity.

Your Committee on Tourism concurs with the intent and purpose of H.R. No. 92 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1349 Tourism on H.C.R. No. 82

The purpose of this concurrent resolution is to request a study on increasing worker productivity in the visitor industry by the Department of Business, Economic Development, and Tourism, in conjunction with the Department of Labor and Industrial Relations Tourism Training Council, University of Hawaii School of Travel Industry Management, and other appropriate agencies.

Your Committee received testimony in support of this concurrent resolution from the Hawaii Hotel Association.

Your Committee finds that the study called for in this concurrent resolution will improve the competitiveness of Hawaii's visitor industry and enable Hawaii to maintain or increase its level of economic activity.

Your Committee on Tourism concurs with the intent and purpose of H.C.R. No. 82 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1350 Tourism on H.R. No. 25

The purpose of this resolution is to express legislative support for the efforts of World Cup Honolulu 1994 in promoting Hawaii as a possible site for the 1994 World Cup Soccer Games.

Your Committee received testimony in support of this resolution from the Department of Business, Economic Development, and Tourism.

Your Committee finds that visitors attracted to Hawaii by sports events would diversify Hawaii's visitor industry and make Hawaii less vulnerable to changing conditions in its visitor markets that would reduce normal vacation travel, and that world cup tournaments have brought great economic benefit to their host cities. Your Committee therefore finds that holding World Cup soccer matches in Hawaii would provide much direct economic benefit and would also enhance Hawaii's stature as the sports center of the Pacific.

Your Committee on Tourism concurs with the intent and purpose of H.R. No. 25 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1351 Tourism on H.C.R. No. 21

The purpose of this concurrent resolution is to express legislative support for the efforts of World Cup Honolulu 1994 in promoting Hawaii as a possible site for the 1994 World Cup Soccer Games.

Your Committee received testimony in support of this concurrent resolution from the Department of Business, Economic Development, and Tourism.

Your Committee finds that visitors attracted to Hawaii by sports events would diversify Hawaii's visitor industry and make Hawaii less vulnerable to changing conditions in its visitor markets that would reduce normal vacation travel, and that world cup tournaments have brought great economic benefit to their host cities. Your Committee therefore finds that holding World Cup soccer matches in Hawaii would provide much direct economic benefit and would also enhance Hawaii's stature as the sports center of the Pacific.

Your Committee on Tourism concurs with the intent and purpose of H.C.R. No. 21 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1352 Tourism and Intergovernmental Relations and International Affairs on H.R. No. 93

The purpose of this resolution is to request that Hawaii's congressional delegation take action to allow the United States Customs Service and Immigration and Naturalization Service to hire additional personnel, should a state be willing to pay for the additional personnel for a specified duration.

Your Committees received testimony in support of this resolution from the Department of Business, Economic Development, and Tourism, the Hawaii Visitors Bureau, and the Hawaii Hotel Association.

Your Committees find that despite the recent addition of 35 new immigration inspectors, foreign arrivals to Honolulu International Airport frequently have to wait in line for Customs and Immigration clearance for several hours. This gives visitors to Hawaii an unfavorable first impression and automatically puts Hawaii at a disadvantage in relation to other visitor destinations. The policy proposed by this resolution will not only provide for current needs, but for future increases in international visitor traffic to Honolulu or the neighbor islands.

Your Committees on Tourism and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.R. No. 93 and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1353 Tourism and Intergovernmental Relations and International Affairs on H.C.R. No. 83

The purpose of this concurrent resolution is to request that Hawaii's congressional delegation take action to allow the United States Customs Service and Immigration and Naturalization Service to hire additional personnel, should a state be willing to pay for the additional personnel for a specified duration.

Your Committees received testimony in support of this concurrent resolution from the Department of Business, Economic Development, and Tourism, the Hawaii Visitors Bureau, and the Hawaii Hotel Association.

Your Committees find that despite the recent addition of 35 new immigration inspectors, foreign arrivals to Honolulu International Airport frequently have to wait in line for Customs and Immigration clearance for several hours. This gives visitors to Hawaii an unfavorable first impression and automatically puts Hawaii at a disadvantage in relation to other visitor destinations. The policy proposed by this concurrent resolution will not only provide for current needs, but for future increases in international visitor traffic to Honolulu or the neighbor islands.

Your Committees on Tourism and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.C.R. No. 83 and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1354 Tourism and Transportation on H.R. No. 360

The purpose of this resolution is to request the Department of Transportation to report on the status and maintenance of the Nimitz Highway/Honolulu Beautification Project, including additional work to complete the project and provide for ongoing maintenance. The resolution also requests the Transportation Department to encourage the participation of adjacent businesses and land owners in the project.

Your Committees received testimony in support of this resolution from the Waikiki Improvement Association, the Outdoor Circle, and the Waikiki Residents Association.

Your Committees find that a considerable number of visitors receive their first impression of Hawaii when they travel from the airport to Waikiki through the Nimitz Highway/Honolulu Gateway corridor, and that a landscaped and beautified travel environment will provide benefits to residents and visitors alike.

Your Committees amended the resolution by providing that certified copies be sent to the President of the Chamber of Commerce, the President of the Waikiki Improvement Association, the President of the Kalihi Business Association, and the President of the Outdoor Circle.

Your Committees on Tourism and Transportation concur with the intent and purpose of H.R. No. 360, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 360, HD 1.

Signed by all members of the Committees.

SCRep. 1355 Tourism and Transportation on H.C.R. No. 335

The purpose of this concurrent resolution is to request the Department of Transportation to report on the status and maintenance of the Nimitz Highway/Honolulu Beautification Project, including additional work to complete the project and provide for ongoing maintenance. The concurrent resolution also requests the Transportation Department to encourage the participation of adjacent businesses and land owners in the project.

Your Committees received testimony in support of this concurrent resolution from the Waikiki Improvement Association, the Outdoor Circle, and the Waikiki Residents Association.

Your Committees find that a considerable number of visitors receive their first impression of Hawaii when they travel from the airport to Waikiki through the Nimitz Highway/Honolulu Gateway corridor, and that a landscaped and beautified travel environment will provide benefits to residents and visitors alike.

Your Committees amended the concurrent resolution by providing that certified copies be sent to the President of the Chamber of Commerce, the President of the Waikiki Improvement Association, the President of the Kalihi Business Association, and the President of the Outdoor Circle.

Your Committees on Tourism and Transportation concur with the intent and purpose of H.C.R. No. 335, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 335, HD 1.

Signed by all members of the Committees.

SCRep. 1356 Tourism and Higher Education and the Arts on H.R. No. 94

The purpose of this resolution is to request the University of Hawaii to improve the transfer of academic credits between the community colleges and the School of Travel Industry Management at the University of Hawaii at Manoa.

Your Committees received testimony in support of this resolution from the University of Hawaii School of Travel Industry Management and the Hawaii Hotel Association.

Your Committees find that this resolution would help to increase the education and career opportunities available to the people of Hawaii and would also reduce the local travel industry's need for hiring personnel from outside the state.

Your Committees amended the resolution by:

- (1) Requesting that the University of Hawaii submit a report on its efforts to improve the credit transfer process; and
- (2) Making technical, non-substantive changes to the title and body of the resolution for the purpose of style and clarity.

Your Committees on Tourism and Higher Education and the Arts concur with the intent and purpose of H.R. No. 94, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 94, HD 1.

Signed by all members of the Committees.

SCRep. 1357 Tourism and Higher Education and the Arts on H.C.R. No. 84

The purpose of this concurrent resolution is to request the University of Hawaii to improve the transfer of academic credits between the community colleges and the School of Travel Industry Management at the University of Hawaii at Manoa.

Your Committees received testimony in support of this concurrent resolution from the University of Hawaii School of Travel Industry Management and the Hawaii Hotel Association.

Your Committees find that this concurrent resolution would help to increase the education and career opportunities available to the people of Hawaii and would also reduce the local travel industry's need for hiring personnel from outside the state.

Your Committees amended the concurrent resolution by:

- (1) Requesting that the University of Hawaii submit a report on its efforts to improve the credit transfer process; and
- (2) Making technical, non-substantive changes to the title and body of the concurrent resolution for the purpose of style and clarity.

Your Committees on Tourism and Higher Education and the Arts concur with the intent and purpose of H.C.R. No. 84, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 84, HD 1.

Signed by all members of the Committees.

SCRep. 1358 Housing and Human Services on H.R. No. 105

The purpose of this resolution is to request the Hawaii Housing Authority to investigate the feasibility of allowing public housing residents to provide home-based child care in their respective dwelling units.

Your Committee heard positive testimony from the Hawaii Housing Authority, indicating their desire to investigate the subject matter irregardless of the resolution. Further testimony from the Honolulu Community Action Program, Inc. and the Office of Children and Youth in the Office of the Governor also supported the resolution.

Your Committees on Housing and Human Services concur with the intent and purpose of H.R. No. 105 and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1359 Housing and Human Services on H.C.R. No. 103

The purpose of this concurrent resolution is to request the Hawaii Housing Authority to investigate the feasibility of allowing public housing residents to provide home-based child care in their respective dwelling units.

Your Committee heard positive testimony from the Hawaii Housing Authority, indicating their desire to investigate the subject matter irregardless of the concurrent resolution. Further testimony from the Honolulu Community Action Program, Inc. and the Office of Children and Youth in the Office of the Governor also supported the concurrent resolution.

Your Committees on Housing and Human Services concur with the intent and purpose of H.C.R. No. 103 and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1360 Housing on H.R. No. 377

The purpose of this resolution is to request the Hawaii Housing Authority to reevaluate its Rent Supplement Program and its Section 8 requirements.

Your Committee heard testimony from the Hawaii Housing Authority that it would be reevaluating its Rent Supplement Program this summer. They further testified that the Section 8 program was governed by federal law. They therefore thought the resolution unnecessary.

A citizen testified that present rules do not allow two section 8 recipients to share a rental unit. He was therefore in favor of the resolution which would address this problem.

Your Committee on Housing concurs with the intent and purpose of H.R. No. 377 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1361 Housing on H.C.R. No. 347

The purpose of this concurrent resolution is to request the Hawaii Housing Authority to reevaluate its Rent Supplement Program and its Section 8 requirements.

Your Committee heard testimony from the Hawaii Housing Authority that it would be reevaluating its Rent Supplement Program this summer. They further testified that the Section 8 program was governed by federal law. They therefore thought the concurrent resolution unnecessary.

A citizen testified that present rules do not allow two section 8 recipients to share a rental unit. He was therefore in favor of the concurrent resolution which would address this problem.

Your Committee on Housing concurs with the intent and purpose of H.C.R. No. 347 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1362 Human Services on H.C.R. No. 295

The purpose of this concurrent resolution is to request a study on the impact of Federal changes to the Medicare and Medicaid programs.

Your Committee received testimony in support of this measure from the Department of Human Services. The Legislature is concerned that because of the numerous changes in the budget-reconciliation bill concerning the Medicare and Medicaid programs, it is unclear how Hawaii will be impacted in terms of the State's future costs for health care.

Your Committee on Human Services concurs with the intent and purpose of H.C.R. No. 295 and recommends its adoption.

Signed by all members of the Committee except Representatives Bainum and Tatibouet.

SCRep. 1363 Transportation and Health on H.R. No. 146

The purpose of this Resolution is to request that the Department of Transportation's Medical Advisory Board study the feasibility of implementing a seizure free period prior to the issuance of a driver's license which is less than one year.

Your Committees received testimony from the Department of Transportation, the City and County of Honolulu, the Department of Finance, and the Epilepsy Foundation of Hawaii.

Your Committees find that the State of Hawaii presently does not have statutory guidelines for the issuance of driver's licenses to persons with epilepsy. Your Committees find that the Medical Advisory Board, which is charged with the responsibility of developing a system for the medical evaluation of persons whom an examiner of drivers has reason to believe has a mental or physical condition which may impair their driving ability, currently uses guidelines published by the Department of Transportation, National Highway Traffic Safety Administration. Your Committees also find that evidence is available which may support the establishment of a seizure free period which is less than that suggested by the National Highway Traffic Safety Administration.

Your Committees on Transportation and Health concur with the intent and purpose of H.R. No. 146 and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1364 Transportation and Health on H.C.R. No. 137

The purpose of this concurrent resolution is to request that the Department of Transportation's Medical Advisory Board study the feasibility of implementing a seizure free period prior to the issuance of a driver's license which is less than one year.

Your Committees received testimony from the Department of Transportation, the City and County of Honolulu, the Department of Finance, and the Epilepsy Foundation of Hawaii.

Your Committees find that the State of Hawaii presently does not have statutory guidelines for the issuance of driver's licenses to persons with epilepsy. Your Committees find that the Medical Advisory Board, which is charged with the responsibility of developing a system for the medical evaluation of persons whom an examiner of drivers has reason to believe has a mental or physical condition which may impair their driving ability, currently uses guidelines published by the Department of Transportation, National Highway Traffic Safety Administration. Your Committees also find that evidence is available which may support the establishment of a seizure free period which is less than that suggested by the National Highway Traffic Safety Administration.

Your Committees on Transportation and Health concur with the intent and purpose of H.C.R. No. 137 and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1365 Transportation on H.R. No. 139

The purpose of this resolution is to request the Department of Transportation to assess the feasibility of converting emergency shoulder lane space into a peak hour use only travelling lane. Areas included in the assessment are portions of the Interstate H-1, Moanaloa Road, and other heavily congested highways.

Your Committee finds that the Department of Transportation has successfully created peak hour use only travelling lanes on portions of the Interstate H-1. However, there are still areas which may benefit from converting emergency shoulder lane space into a peak hour use only travelling lane. Your Committee agrees that this method of alleviating traffic should be explored and implemented wherever feasible.

Your Committee received testimony from the Department of Transportation.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 139 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1366 Transportation on H.C.R. No. 130

The purpose of this concurrent resolution is to request the Department of Transportation to assess the feasibility of converting emergency shoulder lane space into a peak hour use only travelling lane. Areas included in the assessment are portions of the Interstate H-1, Moanaloa Road, and other heavily congested highways.

Your Committee finds that the Department of Transportation has successfully created peak hour use only travelling lanes on portions of the Interstate H-1. However, there are still areas which may benefit from converting emergency shoulder lane space into a peak hour use only travelling lane. Your Committee agrees that this method of alleviating traffic should be explored and implemented wherever feasible.

Your Committee received testimony from the Department of Transportation.

Your Committee on Transportation concurs with the intent and purpose of H.C.R. No. 130 and recommends its adoption.

Signed by all members of the Committee.

**SCRep. 1367 Planning and Economic Development and Intergovernmental Relations and International Affairs
on H.C.R. No. 271**

The purpose of this concurrent resolution is to request the President of the United States and the United States Congress to protect and support Hawaii's garment manufacturing, wholesaling, and retail industries.

There exists a crucial need to have this issue addressed at a national level. The potential damage to Hawaii's garment manufacturing and sales industries is overwhelming as witnessed by the massive and unanimous testimony in support of this concurrent resolution. Based on the combined testimony, and highlighted by the importance given these matters by such national retailers as J. C. Penny's, we concluded that Hawaii's congressional delegation should receive a focused and specific expression of the registered interest and concern as a result of the danger to our unique aloha attire industry.

Your Committees received voluminous and unanimous testimony in support of this concurrent resolution. Testimony was provided by the Director of Business, Economic Development and Tourism; the President of the Chamber of Commerce of Hawaii; Retail Merchants of Hawaii; the State Director of the National Federation of Independent Business; the Chairman of the Governor's Small Independent Business; the President of Reyn-Spooner Group; J.C. Penny; Liberty House and the President of Pomare, Ltd.

While in agreement with the intent of the concurrent resolution, your Committees believe that stronger language more accurately reflecting the valid concerns of the many segments of Hawaiian industry and labor inextricably tied to the manufacturing, marketing and sales of aloha attire needed to be inserted in the concurrent resolution. Provisions that more clearly define the stated concerns for the Hawaii congressional delegation have been included. Other nonsubstantive amendments for purposes of style and clarity have been made.

Your Committees on Planning and Economic Development and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.C.R. No. 271, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 271, HD1.

Signed by all members of the Committees.

SCRep. 1368 Planning and Economic Development and Intergovernmental Relations and International Affairs on H.R. No. 292

The purpose of this resolution is to request the President of the United States and the United States Congress to protect and support Hawaii's garment manufacturing, wholesaling, and retailed industries.

There exists a crucial need to have this issue addressed at a national level. The potential damage to Hawaii's garment manufacturing and sales industries is overwhelming as witnessed by the massive and unanimous testimony in support of this resolution. Based on the combined testimony, and highlighted by the importance given these matters by such national retailers as J. C. Penny's, we concluded that Hawaii's congressional delegation should receive a focused and specific expression of the registered interest and concern as a result of the danger to our unique aloha attire industry.

Your Committees received voluminous and unanimous testimony in support of this resolution. Testimony was provided by the Director of Business, Economic Development and Tourism; the President of the Chamber of Commerce of Hawaii; Retail Merchants of Hawaii; the State Director of the National Federation of Independent Business; the Chairman of the Governor's Small Business Advisory Council; the President of Reyn-Spooner Group; J. C. Penny; Liberty House and the President of Pomare, Ltd.

While in agreement with the intent of the resolution, your Committees believe that stronger language more accurately reflecting the valid concerns of the many segments of Hawaiian industry and labor inextricably tied to the manufacturing, marketing and sales of aloha attire needed to be inserted in the resolution. Provisions that more clearly define the stated concerns for the Hawaii congressional delegation have been included. Other nonsubstantive amendments for purposes of style and clarity have been made.

Your Committees on Planning and Economic Development and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.R. No. 292, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 292, HD1.

Signed by all members of the Committees.

SCRep. 1369 Planning and Economic Development on H.R. No. 167

The purpose of this resolution is to request the Office of State Planning to review the fourteen State functional plans to determine whether any should be abolished or consolidated.

There exists a need for the Hawaii State Planning Act to be flexible in response to changing conditions. The intent of this resolution is to encourage an objective review to insure the needed flexibility.

The Director of the Office of State Planning submitted testimony supporting this resolution.

Your Committee on Planning and Economic Development concurs with the intent and purpose of H.R. No. 167 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1370 Planning and Economic Development on H.C.R. No. 157

The purpose of this concurrent resolution is to request the Office of State Planning to review the fourteen State functional plans to determine whether any should be abolished or consolidated.

There exists a need for the Hawaii State Planning Act to be flexible in response to changing conditions. The intent of this concurrent resolution is to encourage an objective review to insure the needed flexibility.

The Director of the Office of State Planning submitted testimony supporting this concurrent resolution.

Your Committee on Planning and Economic Development concurs with the intent and purpose of H.C.R. No. 157 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1371 Planning and Economic Development on H.C.R. No. 293

The purpose of this concurrent resolution is to create a system allowing the Department of Business, Economic Development and Tourism to establish a closer working relationship with PICHTR and to increase the flow of information by allowing DBEDT to review State projects contracted to PICHTR and that DBEDT should report any findings to the Legislature.

Testimony concerning this concurrent resolution was received by your Committee. Your Committee has amended the title of this concurrent resolution and substituted language allowing DBEDT to review the State projects contracted to PICHTR and to report their findings.

Your Committee on Planning and Economic Development concurs with the intent and purpose of H.C.R. No. 293, 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. 293, HD 1.

Signed by all members of the Committee.

SCRep. 1372 Water, Land Use and Hawaiian Affairs on H.C.R. No. 164

The purpose of this concurrent resolution is to designate an 18.7 acre parcel of land in the vicinity of Keehi Lagoon in Honolulu as the Keehi Industrial Park for light-industrial uses.

Chapter 171, Hawaii Revised Statutes, allows for the development of industrial parks on State-owned lands only after the area is designated as an industrial park. Such designation may take place: (1) by law; or (2) by resolution adopted by the Board of Land and Natural Resources and approved by the Legislature by concurrent resolution.

The Department of Land and Natural Resources, the Keehi Industrial Park Association, and a small businessman testified in support of this measure.

Your Committee finds that legislative approval will enable the State to issue long-term leases to tenants and enable tenants to upgrade their facilities.

Your Committee on Water, Land Use and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 164 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1373 Water, Land Use and Hawaiian Affairs on H.R. No. 286

The purpose of this resolution is to request the Department of Land and Natural Resources (DLNR) to be the lead agency in sponsoring an international trails and access conference in Hawaii. Such a conference would help to identify the latest developments in this rapidly-growing outdoor recreation field, thereby providing momentum in the further development and enhancement of Hawaii's trail system.

The DLNR and the Hawaii Equestrian Trails Association testified in support of this resolution.

Your Committee on Water, Land Use and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 286 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1374 Water, Land Use and Hawaiian Affairs on H.C.R. No. 263

The purpose of this concurrent resolution is to request the Department of Land and Natural Resources (DLNR) to be the lead agency in sponsoring an international trails and access conference in Hawaii. Such a conference would help to identify the latest developments in this rapidly-growing outdoor recreation field, thereby providing momentum in the further development and enhancement of Hawaii's trail system.

The DLNR and the Hawaii Equestrian Trails Association testified in support of this concurrent resolution.

Your Committee on Water, Land Use and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 263 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1375 Water, Land Use and Hawaiian Affairs on H.R. No. 149

The purpose of this resolution is to meet the public's need for beach parks on the North Shore of Oahu by requesting that the Department of Land and Natural Resources (DLNR) give priority consideration for the purchase of Makaleha Beach from the Mokuleia Land Company.

The Fifteenth Legislature appropriated \$40 million for the acquisition of lands having value as a resource to the State. At that time, specific sites were identified to receive priority consideration for purchase. Should any unspent balance remain after these sites have been considered, then priority should be given to the acquisition of Makaleha Beach which would give the public access to some two miles of excellent beaches in Mokuleia.

The DLNR, the North Shore Neighborhood Board #27, as well as several North Shore residents, testified in support of this measure.

Your Committee on Water, Land Use and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 149 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1376 Water, Land Use and Hawaiian Affairs on H.C.R. No. 140

The purpose of this concurrent resolution is to meet the public's need for beach parks on the North Shore of Oahu by requesting that the Department of Land and Natural Resources (DLNR) give priority consideration for the purchase of Makaleha Beach from the Mokuleia Land Company.

The Fifteenth Legislature appropriated \$40 million for the acquisition of lands having value as a resource to the State. At that time, specific sites were identified to receive priority consideration for purchase. Should any unspent balance remain after these sites have been considered, then priority should be given to the acquisition of Makaleha Beach which would give the public access to some two miles of excellent beaches in Mokuleia.

The DLNR, the North Shore Neighborhood Board #27, as well as several North Shore residents, testified in support of this measure.

Your Committee on Water, Land Use and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 140 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1377 Water, Land Use and Hawaiian Affairs on H.R. No. 326

The purpose of this resolution is to accelerate the process for the establishment of a Hawaii Historical Museum by urging the State to acquire the Honolulu, Old Federal Building as the future site. Such a museum would emphasize Hawaii during the post-1779 European contact period and greatly enhance the public's knowledge about this segment of Hawaii's history.

Ideally located within the historical Capitol District, the Honolulu, Old Federal Building currently houses the downtown station of the United States Postal Service, which is the owner of the building, as well as various public and private offices.

Based on the testimony presented by the Hawaiian Historical Society and the Hawaii Museums Association, your Committee finds that the proposed site within the Capitol District would be enhanced by the existing major bus lines as well as by the downtown business district. Moreover, the immediate acquisition of the Honolulu, Old Federal Building will greatly accelerate the eventual completion of a Hawaii Historical Museum by avoiding a lengthy construction process. Taken as a whole, your Committee finds that the Honolulu, Old Federal Building represents an ideal site for a Hawaii Historical Museum.

Your Committee on Water, Land Use and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 326 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1378 Water, Land Use and Hawaiian Affairs on H.C.R. No. 304

The purpose of this concurrent resolution is to accelerate the process for the establishment of a Hawaii Historical Museum by urging the State to acquire the Honolulu, Old Federal Building as the future site. Such a museum would emphasize Hawaii during the post-1779 European contact period and greatly enhance the public's knowledge about this segment of Hawaii's history.

Ideally located within the historical Capitol District, the Honolulu, Old Federal Building currently houses the downtown station of the United States Postal Service, which is the owner of the building, as well as various public and private offices.

Based on the testimony presented by the Hawaiian Historical Society and the Hawaii Museums Association, your Committee finds that the proposed site within the Capitol District would be enhanced by the existing major bus lines as well as by the downtown business district. Moreover, the immediate acquisition of the Honolulu, Old Federal Building will greatly accelerate the eventual completion of a Hawaii Historical Museum by avoiding a lengthy construction process. Taken as a whole, your Committee finds that the Honolulu, Old Federal Building represents an ideal site for a Hawaii Historical Museum.

Your Committee on Water, Land Use and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 304 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1379 Water, Land Use and Hawaiian Affairs and Intergovernmental Relations and International Affairs on H.R. No. 71

The purpose of this resolution is to urge state and county agencies to cease the practice of tree topping as a means of pruning trees on public property.

Your Committees find that such drastic means of pruning has many negative consequences, including the following: the tree is unable to manufacture sufficient nutrients for itself through photosynthesis when all or most of its leaves are removed; the dense new growth creates more resistance to wind, making the tree more likely to blow over; the new growth is more susceptible to insects and fungus; the defoliated tree no longer provides a habitat for birds and other wildlife; and it serves as an eyesore to the general public.

Based on the testimony presented by the Department of Education; the City and County of Honolulu's Department of Parks and Recreation; the Aloha Arborist Association; the Outdoor Circle; and the North Shore Outdoor Circle, your Committees have amended this resolution by:

- (1) Deleting references to the counties, including in the title, because indications are that the problem lies mainly with State agencies;
- (2) Inserting a new BE IT FURTHER RESOLVED clause urging State agencies to refrain from the practice of tree topping unless it is done as a last resort when public safety requires;
- (3) Specifically requesting the Department of Education, the Department of Transportation, and the Hawaii Housing Authority to utilize alternative means of pruning trees; and
- (4) Transmitting certified copies of this resolution to the above-named State agencies, as well as the Department of Accounting and General Services and the Department of Land and Natural Resources, instead of to the counties.

Your Committees on Water, Land Use and Hawaiian Affairs and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.R. No. 71, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 71, HD 1.

Signed by all members of the Committees.

SCRep. 1380 Water, Land Use and Hawaiian Affairs and Intergovernmental Relations and International Affairs on H.C.R. No. 59

The purpose of this concurrent resolution is to urge state and county agencies to cease the practice of tree topping as a means of pruning trees on public property.

Your Committees find that such drastic means of pruning has many negative consequences, including the following: the tree is unable to manufacture sufficient nutrients for itself through photosynthesis when all or most of its leaves are removed; the dense new growth creates more resistance to wind, making the tree more likely to blow over; the new growth is more susceptible to insects and fungus; the defoliated tree no longer provides a habitat for birds and other wildlife; and it serves as an eyesore to the general public.

Based on the testimony presented by the Department of Education; the City and County of Honolulu's Department of Parks and Recreation; the Aloha Arborist Association; the Outdoor Circle; and the North Shore Outdoor Circle, your Committees have amended this concurrent resolution by:

- (1) Deleting references to the counties, including in the title, because indications are that the problem lies mainly with State agencies;
- (2) Inserting a new BE IT FURTHER RESOLVED clause urging State agencies to refrain from the practice of tree topping unless it is done as a last resort when public safety requires;
- (3) Specifically requesting the Department of Education, the Department of Transportation, and the Hawaii Housing Authority to utilize alternative means of pruning trees; and
- (4) Transmitting certified copies of this concurrent resolution to the above-named State agencies, as well as the Department of Accounting and General Services and the Department of Land and Natural Resources, instead of the counties.

Your Committees on Water, Land Use and Hawaiian Affairs and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.C.R. No. 59, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 59, HD 1.

Signed by all members of the Committees.

SCRep. 1381 Water, Land Use and Hawaiian Affairs; Transportation; and Tourism on H.R. No. 203

The purpose of this resolution is to request the U.S. Department of Transportation to consider relocating its Sand Island Coast Guard facilities to another location away from the Honolulu Waterfront Redevelopment area.

A principal finding of the Honolulu Waterfront Master Plan is that there is a premium on harbor frontage as well as adjacent waterfront lands. The 40 acres that the Coast Guard currently occupies on Sand Island is situated immediately adjacent to Honolulu Harbor's main facility for containerized cargo. Therefore, as the State's need for additional cargo space increases, the Coast Guard land would provide an ideal area to meet such needs.

The U.S. Coast Guard, the Department of Land and Natural Resources, the Department of Transportation, the Office of State Planning, Sea-Land Service, Inc., and Matson Navigation Company, Inc. testified on this measure. Among your Committees' findings are the following points:

- (1) It is vital that the U.S. Coast Guard continue to maintain a presence close to Honolulu Harbor due to its major role in search and rescue operations;
- (2) Containerized cargo operations already need extra space to meet their current demands. Both container operators on Sand Island have petitioned the Department of Transportation for additional land to support the existing demand; and
- (3) There are indications that the overall productivity of containerized cargo operations is already declining due, in part, to the lack of sufficient working space which requires the stacking of containers.

Upon further consideration, your Committees have amended this resolution by:

- (1) Clarifying the seventh WHEREAS clause to state that there may be other locations on Oahu to house the Coast Guard facility;
- (2) Transmitting copies of this resolution to the members of Hawaii's congressional delegation. In all likelihood, prior congressional action would be needed to undertake such a transfer; and
- (3) Correcting a technical drafting error.

Your Committees on Water, Land Use and Hawaiian Affairs and Transportation and Tourism concur with the intent and purpose of H.R. No. 203, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 203, HD 1.

Signed by all members of the Committees.

SCRep. 1382

Water, Land Use and Hawaiian Affairs; Transportation; and Tourism on H.C.R. No. 175

The purpose of this concurrent resolution is to request the U.S. Department of Transportation to consider relocating its Sand Island Coast Guard facilities to another location away from the Honolulu Waterfront Redevelopment area.

A principal finding of the Honolulu Waterfront Master Plan is that there is a premium on harbor frontage as well as adjacent waterfront lands. The 40 acres that the Coast Guard currently occupies on Sand Island is situated immediately adjacent to Honolulu Harbor's main facility for containerized cargo. Therefore, as the State's need for additional cargo space increases, the Coast Guard land would provide an ideal area to meet such needs.

The U.S. Coast Guard, the Department of Land and Natural Resources, the Department of Transportation, the Office of State Planning, Sea-Land Service, Inc., and Matson Navigation Company, Inc. testified on this measure. Among your Committees' findings are the following points:

- (1) It is vital that the U.S. Coast Guard continue to maintain a presence close to Honolulu Harbor due to its major role in search and rescue operations;
- (2) Containerized cargo operations already need extra space to meet their current demands. Both container operators on Sand Island have petitioned the Department of Transportation for additional land to support the existing demand; and
- (3) There are indications that the overall productivity of containerized cargo operations is already declining due, in part, to the lack of sufficient working space which requires the stacking of containers.

Upon further consideration, your Committees have amended this concurrent resolution by:

- (1) Clarifying the seventh WHEREAS clause to state that there may be other locations on Oahu to house the Coast Guard facility; and
- (2) Transmitting copies of this concurrent resolution to the members of Hawaii's congressional delegation. In all likelihood, prior congressional action would be needed to undertake such a transfer.

Your Committees on Water, Land Use and Hawaiian Affairs and Transportation and Tourism concur with the intent and purpose of H.C.R. No. 175, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 175, HD 1.

Signed by all members of the Committees.

SCRep. 1383 Ocean and Marine Resources on H.R. No. 206

The purpose of this resolution is to ensure the long-term health of Hawaii's coral reefs by supporting the University of Hawaii's efforts to undertake a systematic and scientific assessment of these natural resources. This resolution urges the Environmental Protection Agency (EPA) to provide matching funds for such an undertaking.

Your Committee received supporting testimony from one of the principals of this University of Hawaii project.

Upon further consideration, your Committee has amended this resolution by removing references in the title and the Be It Resolved clause to matching funds. Hopefully, the EPA will provide the majority of the funds needed for this study.

Your Committee on Ocean and Marine Resources concurs with the intent and purpose of H.R. No. 206, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 206, HD 1.

Signed by all members of the Committee.

SCRep. 1384 Ocean and Marine Resources on H.C.R. No. 178

The purpose of this concurrent resolution is to ensure the long-term health of Hawaii's coral reefs by supporting the University of Hawaii's efforts to undertake a systematic and scientific assessment of these natural resources. This concurrent resolution urges the Environmental Protection Agency (EPA) to provide matching funds for such an undertaking.

Your Committee received supporting testimony from one of the principals of this University of Hawaii project.

Upon further consideration, your Committee has amended this concurrent resolution by removing references in the title and the Be It Resolved clause to matching funds. Hopefully, the EPA will provide the majority of the funds needed for this study.

Your Committee on Ocean and Marine Resources concurs with the intent and purpose of H.C.R. No. 178, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 178, HD 1.

Signed by all members of the Committee.

SCRep. 1385 Ocean and Marine Resources and Tourism on H.R. No. 358

The purpose of this resolution is to meet the public's need for an enjoyable and unique ocean experience by requesting a study to identify ocean sites that can be developed into underwater parks.

Currently, Hanauma Bay in East Honolulu and Kealahou Bay in Kona of the Big Island are the only two underwater parks in the State. The purpose of such underwater parks is to increase the public's understanding and appreciation of ocean resources through interpretation and education.

Due to Hanauma Bay's proximity to a large population base, it suffers from over-use which has led to the deterioration of the ocean resources. Moreover, the public lacks adequate access to Hanauma Bay's main attraction: its tame and abundant fish population. The eventual development of additional underwater parks could help to divert some of the visitors interested in visiting Hanauma Bay by providing alternative ocean experiences.

The Department of Land and Natural Resources and TORCH testified on this measure.

Your Committees have amended this resolution by:

- (1) Expanding the different components of the plan requested in the first BE IT FURTHER RESOLVED clause to include manpower needs as recommended by TORCH; and
- (2) Broadening the types of tour-oriented organizations to be involved in this effort by deleting mention of specific tour-oriented organizations by name.

Your Committees on Ocean and Marine Resources and Tourism concur with the intent and purpose of H.R. No. 358, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 358, HD 1.

Signed by all members of the Committees.

SCRep. 1386 Ocean and Marine Resources and Tourism on H.C.R. No. 333

The purpose of this concurrent resolution is to meet the public's need for an enjoyable and unique ocean experience by requesting a study to identify ocean sites that can be developed into underwater parks.

Currently, Hanauma Bay in East Honolulu and Kealahou Bay in Kona of the Big Island are the only two underwater parks in the State. The purpose of such underwater parks is to increase the public's understanding and appreciation of ocean resources through interpretation and education.

Due to Hanauma Bay's proximity to a large population base, it suffers from over-use which has led to the deterioration of the ocean resources. Moreover, the public lacks adequate access to Hanauma Bay's main attraction: its tame and abundant fish population. The eventual development of additional underwater parks could help to divert some of the visitors interested in visiting Hanauma Bay by providing alternative ocean experiences.

The Department of Land and Natural Resources and TORCH testified on this measure.

Your Committees have amended this concurrent resolution by:

- (1) Expanding the different components of the plan requested in the first BE IT FURTHER RESOLVED clause to include manpower needs as recommended by TORCH; and
- (2) Broadening the types of tour-oriented organizations to be involved in this effort by deleting mention of specific tour-oriented organizations by name.

Your Committees on Ocean and Marine Resources and Tourism concur with the intent and purpose of H.C.R. No. 333, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 333, HD 1.

Signed by all members of the Committees.

SCRep. 1387 Energy and Environmental Protection on H.R. No. 293

The purpose of this resolution is to request the Department of Business, Economic Development, and Tourism to study the feasibility of applying bladeless turbine technology to geothermal wells within the State.

Your Committee received testimony from the Department of Business, Economic Development, and Tourism which stated that it would not have the expertise to make specific judgments relative to design and engineering elements within the alternate energy technologies. Your Committee has amended the resolution to request that the Department review available feasibility studies and report its conclusions to the Legislature. Accordingly, your Committee has also amended the title of this resolution to read:

"HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO REVIEW AVAILABLE FEASIBILITY STUDIES ON BLADELESS TURBINE TECHNOLOGY AND REPORT ITS CONCLUSIONS ABOUT THE POTENTIAL APPLICABILITY OF THIS TECHNOLOGY TO GEOTHERMAL WELLS WITHIN THE STATE OF HAWAII."

Your Committee on Energy and Environmental Protection concurs with the intent and purpose of H.R. No. 293, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 293, HD 1.

Signed by all members of the Committee.

SCRep. 1388 Energy and Environmental Protection on H.C.R. No. 272

The purpose of this concurrent resolution is to request the Department of Business, Economic Development, and Tourism to study the feasibility of applying bladeless turbine technology to geothermal wells within the State.

Your Committee received testimony from the Department of Business, Economic Development, and Tourism which stated that it would not have the expertise to make specific judgments relative to design and engineering elements within the alternate energy technologies. Your Committee has amended the concurrent resolution to request that the Department review available feasibility studies and report its conclusions to the Legislature. Accordingly, your Committee has also amended the title of this concurrent resolution to read:

"HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO REVIEW AVAILABLE FEASIBILITY STUDIES ON BLADELESS TURBINE TECHNOLOGY AND REPORT ITS CONCLUSIONS ABOUT THE POTENTIAL APPLICABILITY OF THIS TECHNOLOGY TO GEOTHERMAL WELLS WITHIN THE STATE OF HAWAII."

Your Committee on Energy and Environmental Protection concurs with the intent and purpose of H.C.R. No. 272, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 272, HD 1.

Signed by all members of the Committee.

**SCRep. 1389 Energy and Environmental Protection and Intergovernmental Relations and International Affairs
on H.R. No. 50**

The purpose of this resolution is to express opposition to the launching of Polaris missiles from the Pacific Range Facility at Barking Sands, Kauai, pending the preparation of an independent environmental impact statement and the initiation of further study and evaluation of the STARS project.

Your Committees received support for this resolution from the Sierra Club, Kauai Chapter, and the American Friends Service Committee. Information about the previous environmental impact statement was received from the Physics Department of the University of Hawaii.

Your Committees find that opposition to the launching of Polaris missiles from the Pacific Range Facility at Barking Sands, Kauai, pending an independent impact statement and further study and evaluation of the STARS project is justified for the following reasons:

- (1) Rocket propellants are hazardous to the health should they be accidentally released at Nawiliwili Harbor, on route to Barking Sands, or at the launching site;
- (2) The byproducts of missile launches could have negative impacts on the State's fishing industry, the ozone layer, and marine mammals;
- (3) The STARS project could interfere with the habitats of endangered wildlife, necessitate the closure of portions of a public beach for an extended period and expose the residents of Niihau to excessive risks and dangers;
- (4) Any project-related disaster could have a severe impact on tourism and the overall economy of Kauai; and
- (5) Emergency plans of the United States Department of the Army to cope with a potential disaster are not reassuring.

Your Committees have amended the resolution by inserting an additional clause to point out the international effort, as well as Hawaii's law, relative to reduction of releases of ozone-depleting gases.

Your Committees on Energy and Environmental Protection and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.R. No. 50, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 50, HD 1.

Signed by all members of the Committees.

SCRep. 1390

Energy and Environmental Protection and Intergovernmental Relations and International Affairs on H.C.R. No. 38

The purpose of this concurrent resolution is to express opposition to the launching of Polaris missiles from the Pacific Range Facility at Barking Sands, Kauai, pending the preparation of an independent environmental impact statement and the initiation of further study and evaluation of the STARS project.

Your Committees received support for this concurrent resolution from the Sierra Club, Kauai Chapter, and the American Friends Service Committee. Information about the previous environmental impact statement was received from the Physics Department of the University of Hawaii.

Your Committees find that opposition to the launching of Polaris missiles from the Pacific Range Facility at Barking Sands, Kauai, pending an independent impact statement and further study and evaluation of the STARS project is justified for the following reasons:

- (1) Rocket propellants are hazardous to the health should they be accidentally released at Nawiliwili Harbor, on route to Barking Sands, or at the launching site;
- (2) The byproducts of missile launches could have negative impacts on the State's fishing industry, the ozone layer, and marine mammals;
- (3) The STARS project could interfere with the habitats of endangered wildlife, necessitate the closure of portions of a public beach for an extended period and expose the residents of Niihau to excessive risks and dangers;
- (4) Any project-related disaster could have a severe impact on tourism and the overall economy of Kauai; and
- (5) Emergency plans of the United States Department of the Army to cope with a potential disaster are not reassuring.

Your Committees have amended the concurrent resolution by inserting an additional clause to point out the international effort, as well as Hawaii's law, relative to reduction of releases of ozone-depleting gases.

Your Committees on Energy and Environmental Protection and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.C.R. No. 38, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 38, HD 1.

Signed by all members of the Committees.

SCRep. 1391

Energy and Environmental Protection and Higher Education and the Arts on H.R. No. 266

The purpose of this resolution is to request the University of Hawaii's Water Resources Research Center to prepare a proposal for monitoring nonpoint source pollution within the Kaiaka-Wailua Hydrologic Unit located in the Haleiwa North Shore area.

Your Committees heard supportive testimonies from the Soil Conservation Service, United States Department of Agriculture; the Water Resources Research Center of the University of Hawaii; the West Oahu Soil and Water Conservation District; and the Department of Health.

The Soil Conservation Service reported that this type of project is designed to reduce the impact of soil erosion and enhance the water quality of streams and shoreline areas. It expressed its confidence in the leadership and technical staff of the Research Center to conduct a comprehensive monitoring program.

The West Oahu Soil and Water Conservation District proposed the Hydrologic Unit and submitted it to the Department of Agriculture in Washington, D.C. for its approval, and now is recommending that the University of Hawaii's Water Resources Research Center develop a proposal to conduct a monitoring program.

The University of Hawaii Water Resources Center testified that it is very enthusiastic about conducting the study, and that it has the background, knowledge, laboratories, instrumentation, and expertise in water quality and related disciplines to successfully carry out the intent of this resolution.

Your Committees know that Kaiaka and Wailua Bays are used extensively for recreational activities, and find that these recreational areas are plagued by both groundwater contamination and degradation of shorelines due to agriculture chemicals leaching into the soil and sediment washing into the ocean.

Your Committees find that the United States Department of Agriculture has selected Hawaii as recipient of a federal grant to provide technical assistance and financial incentives to landowners to implement Best Management Practices, which are procedures to reduce the quantities of pesticides and toxins being washed from the land to contribute to nonpoint source pollution.

Since the University of Hawaii's Water Resources Research Center not only has the capability, but also enjoys the support of federal, state, and county agencies for studying water quality problems, it is the ideal candidate for developing a proposal to conduct a monitoring program to complement USDA conservation efforts.

Your Committees have amended this resolution by making a nonsubstantive correction for purposes of style and clarity.

Your Committees on Energy and Environmental Protection and Higher Education and the Arts concur with the intent and purpose of H.R. No. 266, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 266, HD 1.

Signed by all members of the Committees.

SCRep. 1392**Energy and Environmental Protection and Higher Education and the Arts on H.C.R. No. 242**

The purpose of this concurrent resolution is to request the University of Hawaii's Water Resources Research Center to prepare a proposal for monitoring nonpoint source pollution within the Kaiaka-Wailua Hydrologic Unit located in the Haleiwa North Shore area.

Your Committees heard supportive testimonies from the Soil Conservation Service, United States Department of Agriculture; the Water Resources Research Center of the University of Hawaii; the West Oahu Soil and Water Conservation District; and the Department of Health.

The Soil Conservation Service reported that this type of project is designed to reduce the impact of soil erosion and enhance the water quality of streams and shoreline areas. It expressed its confidence in the leadership and technical staff of the Research Center to conduct a comprehensive monitoring program.

The West Oahu Soil and Water Conservation District proposed the Hydrologic Unit and submitted it to the Department of Agriculture in Washington, D.C. for its approval, and now is recommending that the University of Hawaii's Water Resources Research Center develop a proposal to conduct a monitoring program.

The University of Hawaii Water Resources Center testified that it is very enthusiastic about conducting the study, and that it has the background, knowledge, laboratories, instrumentation, and expertise in water quality and related disciplines to successfully carry out the intent of this concurrent resolution.

Your Committees know that Kaiaka and Wailua Bays are used extensively for recreational activities, and find that these recreational areas are plagued by both groundwater contamination and degradation of shorelines due to agriculture chemicals leaching into the soil and sediment washing into the ocean.

Your Committees find that the United States Department of Agriculture has selected Hawaii as recipient of a federal grant to provide technical assistance and financial incentives to landowners to implement Best Management Practices, which are procedures to reduce the quantities of pesticides and toxins being washed from the land to contribute to nonpoint source pollution.

Since the University of Hawaii's Water Resources Research Center not only has the capability, but also enjoys the support of federal, state, and county agencies for studying water quality problems, it is the ideal candidate for developing a proposal to conduct a monitoring program to complement USDA conservation efforts.

Your Committees have amended this concurrent resolution by making a nonsubstantive correction for purposes of style and clarity.

Your Committees on Energy and Environmental Protection and Higher Education and the Arts concur with the intent and purpose of H.C.R. No. 242, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 242, HD 1.

Signed by all members of the Committees.

SCRep. 1393 Health and Human Services on H.R. No. 97

The purpose of this resolution is to request the Departments of Health and Human Services, along with the State Health Planning and Development Agency to form a cooperative effort to ensure that heart transplant services are available and accessible to the people of Hawaii.

Testimony was received in support of the measure from the Department of Health with a suggested amendment, the Department of Human Services, a heart transplant surgeon, St. Francis Medical Center, and a private citizen.

Your Committee finds that having a local heart transplant facility that is Medicaid reimbursable will be a benefit to the citizens of Hawaii.

Your Committees on Health and Human Services concur with the intent and purpose of H.R. No. 97 and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1394 Health and Human Services on H.C.R. No. 87

The purpose of this concurrent resolution is to request the Departments of Health and Human Services, along with the State Health Planning and Development Agency to form a cooperative effort to ensure that heart transplant services are available and accessible to the people of Hawaii.

Testimony was received in support of the measure from the Department of Health with a suggested amendment, the Department of Human Services, a heart transplant surgeon, St. Francis Medical Center, and a private citizen.

Your Committee finds that having a local heart transplant facility that is Medicaid reimbursable will be a benefit to the citizens of Hawaii.

Your Committees on Health and Human Services concur with the intent and purpose of H.C.R. No. 87 and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1395 Health on H.C.R. No. 212

The purpose of this concurrent resolution is to request the State Planning Council on Developmental Disabilities, the Department of Education's Special Education Section, the Learning Disabilities Association, and several other entities, along with members of families of persons with autism and autistic-like behaviors, to undertake a feasibility study regarding persons in Hawaii with autism and/or autistic-like behaviors.

The Department of Health noted that such a study would be useful because the population is little understood and is therefore difficult to serve, but it deferred to the State Planning Council on Developmental Disabilities as to whether the study should be undertaken at this time. The State Planning Council also acknowledged that more information is necessary to serve this population adequately and stated its willingness to convene a working group to undertake the requested study. The Learning Disabilities Association and two individuals also submitted testimony in support of this concurrent resolution.

The Department of Education submitted testimony in support of expanding and improving services for persons with autism and autistic-like behaviors but opposed the undertaking of the feasibility study called for by the concurrent resolution.

Your Committee finds that the feasibility study requested by this concurrent resolution would serve a useful purpose. According to testimony received by your Committee, autism and autistic behaviors often are first identified in children of school age. Your Committee therefore has amended this concurrent resolution by adding language to emphasize its desire that the Department of Education participate actively in the completion of this feasibility study, especially with regard to educational services for school-age children with autism and autistic-like behaviors.

Your Committee on Health is in accord with the intent and purpose of H.C.R. No. 212, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 212, HD 1.

Signed by all members of the Committee.

SCRep. 1396 Health on H.R. No. 126

The purpose of this resolution is to request the Department of Health's public health-HIV coordinator, in collaboration with the Big Island AIDS Project, to develop a system of measuring the extent of HIV-related problems in West Hawaii.

Supportive testimony was submitted by the Governor's Committee on AIDS, the Department of Health, the Big Island AIDS Project, and a registered nurse from West Hawaii. The testimony indicated that there is a need to compile precise demographic and medical data on human immunodeficiency virus infections in West Hawaii to enhance the provision of timely, affordable, and high-quality health care and services. The Department of Health recommended that the language of the resolution be broadened to allow appropriate departmental staff to work on the proposed project.

Your Committee has amended this resolution by providing that development of the HIV measuring system be conducted by appropriate persons from the Department of Health.

Technical, nonsubstantive amendments were also made for the purposes of clarity and style.

Your Committee on Health concurs with the intent and purpose of H.R. No. 126, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 126, HD 1.

Signed by all members of the Committee.

SCRep. 1397 Health on H.C.R. No. 115

The purpose of this concurrent resolution is to request the Department of Health's public health-HIV coordinator, in collaboration with the Big Island AIDS Project, to develop a system of measuring the extent of HIV-related problems in West Hawaii.

Supportive testimony was submitted by the Governor's Committee on AIDS, the Department of Health, the Big Island AIDS Project, and a registered nurse from West Hawaii. The testimony indicated that there is a need to compile precise demographic and medical data on human immunodeficiency virus infections in West Hawaii to enhance the provision of timely, affordable, and high-quality health care and services. The Department of Health recommended that the language of the concurrent resolution be broadened to allow appropriate departmental staff to work on the proposed project.

Your Committee has amended this concurrent resolution by providing that development of the HIV measuring system be conducted by appropriate persons from the Department of Health.

Technical, nonsubstantive amendments were also made for the purposes of clarity and style.

Your Committee on Health concurs with the intent and purpose of H.C.R. No. 115, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 115, HD 1.

Signed by all members of the Committee.

SCRep. 1398 Health on H.R. No. 345

The purpose of this resolution is to request the Department of Health to study the feasibility of establishing a self-sufficiency trust fund program for developmentally disabled individuals in the State of Hawaii.

Testimony in support of the intent of this resolution was submitted by the State Planning Council on Developmental Disabilities and the Department of Health. This testimony indicated that the trust fund would provide disabled persons and their families with a viable, life-care planning option to meet the supplemental financial needs of the disabled without the loss of governmental benefits or the invasion of the trust principal.

Your Committee understands that a self-sufficiency trust fund program has been successfully implemented in the State of Illinois at minimal cost to the state through partnership with private trust companies.

Your Committee on Health concurs with the intent and purpose of H.R. No. 345 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1399 Health on H.C.R. No. 326

The purpose of this concurrent resolution is to request the Department of Health to study the feasibility of establishing a self-sufficiency trust fund program for developmentally disabled individuals in the State of Hawaii.

Testimony in support of the intent of this concurrent resolution was submitted by the State Planning Council on Developmental Disabilities and the Department of Health. This testimony indicated that the trust fund would provide disabled persons and their families with a viable, life-care planning option to meet the supplemental financial needs of the disabled without the loss of governmental benefits or the invasion of the trust principal.

Your Committee understands that a self-sufficiency trust fund program has been successfully implemented in the State of Illinois at minimal cost to the state through partnership with private trust companies.

Your Committee on Health concurs with the intent and purpose of H.C.R. No. 326 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1400 Health on H.R. No. 332

The purpose of this resolution is to request the Department of Health:

- (1) to examine various strategies for the delivery of health care services on the neighbor islands and
- (2) to convene a series of discussions on issues relating to those strategies

The Hawaii State Primary Care Association testified in support of this resolution. Its representative noted that the neighbor Islands, like mainland rural areas, are medically underserved, and that rural residents both in Hawaii and on the mainland experience lower rates of coverage from public and private health care financing programs. The Department of Health submitted testimony affirming the importance of the issues addressed by this resolution. In its testimony the Department of Human Services offered to help the Department of Health carry out the activities which this resolution requests.

Your Committee finds that several important strategies for improving the delivery of health care on the neighbor islands recently have surfaced and that it is important to encourage study, thought, and wide discussion regarding the implications, interrelationships, and optimal implimentation of those strategies.

Your Committee on Health is in accord with the intent and purpose of H.R. No. 332 and recommends its adoption.

Signed by all members of the Committee except Representative Peters.

SCRep. 1401 Health on H.C.R. No. 314

The purpose of this concurrent resolution is to request the Department of Health:

- (1) to examine various strategies for the delivery of health care services on the neighbor islands and
- (2) to convene a series of discussions on issues relating to those strategies

The Hawaii State Primary Care Association testified in support of this concurrent resolution. Its representative noted that the neighbor Islands, like mainland rural areas, are medically underserved, and that rural residents both in Hawaii and on the mainland experience lower rates of coverage from public and private health care financing programs. The Department of Health submitted testimony affirming the importance of the issues addressed by this concurrent resolution. In its testimony the Department of Human Services offered to help the Department of Health carry out the activities which this concurrent resolution requests.

Your Committee finds that several important strategies for improving the delivery of health care on the neighbor islands recently have surfaced and that it is important to encourage study, thought, and wide discussion regarding the implications, interrelationships, and optimal implimentation of those strategies.

Your Committee on Health is in accord with the intent and purpose of H.C.R. No. 314 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1402 Health on H.R. No. 242

The purpose of this resolution is to develop a coordinated approach to mental health services for the children of the State of Hawaii by requesting the Department of Health and the Mental Health Association of Hawaii to jointly study the feasibility of implementing, in Hawaii, two out-of-state systems for children's mental health: Florida's Friedman Model of Mental Health Care and California's Ventura County Model.

Supportive testimony was submitted by the State Advisory Council on Mental Health and Substance Abuse, the Department of Health, Catholic Charities of the Diocese of Honolulu, and the Mental Health Association of Hawaii.

Your Committee understands that both the Friedman and Ventura County models have proven to be highly successful in augmenting the coordinated provision of services to mentally ill children and adolescents.

Your Committee on Health concurs with the intent and purpose of H.R. No. 242 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1403 Health on H.C.R. No. 245

The purpose of this concurrent resolution is to develop a coordinated approach to mental health services for the children of the State of Hawaii by requesting the Department of Health and the Mental Health Association of Hawaii to jointly study the feasibility of implementing, in Hawaii, two out-of-state systems for children's mental health: Florida's Friedman Model of Mental Health Care and California's Ventura County Model.

Supportive testimony was submitted by the State Advisory Council on Mental Health and Substance Abuse, the Department of Health, Catholic Charities of the Diocese of Honolulu, and the Mental Health Association of Hawaii.

Your Committee understands that both the Friedman and Ventura County models have proven to be highly successful in augmenting the coordinated provision of services to mentally ill children and adolescents.

Your Committee on Health concurs with the intent and purpose of H.C.R. No. 245 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1404 Agriculture and Health on H.R. No. 260

The purpose of this resolution is to request the Department of Agriculture (DOA) to develop for the State Animal Quarantine Station a plan to phase in over three years the simultaneous:

- (1) Reduction of the staff to animal ratio to not more than one to thirty;
- (2) Extension of visitation hours to better accommodate pet owners; and
- (3) Installation of needed capital improvements.

Testimony from the DOA and five veterinarians indicated support of this resolution to resolve the three problems which have generated criticism of the State Quarantine Station.

Because the high estimated cost for resolving these three problems would exceed the present resources and displace other equally important programs, your Committees find that the State is compelled to study alternative ways to address and improve these operational problems at the quarantine station over time. Moreover, your Committees feel that the DOA's plan should:

- (1) Address these problems in the following prioritized (listed first to last) order, rather than simultaneously, as specified in this resolution:
 - (a) Extension of the visitation hours;
 - (b) Reduction of the staff-to-animal ratio;
 - (c) Installation of the capital improvements; and
- (2) Provide the cost, both to the State and to pet owners, for each prioritized phase of the improvements.

To retain the order of prioritization described above, your Committees have amended this resolution to delete the term "simultaneous" where it occurs in reference to phrasing in improvements in these areas.

Your Committees on Agriculture and Health 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, HD 1.

Signed by all members of the Committees.

SCRep. 1405 Agriculture and Health on H.C.R. No. 235

The purpose of this concurrent resolution is to request the Department of Agriculture (DOA) to develop for the State Animal Quarantine Station a plan to phase in over three years the simultaneous:

- (1) Reduction of the staff to animal ratio to not more than one to thirty;
- (2) Extension of visitation hours to better accommodate pet owners; and
- (3) Installation of needed capital improvements.

Testimony from the DOA and five veterinarians indicated support of this concurrent resolution to resolve the three problems which have generated criticism of the State Quarantine Station.

Because the high estimated cost for resolving these three problems would exceed the present resources and displace other equally important programs, your Committees find that the State is compelled to study alternative ways to address and improve these operational problems at the quarantine station over time. Moreover, your Committees feel that the DOA's plan should:

- (1) Address these problems in the following prioritized (listed first to last) order, rather than simultaneously, as specified in this concurrent resolution:
 - (a) Extension of the visitation hours;
 - (b) Reduction of the staff-to-animal ratio;
 - (c) Installation of the capital improvements; and
- (2) Provide the cost, both to the State and pet owners, for each prioritized phase of the improvements.

To retain the order of prioritization described above, your Committees have amended this concurrent resolution to delete the term "simultaneous" where it occurs in reference to phasing in improvements in these areas.

Your Committees on Agriculture and Health 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, HD 1.

Signed by all members of the Committees.

SCRep. 1406 Agriculture on H.R. No. 317

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

- (1) Develop plans to construct a privately managed livestock transfer facility on appropriate public land on Oahu; and
- (2) Submit a report on the plan to the Legislature twenty days prior to the start of the Regular Session of 1992.

Testimony from the DLNR and DOA indicated that:

- (1) A livestock transfer facility is used to off-load, feed, water, and rest livestock in transit (by barge, freighter or cargo plane, as may be the situation in Hawaii) from one region to another or when the shipment involves a long time span;
- (2) Currently, the Hawaii Meat Company's feedlot at Barbers Point provides a transfer facility for Oahu. With the imminent closure of this facility, both the DLNR and DOA recognize the urgency of locating a replacement transfer facility; and
- (3) To fulfill the need for a livestock feedlot and transfer facility on Oahu, the State of Hawaii is planning to acquire the Hawaii Meat Company's feedlot and transfer facility for interim operations until final plans are developed for a livestock agricultural park on Oahu.

Your Committee on Agriculture concurs with the intent and purpose of H.R. No. 317 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1407 Agriculture on H.R. No. 337

The purpose of this resolution is to request that the Governor's Agriculture Coordinating Committee (GACC), in conjunction with the Department of Land and Natural Resources (DLNR), Department of Agriculture (DOA), Housing Finance and Development Corporation, County of Hawaii, and Chalon International of Hawaii (CIH):

- (1) Prepare an action plan for the development of farm lots in North Kohala;
- (2) Report on its progress to the Legislature at least twenty days before the convening of the Regular Session of 1992.

The action plan would include, but not be limited to, actions necessary to:

- (1) Facilitate exchange of lands, resources, or other assets between CIH and the State of Hawaii;
- (2) Reduce requirements for improvements to agricultural parks, specifically roadways and waterlines;
- (3) Arrange farm loans for tenants; and
- (4) Permit development of a cooperative with a physically-based site easily accessible to all tenants.

Testimony from the DOA, GACC, Agricultural Sub-Committee of the Citizen's Participation Committee (ASCPC), and CIH indicated that:

- (1) The DOA had discussed the possibility of a land exchange with CIH for development of an agricultural park on CIH's lands in North Kohala as part of DOA's priorities and plans for location of an agricultural park on the Island of Hawaii;
- (2) CIH, working with the ASCPC of North Kohala on CIH's master plan for its holdings, has identified the proposed area as most suitable for an agricultural park; and
- (3) CIH is willing to negotiate the exchange of lands, resources, or other assets with the State, including water from the Kohala Ditch System which CIH is improving and maintaining.

Your Committee finds CIH's efforts to help in the development of farm lost in North Kohala an excellent example of cooperation from the private sector to fulfill an identified need. Your Committee also finds CIH's efforts to involve a citizens group in formulation of its land use master plan a good example of public involvement in the planning process.

Your Committee has therefore amended the resolution to include the ASCPC of North Kohala to the groups identified to work with the GACC in preparation of the Action Plan. Your Committee has also made a technical, nonsubstantive amendment to the resolution for purposes of style and clarity.

Your Committee on Agriculture concurs with the intent and purpose of H.R. No. 337, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 337, HD 1.

Signed by all members of the Committee.

SCRep. 1408 Agriculture on H.C.R. No. 318

The purpose of this concurrent resolution is to request that the Governor's Agriculture Coordinating Committee (GACC), in conjunction with the Department of Land and Natural Resources (DLNR), Department of Agriculture (DOA), Housing Finance and Development Corporation, County of Hawaii, and Chalon International of Hawaii (CIH):

- (1) Prepare an action plan for the development of farm lots in North Kohala;
- (2) Report on its progress to the Legislature at least twenty days before the convening of the Regular Session of 1992.

The action plan would include, but not be limited to, actions necessary to:

- (1) Facilitate exchange of lands, resources, or other assets between CIH and the State of Hawaii;
- (2) Reduce requirements for improvements to agricultural parks, specifically roadways and waterlines;
- (3) Arrange farm loans for tenants; and
- (4) Permit development of a cooperative with a physically-based site easily accessible to all tenants.

Testimony from the DOA, GACC, Agricultural Sub-Committee of the Citizens' Participation Committee (ASCPC), and CIH indicated that:

- (1) The DOA had discussed the possibility of a land exchange with CIH for development of an agricultural park on CIH's lands in North Kohala as part of DOA's priorities and plans for location of an agricultural park on the Island of Hawaii;
- (2) CIH, working with the ASCPC of North Kohala on CIH's master plan for its holdings, has identified the proposed area as most suitable for an agricultural park; and
- (3) CIH is willing to negotiate the exchange of lands, resources, or other assets with the State, including water from the Kohala Ditch System which CIH is improving and maintaining.

Your Committee finds CIH's efforts to help in the development of farm lots in North Kohala an excellent example of cooperation from the private sector to fulfill an identified need. Your Committee also finds CIH's efforts to involve a citizens group in formulation of its land use master plan a good example of public involvement in the planning process.

Your Committee has therefore amended the concurrent resolution to include the ASCPC of North Kohala to the groups identified to work with the GACC in preparation of the Action Plan. Your Committee has also made a technical, nonsubstantive amendment to the concurrent resolution for purposes of style and clarity.

Your Committee on Agriculture concurs with the intent and purpose of H.C.R. No. 318, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 318, HD 1.

Signed by all members of the Committee.

SCRep. 1409 Agriculture on H.R. No. 378

The purpose of this resolution is to request that the Department of Agriculture (DOA), in conjunction with the Hawaii Macadamia Nut Association (HMNA):

- (1) Review recent developments in the macadamia nut industry to determine whether a declaration of a state of emergency is warranted; and
- (2) Submit a report to the Governor and the Chairpersons of the House Agriculture and the Senate Agriculture and Environmental Protection Committees by June 30, 1991 including, but not limited to:
 - (a) A determination of the number of macadamia nut farmers currently suffering losses from the depressed market and threatened by bankruptcy;
 - (b) An assessment of the impacts attributed to the importation of foreign macadamia nut kernels; and
 - (c) A recommended plan of action.

Testimony from the DOA, HMNA, and a macadamia nut farmer indicated that:

- (1) There are various reasons why the macadamia nut farmers are unable to sell their crop. The processors have stopped buying unshelled nuts because of:
 - (a) Insufficient processing capacity;
 - (b) An oversupply of Hawaiian-grown kernels, partly attributable to imports of cheaper foreign kernels; and
 - (c) The poor quality of nuts from certain farmers;
- (2) The impact and magnitude of this problem are not known. Crop losses may be about 500,000 pounds of unshelled nuts valued at \$425,000 at current prices. Illegal import figures cited are not substantiated. The problem will become worse in the coming harvest season when Hawaii's crop production is expected to increase; and
- (3) Emergency loans can be made to farmers under the DOA's loan program during economic emergencies caused by over-production and excessive imports after the Governor has proclaimed an emergency.

Your Committee finds that a survey is needed to accurately assess the magnitude of the problems effecting the macadamia nut industry and the factors involved to determine whether a state of emergency exists. To provide more time to complete the report, your Committee has amended the resolution to extend the submission deadline from June 30, 1991 to September 30, 1991. Your Committee has also made technical, nonsubstantive amendments to the resolution for purposes of style and clarity.

Your Committee on Agriculture concurs with the intent and purpose of H.R. No. 378, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 378, HD 1.

Signed by all members of the Committee.

SCRep. 1410 Agriculture on H.C.R. No. 348

The purpose of this concurrent resolution is to request that the Department of Agriculture (DOA), in conjunction with the Hawaii Macadamia Nut Association (HMNA):

- (1) Review recent developments in the macadamia nut industry to determine whether a declaration of a state of emergency is warranted; and
- (2) Submit a report to the Governor and the Chairpersons of the House Agriculture and the Senate Agriculture and Environmental Protection Committees by June 30, 1991 including, but not limited to:
 - (a) A determination of the number of macadamia nut farmers currently suffering losses from the depressed market and threatened by bankruptcy;
 - (b) An assessment of the impacts attributed to the importation of foreign macadamia nut kernels; and
 - (c) A recommended plan of action.

Testimony from the DOA, HMNA, and a macadamia nut farmer indicated that:

- (1) There are various reasons why the macadamia nut farmers are unable to sell their crop. The processors have stopped buying unshelled nuts because of:
 - (a) Insufficient processing capacity;
 - (b) An oversupply of Hawaiian-grown kernels, partly attributable to imports of cheaper foreign kernels; and
 - (c) The poor quality of nuts from certain farmers;
- (2) The impact and magnitude of this problem are not known. Crop losses may be about 500,000 pounds of unshelled nuts valued at \$425,000 at current prices. Illegal import figures cited are not substantiated. The problem will become worse in the coming harvest season when Hawaii's crop production is expected to increase; and
- (3) Emergency loans can be made to farmers under the DOA's loan program during economic emergencies caused by over-production and excessive imports after the Governor has proclaimed an emergency.

Your Committee finds that a survey is needed to accurately assess the magnitude of the problems effecting the macadamia nut industry and the factors involved to determine whether a state of emergency exists. To provide more time to complete the report, your Committee has amended the concurrent resolution to extend the submission deadline from June 30, 1991 to September 30, 1991. Your Committee has also made technical, nonsubstantive amendments to the concurrent resolution for purposes of style and clarity.

Your Committee on Agriculture concurs with the intent and purpose of H.C.R. No. 348, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 348, HD 1.

Signed by all members of the Committee.

SCRep. 1411 Agriculture on H.R. No. 300

The purpose of this resolution is to request that the Governor's Agriculture Coordinating Committee, in conjunction with the macadamia nut industry:

- (1) Investigate options to expand the market share of Hawaiian-grown macadamia nuts and nut products including the establishment of a federal market order to provide and improve marketing programs, set and maintain quality standards, and expand research and development capabilities of the Hawaiian macadamia nut industry; and
- (2) Report its findings and recommendations to the Legislature twenty days before the Regular Session of 1992.

Testimony from the Department of Agriculture, Governor's Agriculture Coordinating Committee, Hawaii Farm Bureau Federation, Farmers Lokahi Alliance, Kapulena Orchards, Hawaii Macadamia Nut Association, MacFarms of Hawaii, and seven individual macadamia nut farmers indicated that:

- (1) The macadamia nut industry is currently in trouble because of:
 - (a) An excess supply caused by foreign imports and record Hawaiian production of nuts;
 - (b) The lower cost of imported nuts;
 - (c) A sluggish retail market;
 - (d) A lack of uniform grading standards and monitoring within the industry; and
 - (e) A lack of labelling control over products using imported nuts; and
- (2) An investigation of the benefits, structure, and application of a federal marketing order and other ways to help the industry is in order.

Your Committee finds that a federal marketing order would provide ways to establish price stabilization and quality standards, as well as funds to conduct research and market promotions. However, your Committee believes that the investigation should explore other possibilities as well, and has therefore amended the resolution to provide this direction. Your Committee also made technical, nonsubstantive amendments to the resolution for purposes of style and clarity.

Your Committee on Agriculture concurs with the intent and purpose of H.R. No. 300, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 300, HD 1.

Signed by all members of the Committee.

SCRep. 1412 Agriculture on H.C.R. No. 281

The purpose of this concurrent resolution is to request that the Governor's Agriculture Coordinating Committee, in conjunction with the macadamia nut industry:

- (1) Investigate options to expand the market share of Hawaiian-grown macadamia nuts and nut products including the establishment of a federal market order to provide and improve marketing programs, set and maintain quality standards, and expand research and development capabilities of the Hawaiian macadamia nut industry; and
- (2) Report its findings and recommendations to the Legislature twenty days before the Regular Session of 1992.

Testimony from the Department of Agriculture, Governor's Agriculture Coordinating Committee, Hawaii Farm Bureau Federation, Farmers Lokahi Alliance, Kapulena Orchards, Hawaii Macadamia Nut Association, MacFarms of Hawaii, and seven individual macadamia nut farmers indicated that:

- (1) The macadamia nut industry is currently in trouble because of:
 - (a) An excess supply caused by foreign imports and record Hawaiian production of nuts;
 - (b) The lower cost of imported nuts;
 - (c) A sluggish retail market;
 - (d) A lack of uniform grading standards and monitoring within the industry; and
 - (e) A lack of labelling control over products using imported nuts; and

- (2) An investigation of the benefits, structure, and application of a federal marketing order and other ways to help the industry is in order.

Your Committee finds that a federal marketing order would provide ways to establish price stabilization and quality standards, as well as funds to conduct research and market promotions. However, your Committee believes that the investigation should explore other possibilities as well, and has therefore amended the concurrent resolution to provide this direction. Your Committee also made technical, nonsubstantive amendments to the concurrent resolution for purposes of style and clarity.

Your Committee on Agriculture concurs with the intent and purpose of H.C.R. No. 281, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 281, HD 1.

Signed by all members of the Committee.

SCRep. 1413 Intergovernmental Relations and International Affairs on H.C.R. No. 294

The purpose of this concurrent resolution is to conserve water by requesting the counties and military installations to increase the use of non-potable water to irrigate golf courses within their respective jurisdictions.

Your Committee finds that the impact of using potable water for golf course irrigation could be staggering on Oahu. In 1989, the City and County of Honolulu prepared a study on golf course development on Oahu, which stated that over 40 new 18-hole courses are now underway or proposed for the island of Oahu alone. This would cover over 7,500 acres of land and consume close to 30 million gallons of water a day if approved for development.

Existing golf courses on Oahu use from an average of 200,000 to 500,000 gallons of water everyday. If we use 350,000 gallons per day as an average figure for a golf course, this same water could be used to supply 850 homes and 2,600 multi-family dwellings with their average daily water needs.

Testimony supporting the intent of this measure was submitted by the Board of Water Supply of the City and County of Honolulu.

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

- (1) Noting that water quality should be matched to water uses to maximize the State's water resources;
- (2) Recognizing that non-potable sources are not available to all of the existing golf courses and requesting existing golf courses to use non-potable water as sources become available; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and style.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.C.R. No. 294, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 294, HD 1.

Signed by all members of the Committee.

SCRep. 1414 Intergovernmental Relations and International Affairs on H.R. No. 339

The purpose of this resolution is to support the U.S. Navy in its attempts to research supercritical water oxidation as an alternate means to destroy chemical warfare agents, propellants, and other hazardous or toxic materials.

Another reason for encouraging research in this regard is to explore alternate technologies of chemical warfare agent disposal, which do not present the environmental threat that the current practice of incineration does.

Your Committee finds that there is a great potential benefit in supporting the U.S. Navy in its research of this new and promising technology. Further, there is sufficient justification to pursue this research as information indicates that the current practice of incineration may be technologically obsolete.

Testimony in support of this resolution was received from the Office of State Planning and the Pacific Asia Council of Indigenous People.

Your Committee has amended this resolution by:

- (1) Clarifying that there may be opposition to the research being conducted by the U.S. Navy because your Committee did not find sufficient information to substantiate claims that opposition was indeed provided by the Department of Defense, the Army, and Congressional representatives;
- (2) Extolling the potential environmental and cost benefits associated with supercritical water oxidation; and
- (3) Making technical, nonsubstantive amendments for the purposes of style and clarity.

Your Committee on Intergovernmental Relations and International 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, HD 1.

Signed by all members of the Committee.

SCRep. 1415 Intergovernmental Relations and International Affairs on H.C.R. No. 320

The purpose of this concurrent resolution is to support the U.S. Navy in its attempts to research supercritical water oxidation as an alternate means to destroy chemical warfare agents, propellants, and other hazardous or toxic materials.

Another reason for encouraging research in this regard is to explore alternate technologies of chemical warfare agent disposal, which do not present the environmental threat that the current practice of incineration does.

Your Committee finds that there is a great potential benefit in supporting the U.S. Navy in its research of this new and promising technology. Further, there is sufficient justification to pursue this research as information indicates that the current practice of incineration may be technologically obsolete.

Testimony in support of this concurrent resolution was received from the Office of State Planning and the Pacific Asia Council of Indigenous People.

Your Committee has amended this concurrent resolution by:

- (1) Clarifying that there may be opposition to the research being conducted by the U.S. Navy because your Committee did not find sufficient information to substantiate claims that opposition was indeed provided by the Department of Defense, the Army, and Congressional representatives;
- (2) Extolling the potential environmental and cost benefits associated with supercritical water oxidation; and
- (3) Making technical, nonsubstantive amendments for the purposes of style and clarity.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.C.R. No. 320, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 320, HD 1.

Signed by all members of the Committee.

SCRep. 1416 Intergovernmental Relations and International Affairs on H.R. No. 101

The purpose of this resolution is to urge the United States Postmaster General to establish a post office near the Hawaiian Ocean View Estates subdivision on the Island of Hawaii.

Your Committee finds that the population in the Ka'u district is growing rapidly. Unfortunately, basic public services, especially postal services, are not meeting the needs of the people living in this area.

Currently, there is a substation post office with a one-year waiting list for residents who wish to have a post office box. In addition, this substation does not provide the full scope of postal services available to those living in metropolitan areas.

Your Committee finds that although a new post office is scheduled to be completed in about one month, this facility may not necessarily solve the problems facing Hawaiian Ocean View Estate residents. For example, although banking facilities are badly needed in this community, banking facilities cannot be made available until a new zip code is established in this area.

Rather than urging the United States Postmaster General to establish a post office, your Committee finds that it would be more fitting to urge the maximization of postal services for this area.

Testimony in support of the intent of this measure was submitted by the Ka'u Times and many residents of the Hawaiian Ocean View Estates subdivision.

Upon further consideration, your Committee has amended the scope of this measure by urging the United States Postmaster General to maximize postal services near Hawaiian Ocean View Estates. Accordingly, the title of this measure has been amended to: "URGING THE UNITED STATES POSTMASTER GENERAL TO MAXIMIZE POSTAL SERVICES NEAR THE VICINITY OF THE HAWAIIAN OCEAN VIEW ESTATES RESIDENTIAL SUBDIVISION, HAWAII."

The following amendments have also been made:

- (1) Acknowledging that banking facilities will not be made available in this area unless a new zip code is established;
- (2) Providing that certified copies of this measure are also transmitted to Senator Inouye, Congresswoman Mink, and the General Manager Postmaster for the Honolulu Division; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and style.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.R. No. 101, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 101, HD 1.

Signed by all members of the Committee.

SCRep. 1417 Intergovernmental Relations and International Affairs on H.C.R. No. 90

The purpose of this concurrent resolution is to urge the United States Postmaster General to establish a post office near the Hawaiian Ocean View Estates subdivision on the Island of Hawaii.

Your Committee finds that the population in the Ka'u district is growing rapidly. Unfortunately, basic public services, especially postal services, are not meeting the needs of the people living in this area.

Currently, there is a substation post office with a one-year waiting list for residents who wish to have a post office box. In addition, this substation does not provide the full scope of postal services available to those living in metropolitan areas.

Your Committee finds that although a new post office is scheduled to be completed in about one month, this facility may not necessarily solve the problems facing Hawaiian Ocean View Estate residents. For example, although banking facilities are badly needed in this community, banking facilities cannot be made available until a new zip code is established in this area.

Rather than urging the United States Postmaster General to establish a post office, your Committee finds that it would be more fitting to urge the maximization of postal services for this area.

Testimony in support of the intent of this measure was submitted by the Ka'u Times and many residents of the Hawaiian Ocean View Estates subdivision.

Upon further consideration, your Committee has amended the scope of this measure by urging the United States Postmaster General to maximize postal services near Hawaiian Ocean View Estates. Accordingly, the title of this measure has been amended to: "URGING THE UNITED STATES POSTMASTER GENERAL TO MAXIMIZE POSTAL SERVICES NEAR THE VICINITY OF THE HAWAIIAN OCEAN VIEW ESTATES RESIDENTIAL SUBDIVISION, HAWAII."

The following amendments have also been made:

- (1) Acknowledging that banking facilities will not be made available in this area unless a new zip code is established;
- (2) Providing that certified copies of this measure are also transmitted to Senator Inouye, Congresswoman Mink, and the General Manager Postmaster for the Honolulu Division; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and style.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.C.R. No. 90, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 90, HD 1.

Signed by all members of the Committee.

SCRep. 1418 Intergovernmental Relations and International Affairs on H.R. No. 128

The purpose of this resolution is to request the Hawaii Congressional delegation to secure humanitarian assistance for the Rongelap Atoll Local Government of the Republic of the Marshall Islands.

Your Committee finds that the 1954 nuclear bomb test performed by the U.S. Government on Bikini Atoll has greatly affected the people of Rongelap Atoll. They presently live on Mejjatto Island and endure many hardships and inconveniences due to the inhospitable nature of the island to which they were forced to move.

Testimony in support of this measure was submitted by the Office of Hawaiian Affairs, the Office of International Relations, the Mayor of the Rongelap Community living in Mejjatto, Senator Jeton Anjain, and a concerned individual.

Your Committee has amended this measure to provide that certified copies of this resolution be transmitted to the President of the United States Senate and the Speaker of the United States House of Representatives, in addition to those already listed.

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

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.R. No. 128, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 128, HD 1.

Signed by all members of the Committee.

SCRep. 1419 Intergovernmental Relations and International Affairs on H.C.R. No. 117

The purpose of this concurrent resolution is to request the Hawaii Congressional delegation to secure humanitarian assistance for the Rongelap Atoll Local Government of the Republic of the Marshall Islands.

Your Committee finds that the 1954 nuclear bomb test performed by the U.S. Government on Bikini Atoll has greatly affected the people of Rongelap Atoll. They presently live on Mejjatto Island and endure many hardships and inconveniences due to the inhospitable nature of the island to which they were forced to move.

Testimony in support of this measure was submitted by the Office of Hawaiian Affairs, the Office of International Relations, the Mayor of the Rongelap Community living in Mejjatto, Senator Jeton Anjain, and a concerned individual.

Your Committee has amended this measure to provide that certified copies of this concurrent resolution be transmitted to the President of the United States Senate and the Speaker of the United States House of Representatives, in addition to those already listed.

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

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.C.R. No. 117, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 117, HD 1.

Signed by all members of the Committee.

SCRep. 1420 Intergovernmental Relations and International Affairs and Higher Education and the Arts on H.R. No. 147

The purpose of this resolution is to:

- (1) Call upon the U.S. government to involve the Hawaiian people in the government's support of activities in preparation of and during the International Year for the World's Indigenous People;
- (2) Encourage the involvement of the Office of Hawaiian Affairs and Hawaii's nongovernmental organizations in preparation for and during the International Year for the Indigenous People;
- (3) Encourage the cooperation of indigenous people of the Pacific with the indigenous people of Asia; and
- (4) Support the Hawaii Council for the Year 1993 and Beyond in its effort to promote and coordinate activities and toward these ends.

It is the intent of your Committees to support these activities in preparation of and during the International Year for the World's Indigenous People.

Upon reviewing the articles of incorporation and bylaws submitted by the Hawaii Council for the Year 1993 and Beyond, your Committees fully support this organization as a major coordinator and facilitator of the activities associated with this event.

Testimony in support of this resolution was submitted by the Office of Hawaiian Affairs and the Hawaii Council for the Year 1993 and Beyond.

Your Committees on Intergovernmental Relations and International Affairs and Higher Education and the Arts concur with the intent and purpose of H.R. No. 147 and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1421 Intergovernmental Relations and International Affairs and Higher Education and the Arts on H.C.R. No. 138

The purpose of this concurrent resolution is to:

- (1) Call upon the U.S. government to involve the Hawaiian people in the government's support of activities in preparation of and during the International Year for the World's Indigenous People;
- (2) Encourage the involvement of the Office of Hawaiian Affairs and Hawaii's nongovernmental organizations in preparation for and during the International Year for the Indigenous People;
- (3) Encourage the cooperation of indigenous people of the Pacific with the indigenous people of Asia; and
- (4) Support the Hawaii Council for the Year 1993 and Beyond in its effort to promote and coordinate activities and toward these ends.

It is the intent of your Committees to support these activities in preparation of and during the International Year for the World's Indigenous People.

Upon reviewing the articles of incorporation and bylaws submitted by the Hawaii Council for the Year 1993 and Beyond, your Committees fully support this organization as a major coordinator and facilitator of the activities associated with this event.

Testimony in support of this concurrent resolution was submitted by the Office of Hawaiian Affairs and the Hawaii Council for the Year 1993 and Beyond.

Your Committees on Intergovernmental Relations and International Affairs and Higher Education and the Arts concur with the intent and purpose of H.C.R. No. 138 and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1422 Health on H.R. No. 248

The purpose of this resolution is to reaffirm the intent of Act 307, Session Laws of Hawaii 1986, establishing the Department of Health's Bilingual Health Education Program and requesting the Department to report on its implementation.

Testimony was received in support of the intent of the measure from the Department of Health, and the Susannah Wesley Community Center. No testimony was received in opposition to the measure.

Your Committee finds that focusing on the importance of bilingual health care will help to insure quality care to the non-English speaking people of Hawaii. This measure will send a message to the Department of Health that the Legislature is concerned with the delivery of care in this area.

Your Committee on Health concurs with the intent and purpose of H.R. No. 248, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 248, HD 1.

Signed by all members of the Committee.

SCRep. 1423 Health on H.C.R. No. 224

The purpose of this concurrent resolution is to reaffirm the intent of Act 307, Session Laws of Hawaii 1986, establishing the Department of Health's Bilingual Health Education Program and requesting the Department to report on its implementation.

Testimony was received in support of the intent of the measure from the Department of Health, and the Susannah Wesley Community Center. No testimony was received in opposition to the measure.

Your Committee finds that focusing on the importance of bilingual health care will help to insure quality care to the non-English speaking people of Hawaii. This measure will send a message to the Department of Health that the Legislature is concerned with the delivery of care in this area.

Your Committee on Health 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, HD 1.

Signed by all members of the Committee.

SCRep. 1424 Education on H.R. No. 237

The purpose of this resolution is to request that the Board of Education prepare and submit a status report to the Legislature at least twenty days prior to the convening of the Regular Session of 1992 regarding the plan for restructuring of the Department of Education state and district offices, including but not limited to information describing the nature, rationale and impact of modifications to the initial restructuring plan and any subsequent revisions.

Testimony in support of the measure was received from the Board of Education and the United Parents for Education Coalition.

Your Committee on Education concurs with the intent and purpose of H.R. No. 237 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1425 Education on H.R. No. 187

The purpose of this resolution is to request the Department of Education to conduct a study to determine an appropriate per-pupil dollar amount to be appropriated to School/Community-Based Management (SCBM) schools in a lump-sum allocation.

The Department of Education testified in support of this measure.

Your Committee on Education concurs with the intent and purpose of H.R. No. 187 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1426 Education and Housing on H.C.R. No. 20

The purpose of this concurrent resolution is to request that the Department of Education and the Waikoloa Land Company enter into an agreement that defines the scope, timetable and cost of the real estate transaction that will enable the Waikoloa Land Company to donate land for a new elementary school that will meet the needs arising from the growth in Waikoloa. The transaction will provide flexibility in the appropriation of capital improvement funds for the proposed new school.

The Committees on Education and Housing received testimony in support of this concurrent resolution from the Department of Education and the Waikoloa Development Company, as well as the Hawaii County Office of Housing and Community Development, the Waikoloa Village Association, the Waimea School PTSA and individuals who reside in Waikoloa.

Your Committees on Education and Housing commend the efforts of the Department of Education and the Waikoloa Land Company for their exemplary response to provide for the site and facilities of a new elementary school in Waikoloa, Hawaii.

Your Committees on Education and Housing concur with the intent and purpose of H.C.R. No. 20 and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1427 Human Services on H.C.R. No. 279

The purpose of this concurrent resolution is to request the Governor's homeless concerns advisory committee to identify ways of streamlining procedures of the State's social services programs to ease access to programs for the homeless.

Your Committee received favorable testimony from the Hawaii Housing Authority. One of the problems faced by homeless people identified by the Governor's Homeless Concerns Advisory Committee is the difficulty in navigating the various regulations which are in place to regulate the social service programs offered by the State.

Your Committee is in strong support of this concurrent resolution and has, therefore, amended it to reflect having a certified copy also sent to Homeless Aloha, Inc.

Your Committee on Human Services concurs with the intent and purpose of H.C.R. No. 279, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 279, HD 1.

Signed by all members of the Committee.

SCRep. 1428 Higher Education and the Arts on H.R. No. 219

The purpose of this resolution is to request the University of Hawaii to study the feasibility of honoring the Varsity Victory Volunteers with a commemorative marker on the University of Hawaii campus.

At the outbreak of World War II following the bombing of Pearl Harbor in December 7, 1941, Americans of Japanese Ancestry (AJA) were excluded from the draft and dismissed from the Hawaii Territorial Guard due to suspicion based on their ethnic background.

However, many AJAs displayed their patriotic spirit by forming the Varsity Victory Volunteers (VVV) group to volunteer their services to the military in non-sensitive roles. Through their hard work and dedication they contributed to the relaxation of the AJA exclusionary regulation. The acceptance of the AJA into the armed forces was the start of the 442nd Regimental Combat Team in 1943.

Your Committee finds that the study committee should include representatives from the VVV group and that the marker be placed on the campus of the University of Hawaii-Manoa.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.R. No. 219 and recommends its adoption.

Signed by all members of the Committee except Representative Bellinger.

SCRep. 1429 Higher Education and the Arts on H.C.R. No. 193

The purpose of this concurrent resolution is to request the University of Hawaii to study the feasibility of honoring the Varsity Victory Volunteers with a commemorative marker on the University of Hawaii campus.

At the outbreak of World War II following the bombing of Pearl Harbor in December 7, 1941, Americans of Japanese Ancestry (AJA) were excluded from the draft and dismissed from the Hawaii Territorial Guard due to suspicion based on their ethnic background.

However, many AJAs displayed their patriotic spirit by forming the Varsity Victory Volunteers (VVV) group to volunteer their services to the military in non-sensitive roles. Through their hard work and dedication they contributed to the relaxation of the AJA exclusionary regulation. The acceptance of the AJA into the armed forces was the start of the 442nd Regimental Combat Team in 1943.

Your Committee finds that the study committee should include representatives from the VVV group and that the marker be placed on the campus of the University of Hawaii-Manoa.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.C.R. No. 193 and recommends its adoption.

Signed by all members of the Committee except Representative Bellinger.

SCRep. 1430 Higher Education and the Arts on H.R. No. 152

The purpose of this resolution is to request the University of Hawai'i to report on its programs, current efforts, and recommendations to improve the delivery of programs and services to nontraditional students.

Your Committee finds that during the past ten years there has been an increasing number of adults seeking a college education and recognizes the special needs and obstacles facing these nontraditional students. For nontraditional students, the decision to return to school after an absence is often a difficult one. They are usually a minority in a classroom filled with students half their age, with different life experiences and expectations. In addition, many are faced with the added financial burden of a family to support. They need retraining in order to re-enter the work force to not only survive financially, but regain their self-esteem and independence.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.R. No. 152 and recommends its adoption.

Signed by all members of the Committee except Representative Bellinger.

SCRep. 1431 Higher Education and the Arts on H.C.R. No. 143

The purpose of this concurrent resolution is to request the University of Hawai'i to report on its programs, current efforts, and recommendations to improve the delivery of programs and services to nontraditional students.

Your Committee finds that during the past ten years there has been an increasing number of adults seeking a college education and recognizes the special needs and obstacles facing these nontraditional students. For nontraditional students, the decision to return to school after an absence is often a difficult one. They are usually a minority in a classroom filled with students half their age, with different life experiences and expectations. In addition, many are faced with the added financial burden of a family to support. They need retraining in order to re-enter the work force to not only survive financially, but regain their self-esteem and independence.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.C.R. No. 143 and recommends its adoption.

Signed by all members of the Committee except Representative Bellinger.

SCRep. 1432 Higher Education and the Arts on H.R. No. 73

The purpose of this resolution is to ask the University of Hawaii at Hilo and Hawaii Community College to make the registration process more efficient for students, and also to increase the number and availability of course catalogues and schedules.

Your Committee finds that efforts should be undertaken to ensure that any student who wishes to pursue a higher education is afforded a reasonably smooth path in order to obtain this goal. This resolution will assure the student at Hawaii Community College and the University of Hawaii at Hilo that steps are being taken to make his or her college career a gratifying experience.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.R. No. 73 and recommends its adoption.

Signed by all members of the Committee except Representative Bellinger.

SCRep. 1433 Higher Education and the Arts on H.C.R. No. 61

The purpose of this concurrent resolution is to ask the University of Hawaii at Hilo and Hawaii Community College to make the registration process more efficient for students, and also to increase the number and availability of course catalogues and schedules.

Your Committee finds that efforts should be undertaken to ensure that any student who wishes to pursue a higher education is afforded a reasonably smooth path in order to obtain this goal. This concurrent resolution will assure the

student at Hawaii Community College and the University of Hawaii at Hilo that steps are being taken to make his or her college career a gratifying experience.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.C.R. No. 61 and recommends its adoption.

Signed by all members of the Committee except Representative Bellinger.

SCRep. 1434 Higher Education and the Arts on H.R. No. 268

The purpose of this resolution is to request the University of Hawaii to study the feasibility of establishing a Philippine studies program at Leeward Community College.

A Department of Ethnic Studies and the School of Hawaiian, Asian, and Pacific Studies have already been established by the University of Hawaii in response to the needs of a variety of ethnic groups present in Hawaii. Testimony presented by Leeward Community College states that Filipino students comprise close to 20 percent of its student population.

Your Committee finds that a Philippine studies program will contribute to a better understanding and greater appreciation of the Filipino culture, languages, and heritage, not only for students of Philippine ancestry but for all students.

Your Committee has amended this resolution to indicate that the study would be undertaken by Leeward Community College rather than by the Board of Regents.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.R. No. 268, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 268, HD 1.

Signed by all members of the Committee except Representative Bellinger.

SCRep. 1435 Higher Education and the Arts on H.C.R. No. 244

The purpose of this concurrent resolution is to request the University of Hawaii to study the feasibility of establishing a Philippine studies program at Leeward Community College.

A Department of Ethnic Studies and the School of Hawaiian, Asian, and Pacific Studies have already been established by the University of Hawaii in response to the needs of a variety of ethnic groups present in Hawaii. Testimony presented by Leeward Community College states that Filipino students comprise close to 20 percent of its student population.

Your Committee finds that a Philippine studies program will contribute to a better understanding and greater appreciation of the Filipino culture, languages, and heritage, not only for students of Philippine ancestry but for all students.

Your Committee has amended this concurrent resolution to indicate that the study would be undertaken by Leeward Community College rather than by the Board of Regents.

Your Committee on Higher Education and the Arts 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, HD 1.

Signed by all members of the Committee except Representative Bellinger.

SCRep. 1436 Higher Education and the Arts on H.R. No. 245

The purpose of this resolution is to encourage the University of Hawai'i, the Hawai'i State Archives, and the Bishop Museum to increase access to and to preserve their photographic collections through computerization.

Your Committee finds that the 100,000 or more images currently in the Hawai'i State Archives' visual collection along with the 750,000 images in the Bishop Museum's photograph collections document the history and culture of Hawai'i. It is vital that these photographs be systematically computerized in order to increase research efficiency, decrease transportation time, and extend the availability of these images beyond the institutions' normal operation hours and its capabilities.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.R. No. 245 and recommends its adoption.

Signed by all members of the Committee except Representative Bellinger.

SCRep. 1437 Higher Education and the Arts on H.C.R. No. 221

The purpose of this concurrent resolution is to encourage the University of Hawai'i, the Hawai'i State Archives, and the Bishop Museum to increase access to and to preserve their photographic collections through computerization.

Your Committee finds that the 100,000 or more images currently in the Hawai'i State Archives' visual collection along with the 750,000 images in the Bishop Museum's photograph collections document the history and culture of Hawai'i. It is vital that these photographs be systematically computerized in order to increase research efficiency, decrease transportation time, and extend the availability of these images beyond the institutions' normal operation hours and its capabilities.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.C.R. No. 221 and recommends its adoption.

Signed by all members of the Committee except Representative Bellinger.

SCRep. 1438 Higher Education and the Arts and Human Services on H.R. No. 38

The purpose of this resolution is to request the University of Hawai'i to conduct a study of training opportunities for bilingual/bicultural State and private agency staff who provide health and human services. This study will include a review of the current training available for staff and recommendations on how training can be improved to better staff skills.

Your Committees find that adequate training of bilingual/bicultural staff would help ensure equal opportunities for all individuals, including minority immigrant groups, to health and human service programs. This in turn will contribute to the goal of assisting all service beneficiaries in becoming productive and self-sufficient members of our community.

Your Committees on Higher Education and the Arts and Human Services concur with the intent and purpose of H.R. No. 38 and recommend its adoption.

Signed by all members of the Committees except Representatives Bellinger, M. Ige and Peters.

SCRep. 1439 Higher Education and the Arts and Human Services on H.C.R. No. 30

The purpose of this concurrent resolution is to request the University of Hawai'i to conduct a study of training opportunities for bilingual/bicultural State and private agency staff who provide health and human services. This study will include a review of the current training available for staff and recommendations on how training can be improved to better staff skills.

Your Committees find that adequate training of bilingual/bicultural staff would help ensure equal opportunities for all individuals, including minority immigrant groups, to health and human service programs. This in turn will contribute to the goal of assisting all service beneficiaries in becoming productive and self-sufficient members of our community.

Your Committees on Higher Education and the Arts and Human Services concur with the intent and purpose of H.C.R. No. 30 and recommend its adoption.

Signed by all members of the Committees except Representatives Bellinger, M. Ige and Peters.

SCRep. 1440 Higher Education and the Arts and Health on H.C.R. No. 204

The purpose of this concurrent resolution is to urge the University of Hawaii to provide up-to-date HIV and HBV education, with an emphasis on prevention and treatment of occupational exposure, to all students in the College of Health Sciences and Social Welfare, including the Allied Health Sciences Program.

Your Committees find that students in the health care and social welfare professions need to be fully trained to protect themselves or their patients from exposure to HIV or HBV for the following reasons:

1. Hawaii has ten times the national rate of Hepatitis B;
2. If they are exposed to HIV or HBV, they need to be fully informed as to the necessary procedures to follow and what treatments are available;
3. Health care and social welfare students are in direct contact with their patients or clients; therefore, the quality of patient care or their own health may be compromised if they either overestimate or underestimate the risks of exposure; and
4. Training will ensure that students not be discouraged from entering these fields due to ignorance or unfounded fear of this issue.

Your Committees on Higher Education and the Arts and Health concur with the intent and purpose of H.C.R. No. 204 and recommend its adoption.

Signed by all members of the Committees except Representatives Bellinger, M. Ige and Peters.

SCRep. 1441 Higher Education and the Arts and Agriculture on H.R. No. 109

The purpose of this resolution is to request the University of Hawaii's College of Tropical Agriculture and Human Resources to conduct a Cooperative Extension Service resource needs assessment of Lana'i to assist its transition to diversified agricultural industries and an open community.

Lana'i's agricultural and social conditions will experience a drastic transformation due to the cessation of its pineapple operations in 1993. Lana'i, which has been economically dependent on its pineapple plantations since 1920, will be turning from a purely agricultural economy to a visitor and diversified agriculture based economy.

Your Committees find that a number of training opportunities needs to be developed in order to minimize the displacement of workers and to ensure a smooth transition for these workers from employment in pineapple plantations to employment in resorts and diversified agriculture.

Your Committees on Higher Education and the Arts and Agriculture concur with the intent and purpose of H.R. No. 109 and recommend its adoption.

Signed by all members of the Committees except Representatives Bellinger and Tajiri.

SCRep. 1442 Higher Education and the Arts and Agriculture on H.C.R. No. 98

The purpose of this concurrent resolution is to request the University of Hawaii's College of Tropical Agriculture and Human Resources to conduct a Cooperative Extension Service resource needs assessment of Lana'i to assist its transition to diversified agricultural industries and an open community.

Lana'i's agricultural and social conditions will experience a drastic transformation due to the cessation of its pineapple operations in 1993. Lana'i, which has been economically dependent on its pineapple plantations since 1920, will be turning from a purely agricultural economy to a visitor and diversified agriculture based economy.

Your Committees find that a number of training opportunities needs to be developed in order to minimize the displacement of workers and to ensure a smooth transition for these workers from employment in pineapple plantations to employment in resorts and diversified agriculture.

Your Committees on Higher Education and the Arts and Agriculture 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 Bellinger and Tajiri.

SCRep. 1443 Higher Education and the Arts and Agriculture on H.R. No. 110

The purpose of this resolution is to request the University of Hawaii's College of Tropical Agriculture and Human Resources to conduct an assessment of the faculty, staff, current expenses, land, facilities and equipment needed to conduct the site-specific research and technology transfer needs of Moloka'i's expanding diversified agriculture.

Your Committees find that Moloka'i has tremendous potential for agricultural growth. The College of Tropical Agriculture and Human Resources can further enhance this growth process by providing more support to the agriculture community, and by developing technologies and transforming research information to benefit the farmers on Moloka'i.

Your Committees further find that any economic benefits incurred from Moloka'i's agricultural growth will also contribute positively to the State's economy.

Your Committees on Higher Education and the Arts and Agriculture concur with the intent and purpose of H.R. No. 110 and recommend its adoption.

Signed by all members of the Committees except Representatives Bellinger and Tajiri.

SCRep. 1444 Higher Education and the Arts and Agriculture on H.C.R. No. 99

The purpose of this concurrent resolution is to request the University of Hawaii's College of Tropical Agriculture and Human Resources to conduct an assessment of the faculty, staff, current expenses, land, facilities and equipment needed to conduct the site-specific research and technology transfer needs of Moloka'i's expanding diversified agriculture.

Your Committees find that Moloka'i has tremendous potential for agricultural growth. The College of Tropical Agriculture and Human Resources can further enhance this growth process by providing more support to the agriculture community, and by developing technologies and transforming research information to benefit the farmers on Moloka'i.

Your Committees further find that any economic benefits incurred from Moloka'i's agricultural growth will also contribute positively to the State's economy.

Your Committees on Higher Education and the Arts and Agriculture concur with the intent and purpose of H.C.R. No. 99 and recommend its adoption.

Signed by all members of the Committees except Representatives Bellinger and Tajiri.

SCRep. 1445 Higher Education and the Arts and Agriculture on H.R. No. 259

The purpose of this resolution is to request the University of Hawai'i's College of Tropical Agriculture and Human Resources to assess the need to establish additional extension agents at the Kona campus of the University of Hawai'i.

Your Committees received testimony from the UH College of Tropical Agriculture and Human Resources in support of this resolution, stating that currently there are insufficient extension agents to meet the existing needs on the island of Hawai'i.

Your Committees find that there is an increasing need for the services of extension agents as the communities of West Hawai'i expand in terms of size and character. Furthermore, although the agriculture of West Hawaii is diversifying and increasing in volume, many recent entrepreneurs do not have a background in commercial agriculture.

Your Committees on Higher Education and the Arts and Agriculture concur with the intent and purpose of H.R. No. 259 and recommend its adoption.

Signed by all members of the Committees except Representatives Bellinger and Tajiri.

SCRep. 1446 Higher Education and the Arts and Agriculture on H.C.R. No. 234

The purpose of this concurrent resolution is to request the University of Hawai'i's College of Tropical Agriculture and Human Resources to assess the need to establish additional extension agents at the Kona campus of the University of Hawai'i.

Your Committees received testimony from the UH College of Tropical Agriculture and Human Resources in support of this concurrent resolution, stating that currently there are insufficient extension agents to meet the existing needs on the island of Hawai'i.

Your Committees find that there is an increasing need for the services of extension agents as the communities of West Hawai'i expand in terms of size and character. Furthermore, although the agriculture of West Hawaii is diversifying and increasing in volume, many recent entrepreneurs do not have a background in commercial agriculture.

Your Committees on Higher Education and the Arts and Agriculture concur with the intent and purpose of H.C.R. No. 234 and recommend its adoption.

Signed by all members of the Committees except Representatives Bellinger and Tajiri.

SCRep. 1447 Higher Education and the Arts and Education on H.R. No. 132

The purpose of this resolution is to request a plan to be developed by the Department of Accounting and General Services for high school art to be displayed in the State Office Tower.

Currently, student art is displayed in many buildings and locations throughout the state, including the State Capitol. Your Committees find that the new State Office Tower would be an ideal location for Hawaii's young people to display their talent.

Your Committees on Higher Education and the Arts and Education concur with the intent and purpose of H.R. No. 132 and recommend its adoption.

Signed by all members of the Committees except Representatives Bellinger and Bunda.

SCRep. 1448 Higher Education and the Arts and Education on H.C.R. No. 120

The purpose of this concurrent resolution is to request a plan to be developed by the Department of Accounting and General Services for high school art to be displayed in the State Office Tower.

Currently, student art is displayed in many buildings and locations throughout the state, including the State Capitol. Your Committees find that the new State Office Tower would be an ideal location for Hawaii's young people to display their talent.

Your Committees on Higher Education and the Arts and Education concur with the intent and purpose of H.C.R. No. 120 and recommend its adoption.

Signed by all members of the Committees except Representatives Bellinger and Bunda.

SCRep. 1449 Higher Education and the Arts and Education on H.R. No. 288

The purpose of this resolution is to request the University of Hawaii Library to work with the State Public Library and the Department of Education to prepare a master plan for the development of electronic information services.

Your Committees have amended this resolution by:

- 1) Making the University of Hawaii Library the lead agency in the preparation of the master plan; and
- 2) Including the State Public Library System and the Department of Education School Library System, in addition to the University of Hawaii Library, as agencies which will submit the plan the 1992 Legislature.

Your Committees on Higher Education and the Arts and Education concur with the intent and purpose of H.R. No. 288, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 288, HD 1.

Signed by all members of the Committees except Representatives Bellinger and Bunda.

SCRep. 1450 Higher Education and the Arts and Education on H.C.R. No. 267

The purpose of this concurrent resolution is to request the University of Hawaii Library to work with the State Public Library and the Department of Education to prepare a master plan for the development of electronic information services.

Your Committees have amended this concurrent resolution by:

- 1) Making the University of Hawaii Library the lead agency in the preparation of the master plan; and
- 2) Including the State Public Library System and the Department of Education School Library System, in addition to the University of Hawaii Library, as agencies which will submit the plan the 1992 Legislature.

Your Committees on Higher Education and the Arts and Education concur with the intent and purpose of H.C.R. No. 267, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 267, HD 1.

Signed by all members of the Committees except Representatives Bellinger and Bunda.

SCRep. 1451 Legislative Management on H.C.R. No. 329

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to assess the feasibility of implementing a housing downpayment bond program, such as the State of Michigan's Home Ownership Savings Trust (HOST) program, to provide downpayment assistance for moderate and market income families in Hawaii.

Your Committee is aware that the lack of a sufficient downpayment is one of the most common deterrents to home ownership for many of Hawaii's families. Your Committee also agrees that the Michigan HOST program, which allows participants to invest in portions of a bond issued by the state, is a model worthy of consideration.

Your Committee received testimony in support of this measure from the Housing Finance and Development Corporation (HFDC).

Your Committee on Legislative Management concurs with the intent and purpose of H.C.R. No. 329 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1452 Legislative Management on H.C.R. No. 260

The purpose of this concurrent resolution is to call for a feasibility study by the Office of the Legislative Auditor, requiring a certification of tour guides.

Your Committee finds that the quality of a visitor's experience in Hawaii is of great importance if tourism is to maintain its importance to Hawaii's economy. A contributing factor to a visitor's positive experience is the quality of interpretations given by guides. Providing certification of tour guides will assure accuracy and consistency in presentations and establish a level of professionalism among tour guides.

Testimony in support of this concurrent resolution was received from Ka-o Hana Aloha for Tourism (Hawai'i Tour Guide Association) and the University of Hawaii.

Your Committee on Legislative Management is in accord with the intent and purpose of H.C.R. No. 260 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1453 Legislative Management on H.C.R. No. 258

The purpose of this concurrent resolution is to request the Legislative Auditor to study the feasibility and ramifications of regulating financial exchange intermediaries, pursuant to Section 26H-6, HRS.

Your Committee finds that financial exchange intermediaries may hold large amounts of money in uninsured accounts, yet no bonds are required nor reports of financial stability. This concurrent resolution would allow an analysis to be done on the appropriateness of legislation regarding state regulatory controls for such practices to be enacted during the 1992 session.

Testimony in support of this concurrent resolution was received from the Department of Commerce and Consumer Affairs.

Your Committee on Legislative Management is in accord with the intent and purpose of H.C.R. No. 258 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1454 Legislative Management on H.C.R. No. 119

The purpose of this concurrent resolution is to request the Legislative Auditor to conduct a study to determine whether the certification or registration of drinking water treatment operators would be consistent with the Hawaii Regulatory Licensing Reform Act.

Your Committee finds that where regulation of professions and vocations is reasonably necessary to protect consumers, government regulation in the form of licensure should be adopted. A certification or regulation program would help to insure that drinking water treatment operations are in the hands of qualified people.

Your Committee received testimony in support of this concurrent resolution from the Department of Health.

Your Committee on Legislative Management concurs with the intent and purpose of H.C.R. No. 119 and recommends its adoption.

Signed by all members of the Committee except Representative Anderson.

SCRep. 1455 Legislative Management on H.C.R. No. 114

The purpose of this Concurrent Resolution is to request the Legislative Reference Bureau to study the feasibility of issuing citations for high-occupancy vehicle lane violations by mail.

Your Committee finds that the police department faces a dilemma in apprehending violators of the high occupancy vehicle (HOV) lanes, because pulling them over creates further hazards and traffic congestion. Your Committee finds that reasonable alternatives for citing HOV lane violators is needed.

Your Committee received testimony in support of this measure from the Department of Transportation.

Your Committee on Legislative Management concurs with the intent and purpose of H.C.R. No. 114 and recommends its adoption.

Signed by all members of the Committee except Representative Anderson.

SCRep. 1456 Legislative Management on H.C.R. No. 133

The purpose of this concurrent resolution is to request a study by the Legislative Reference Bureau on the operations of various parking lot operations.

Your Committee finds that private parking lot operations, attended and unattended, provide opportunity for parking businesses to take unfair advantage of consumers by providing no receipt for payment of parking fees. If a vehicle is towed, the owner of the vehicle has no proof of payment to prove wrongdoing by the parking or towing business.

It is the State's responsibility to insure that all businesses authorized to do business in Hawaii operate under legal and ethical standards and to protect the public from unfair business practices. The requested study will help assess standards for parking lot owners in order to protect the public from unfair business practices.

Your Committee received testimony in support of this concurrent resolution from a private citizen, who has been negatively affected by present parking business practices.

Your Committee on Legislative Management concurs with the intent and purpose of H.C.R. No. 133 and recommends its adoption.

Signed by all members of the Committee except Representative Anderson.

SCRep. 1457 Education on H.R. No. 62

The purpose of this resolution is to name the new gymnasium at Kauai High and Intermediate School in honor of the late United States Senator Spark M. Matsunaga, as a lasting tribute to his memory from the people of the State of Hawaii, and to allocate five per cent of the construction cost of the gymnasium to construct an entryway in which a plaque, portrait and any other memorabilia may be displayed.

The naming of the new gymnasium at Kauai High and Intermediate School in honor of the late Senator Matsunaga will also help to preserve his accomplishments and ideals in the hearts and minds of the young people of his native Kauai.

Testimony in support of this resolution was submitted by the Department of Education, the Kauai High School Student Council, Kauai High and Intermediate School, the Kauai Democratic Party, residents of Hanapepe, Kauai and surrounding areas, as well as the son of the late Senator Matsunaga.

Your Committee on Education concurs with the intent and purpose of H.R. No. 62 and recommends that it be referred to the Committee on Finance.

Signed by all members of the Committee.

SCRep. 1458 Education on H.C.R. No. 261

The purpose of this concurrent resolution, as received, is to:

- (1) Request the Department of Education (DOE) to ensure that clean classrooms are available to teachers and students in all schools;
- (2) Stipulate that the DOE, with the cooperation of the United Public Workers (UPW), consider and recommend alternatives to solve the problem of classroom cleaning;
- (3) Require the DOE to investigate the feasibility of having non-profit organizations develop, implement, and supervise employment-training programs to teach individuals the skills needed to clean school classrooms; and
- (4) Require the DOE, with the cooperation of the UPW, Local 646, report its findings and recommendations to the Legislature at least twenty days before the convening of the Regular Session of 1992.

Your Committee has gutted the concurrent resolution by amending the measure as follows:

- (1) Changing the title to read: "REQUESTING A FINANCIAL AND MANAGEMENT AUDIT OF THE PUBLIC SCHOOL SYSTEM AND THE HAWAII STATE PUBLIC LIBRARY SYSTEM REPAIR AND MAINTENANCE PROGRAMS";
- (2) Requesting the Legislative Auditor to perform a financial and management audit of the Department of Accounting and General Services' public school system and the Hawaii State Public Library System building and construction and restoration programs;
- (3) Stipulating that the audit shall cover construction and restoration programs for the biennium periods extending from July 1, 1987 to June 30, 1991;
- (4) Requesting that the audit cover repair and maintenance projects involving expenditures in excess of \$250,000 as they relate to each school and district, and State library, with respect to the bienniums audited; and
- (5) Requiring the Legislative Auditor to report the results of the audit, including recommendations on the ways in which the Legislature can provide support, as well as the ways in which the Department of Accounting and General Services, the Department of Education and the Hawaii State Public Library System can improve the repair and maintenance of facilities, to the Legislature at least twenty days before the convening of the Regular Session of 1992.

Your Committee on Education concurs with the intent and purpose of H.C.R. No. 261, 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. 261, HD 1.

Signed by all members of the Committee.

SCRep. 1459 Higher Education and the Arts on H.R. No. 72

The purpose of this resolution is to declare support to the Asia/Pacific Foundation of Hawaii for sponsoring the picture bride film project produced by Thousand Cranes Filmworks.

The "Picture Bride" film project portrays the lives of plantation immigrants in Hawaii at the turn of the century. Your Committee finds that not only is the topic of the film important to Hawaii's people, but also that the production of the film will be on location in Hawaii using the talents of Hawaii residents for many aspects of the film.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.R. No. 72 and recommends its adoption.

Signed by all members of the Committee except Representative Bellinger.

SCRep. 1460 Higher Education and the Arts on H.C.R. No. 60

The purpose of this concurrent resolution is to declare support to the Asia/Pacific Foundation of Hawaii for sponsoring the picture bride film project produced by Thousand Cranes Filmworks.

The "Picture Bride" film project portrays the lives of plantation immigrants in Hawaii at the turn of the century. Your Committee finds that not only is the topic of the film important to Hawaii's people, but also that the production of the film will be on location in Hawaii using the talents of Hawaii residents for many aspects of the film.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.C.R. No. 60 and recommends its adoption.

Signed by all members of the Committee except Representative Bellinger.

SCRep. 1461 Higher Education and the Arts and Health on H.R. No. 227

The purpose of this resolution is to urge the University of Hawaii to provide up-to-date HIV and HBV education, with an emphasis on prevention and treatment of occupational exposure, to all students in the College of Health Sciences and Social Welfare, including the Allied Health Sciences Program.

Your Committees find that students in the health care and social welfare professions need to be fully trained to protect themselves or their patients from exposure to HIV or HBV for the following reasons:

1. Hawaii has ten times the national rate of Hepatitis B;
2. If they are exposed to HIV or HBV, they need to be fully informed as to the necessary procedures to follow and what treatments are available;
3. Health care and social welfare students are in direct contact with their patients or clients; therefore, the quality of patient care or their own health may be compromised if they either overestimate or underestimate the risks of exposure; and
4. Training will ensure that students not be discouraged from entering these fields due to ignorance or unfounded fear of this issue.

Your Committees on Higher Education and the Arts and Health concur with the intent and purpose of H.R. No. 227 and recommend its adoption.

Signed by all members of the Committees except Representatives Bellinger, M. Ige and Peters.

SCRep. 1462 Higher Education and the Arts and Intergovernmental Relations and International Affairs on H.R. No. 246

The purpose of this resolution is to request the federal government's support of national telecommunications and computing network initiatives for Hawaii.

Your Committees find that the State of Hawaii in general, and the University of Hawaii in particular, have not enjoyed the high capacity connectivity to the national research networks available to other states due to Hawaii's geographic isolation and the high cost of telecommunications.

Advances in technology and the recent completion of the trans-pacific fiber optic cable from Hawaii to the continental United States provides cost efficient, high quality, high capacity connectivity to the mainland.

Additionally, the State has made substantial investments in interisland, statewide telecommunications infrastructure and has significant and unique resources, including the finest astronomical viewing facilities, and an outstanding Asia-Pacific library collection, that will benefit the nation if high capacity connectivity were provided.

Your Committees have amended this resolution by making technical, nonsubstantive changes.

Your Committees on Higher Education and the Arts and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.R. No. 246, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 246, HD 1.

Signed by all members of the Committees.

SCRep. 1463 Higher Education and the Arts and Intergovernmental Relations and International Affairs on H.C.R. No. 222

The purpose of this concurrent resolution is to request the federal government's support of national telecommunications and computing network initiatives for Hawaii.

Your Committees find that the State of Hawaii in general, and the University of Hawaii in particular, have not enjoyed the high capacity connectivity to the national research networks available to other states due to Hawaii's geographic isolation and the high cost of telecommunications.

Advances in technology and the recent completion of the trans-pacific fiber optic cable from Hawaii to the continental United States provides cost efficient, high quality, high capacity connectivity to the mainland.

Additionally, the State has made substantial investments in interisland, statewide telecommunications infrastructure and has significant and unique resources, including the finest astronomical viewing facilities, and an outstanding Asia-Pacific library collection, that will benefit the nation if high capacity connectivity were provided.

Your Committees have amended this concurrent resolution by making technical, nonsubstantive changes.

Your Committees on Higher Education and the Arts and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.C.R. No. 222, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 222, HD 1.

Signed by all members of the Committees.

SCRep. 1464 Energy and Environmental Protection and Health on H.R. No. 278

The purposes of this resolution, as received by your Committees, are to request the Department of Land and Natural Resources to conduct an environmental impact study on the effects of roadside spraying and to evaluate alternative methods of controlling plant growth.

Your Committees heard supportive testimony from the Environmental Center of the University of Hawaii, the City and County of Honolulu Board of Water Supply, and the West Hawaii Sierra Club.

Your Committees have amended the resolution by requesting the Department of Transportation, as the agency with the appropriate jurisdiction, to work in consultation with the Department of Health, the Department of Agriculture, the University of Hawaii Environmental Center and College of Tropical Agriculture to review the policies and procedures of roadside spraying and to examine the following concerns:

- (1) Possible exposure of young children, pedestrians and community volunteers who come in direct contact with recently sprayed roadsides;
- (2) Possible health risks associated with roadside spraying;
- (3) Strategies to minimize human exposure including public notice of spraying schedules;
- (4) Findings and conclusions of other state studies and environmental assessments; and
- (5) Exploration of alternatives to roadside spraying such as the State's Adopt a Highway Program.

Your Committees have also amended the resolution by requesting the Department of Transportation to report its finding to the Legislature no later than twenty days prior to the convening of the Regular Session of 1992, and by requesting that certified copies of this resolution be sent to the University of Hawaii's College of Tropical Agriculture and Environmental Center.

Your Committees have amended the title of this resolution to read:

"HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION IN CONSULTATION WITH VARIOUS AGENCIES TO ASSESS THE EFFECTS OF ROADSIDE SPRAYING ON HUMAN HEALTH AND THE ENVIRONMENT, AND TO EVALUATE ALTERNATIVE METHODS OF CONTROLLING ROADSIDE PLANT GROWTH."

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

Your Committees on Energy and Environmental Protection and Health concur with the intent and purpose of H.R. No. 278, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 278, HD 1.

Signed by all members of the Committees except Representative Peters.

SCRep. 1465 Energy and Environmental Protection and Health on H.C.R. No. 254

The purposes of this concurrent resolution as received by your Committees are to request the Department of Land and Natural Resources to conduct an environmental impact study on the effects of roadside spraying and to evaluate alternative methods of controlling plant growth.

Your Committees heard supportive testimony from the Environmental Center of the University of Hawaii, the City and County of Honolulu Board of Water Supply, and the West Hawaii Sierra Club.

Your Committees have amended the concurrent resolution by requesting the Department of Transportation, as the agency with the appropriate jurisdiction, to work in consultation with the Department of Health, the Department of Agriculture, the University of Hawaii Environmental Center and College of Tropical Agriculture to review the policies and procedures of roadside spraying and to examine the following concerns:

- (1) Possible exposure of young children, pedestrians and community volunteers who come in direct contact with recently sprayed roadsides;

- (2) Possible health risks associated with roadside spraying;
- (3) Strategies to minimize human exposure including public notice of spraying schedules;
- (4) Findings and conclusions of other state studies and environmental assessments; and
- (5) Exploration of alternatives to roadside spraying such as the State's Adopt a Highway Program.

Your Committees have also amended this concurrent resolution by requesting the Department of Transportation to report its finding to the Legislature no later than twenty days prior to the convening of the Regular Session of 1992, and by requesting that certified copies of this concurrent resolution be sent to the University of Hawaii's College of Tropical Agriculture and Environmental Center.

Your Committees have amended the title of this concurrent resolution to read:

"HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION IN CONSULTATION WITH VARIOUS AGENCIES TO ASSESS THE EFFECTS OF ROADSIDE SPRAYING ON HUMAN HEALTH AND THE ENVIRONMENT, AND TO EVALUATE ALTERNATIVE METHODS OF CONTROLLING ROADSIDE PLANT GROWTH."

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

Your Committees on Energy and Environmental Protection and Health concur with the intent and purpose of H.C.R. No. 254, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 254, HD 1.

Signed by all members of the Committees except Representative Peters.

SCRep. 1466 Energy and Environmental Protection on H.C.R. No. 236

The purpose of this concurrent resolution is to pledge the legislature's support for the wind energy projects being developed in Napili, West Maui, and Molokai.

Your Committee would like to point out that the State has gone on record, as stated in its Energy Functional Plan, in offering its support and assistance to the private sector for the development of alternative energy resources to reduce its dependence on imported oil.

The Department of Business, Economic Development, and Tourism testified in support of the intent of this concurrent resolution, emphasizing that the department has always supported cost-effective and environmentally-conscious development of wind and other renewable energy resources.

Zond Pacific, Inc. provided testimony in support of this concurrent resolution, as well as technical information about windpower systems.

Your Committee finds that the generation of electrical energy through the use of wind power is a viable alternate energy technology available for development in Hawaii. Wind power has the advantage of being a reliable source of nonpolluting energy generation from an indigenous source that will never be depleted.

Your Committee finds that there are two major wind projects being developed in the County of Maui, one in Napili, West Maui, and the other in Molokai, which will supply electrical power to the Maui Electric Company, Limited for subsequent transmission to consumers. Your Committee feels that support of these projects by the legislature is warranted.

Your Committee has amended this concurrent resolution by making a nonsubstantive grammatical correction for purposes of style and clarity.

Your Committee on Energy and Environmental Protection concurs with the intent and purpose of H.C.R. No. 236, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 236, HD 1.

Signed by all members of the Committee.

SCRep. 1467 Transportation on H.R. No. 375

The purpose of this resolution is to request that the Department of Transportation study methods of reducing traffic congestion from Kalaniana'ole Highway to Downtown Honolulu.

Your Committee finds that the average traffic count on Kalaniana'ole Highway has increased to 81,000 vehicles per day. Your Committee also finds that during peak hours, bottlenecks occur because of the close proximity of H-1 freeway on-ramps and off-ramps. Your Committee further finds that there may be traffic regulating devices such as ramp metering which could mitigate traffic congestion.

Your Committee received favorable testimony from the Department of Transportation.

Your Committee has amended this resolution by expanding the scope of the study to include studying the feasibility of implementing ramp meters along the East Oahu traffic corridor and other heavily congested areas.

Your Committee on Transportation concurs with the intent and purpose of H.R. No. 375, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 375, HD 1.

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

SCRep. 1468 Transportation on H.C.R. No. 345

The purpose of this concurrent resolution is to request that the Department of Transportation study methods of reducing traffic congestion from Kalanianaʻole Highway to Downtown Honolulu.

Your Committee finds that the average traffic count on Kalanianaʻole Highway has increased to 81,000 vehicles per day. Your Committee also finds that during peak hours, bottlenecks occur because of the close proximity of H-1 freeway on-ramps and off-ramps. Your Committee further finds that there may be traffic regulating devices such as ramp metering which could mitigate traffic congestion.

Your Committee received favorable testimony from the Department of Transportation.

Your Committee has amended this concurrent resolution by expanding the scope of the study to include studying the feasibility of implementing ramp meters along the East Oahu traffic corridor and other heavily congested areas.

Your Committee on Transportation concurs with the intent and purpose of H.C.R. No. 345, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 345, HD 1.

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

SCRep. 1469 Water, Land Use and Hawaiian Affairs on S.B. No. 308

The purpose of this bill is to amend Section 6E-3, Hawaii Revised Statutes, to:

- (1) Include the development of the statewide historic sites inventory in the comprehensive historic program; and
- (2) Allow for the development and implementation of interpretive programs for historic properties which are not only listed on the Hawaii Register of Historic Places, but are also eligible for such listing.

Your Committee received supporting testimony from the Department of Land and Natural Resources (DLNR), which stated that the development and maintenance of the statewide inventory of historic places has been an essential and on-going activity of the State Historic Preservation Program. The inventory provides a quick reference for available information on a site. DLNR staff consult the inventory as the critical first step in the review of any development project. This amendment legally acknowledges the existence of this valuable preservation tool.

By including sites not listed in the Hawaii Register of Historic Places, but which appear to meet the criteria for such listing, DLNR can provide interpretive programs for these sites without having to pursue registration, should it choose not to do so.

Your Committee on Water, Land Use and Hawaiian Affairs is in accord with the intent and purpose of S.B. No. 308 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1470 Housing on S.B. No. 249

The purpose of this bill is to mandate all counties to incorporate in their building codes the requirement that all new showerheads and bathtub faucets contain anti-scalding devices.

This measure will prevent and help reduce the number of hot water burns to young children, disabled people, and the elderly who live in dwellings without anti-scalding devices.

Testimony in support of this measure was submitted by the Hawaii Housing Authority.

Your Committee on Housing is in accord with the intent and purpose of S.B. No. 249, SD 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1471 Finance on S.B. No. 1704

The purpose of this bill is to:

- (1) Change the amount an employer must pay into the special compensation fund when an employee dies from a work injury and leaves no dependents from \$8,775 to an amount equal to twenty-five percent of 312 times the effective maximum weekly benefit rate provided in Section 386-31, Hawaii Revised Statutes; and

- (2) Allow the foregoing sum to be paid to nondependent parents of the deceased employee, if there are any, rather than to the special compensation fund.

Testimony in support of this bill was received from the Department of Labor and Industrial Relations and the International Longshoremen's and Warehousemen's Union Local 142. Testimony was also received from the Chamber of Commerce of Hawaii.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1704, SD 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1472 Finance on S.B. No. 1083

The purpose of this bill is to establish a Teacher Classification and Compensation Review Committee to study and report on the issues relating to codification of the teacher compensation and classification schedules.

The Teacher Classification and Compensation Review Committee would examine the problems associated with codifying the teacher compensation and classification schedules and propose alternative approaches to the Board of Education and the Legislature.

Representatives from the Department of Personnel Services and the Hawaii State Teachers Association submitted testimony supporting the intent of this measure. Your Committee also received testimony from the Department of Education.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1083, SD 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1473 Finance on S.B. No. 1915

The purpose of this bill is to allow nurses in the public sector to continue to participate in the State job-sharing program, which was established in 1986. Current policies and procedures with regard to Department of Health nurse participants would likewise continue.

This measure also reduces the number of status reports by the Legislative Auditor to two: the first report would be due before the 1991 Regular Session and the second report would be due before the 1994 Regular Session.

At the present time, the job-sharing program is being offered to employees of the Judiciary, the Department of Education, the University of Hawaii, the Legislative Reference Bureau, the Office of the Legislative Auditor, the Office of the Ombudsman, and in bargaining units 2, 3, 4, 8, and 13 of the Executive Branch.

Local 152, HGEA/AFSCME submitted testimony in support of this measure.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1915, SD 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1474 Finance on S.B. No. 1998

The purpose of this bill is to allow banks and other financial corporations to participate in the State's energy conservation program by offering these taxpayers the same energy conservation tax credits offered to other taxpayers under Section 235-12, Hawaii Revised Statutes (HRS), for taxable years beginning after December 31, 1990.

The Department of Taxation, the Hawaiian Electric Company, Inc., and GECC Financial Corporation testified in support of this measure. The Tax Foundation of Hawaii also submitted testimony.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1998 and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1475 Finance on S.B. No. 1053

The purpose of this bill is to ensure the accountability of the use of moneys deposited into the Wildlife Revolving Fund by requiring the Department of Land and Natural Resources to submit annual reports on the status, use, and disposition of these moneys.

The Department of Land and Natural Resources and the Sportsman's Council of Hawaii testified in support of this measure.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1053 and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1476 Finance on S.B. No. 1209

The purpose of this bill is to:

- (1) Clarify the title of the Commissioner of Financial Institutions;
- (2) Allow the Deputy Commissioner of Financial Institutions to serve as ex officio Commissioner during any period of vacancy in the Office of the Commissioner; and
- (3) Authorize the Commissioner of Financial Institutions to appoint an international banking examiner who shall have the same powers and authority as other examiners, but who shall not be subject to Chapters 76 and 77, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Commissioner of Financial Institutions of the Department of Commerce and Consumer Affairs.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1209 and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1477 Consumer Protection and Commerce on H.C.R. No. 356

The purpose of this concurrent resolution is to propose that the Legislative Auditor conduct a "sunrise" review of condominium managing agents so that legislation may be enacted next year if appropriate.

Presently, condominium managing agents are required to:

- (1) Have a real estate broker's license;
- (2) Register and re-register annually with the Real Estate Commission (REC); and
- (3) Have a fidelity bond, which protects the condominium managing agents against misappropriation by its employees of condominium association funds.

However, the employees of managing agents are not required to be licensed, bonded, or meet continuing education requirements.

The REC cited the need to regulate managing agents of cooperatives and ordinary (non-condominium) homeowners associations as well as condominium managing agents, and to clarify the definition of "managing agent." Your Committee concurs and amended this concurrent resolution to reflect these needs.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.C.R. No. 356, as amended herein, and recommends that it be referred to the Committee on Legislative Management in the form attached hereto as H.C.R. No. 356, HD 1.

Signed by all members of the Committee.

SCRep. 1478 Consumer Protection and Commerce on H.R. No. 195

The purpose of this resolution is to ask the Legislative Auditor to explore the inflation of health insurance costs in Hawaii, in an effort to direct the state to address the health care needs of the growing elderly population.

Your Committee heard testimony from the Department of Commerce and Consumer Affairs (DCCA) and the Hawaii State Department of Health in support of the intent of the resolution but noting that many of the suggestions are presently implemented in Hawaii. Your Committee received supporting testimony from Kahuku Hospital and opposing testimony from Hawaii Medical Service Association.

Your Committee finds that there is a need to study the rising costs of health insurance and to review federal proposals to ensure that all persons have access to health care through insurance. The Bipartisan Commission on Comprehensive Health Care, a federal group also known as the Pepper Commission, has proposed programs, policies, and financing to assure the availability of health insurance to all citizens and long term care insurance to the disabled as well as the elderly. The Hawaii State Department of Health suggested a broader prospective of the study to consider all recommendations of the Pepper Commission as well as other national organizations. Moreover, they noted that the Governor's Blue Ribbon Panel on the future of health care in Hawaii is already studying these issues.

Your Committee agrees with these suggestions. Accordingly, your Committee has amended this resolution by requesting that the Governor's Blue Ribbon Panel on the Future of Health Care in Hawaii investigate, study, and submit recommendations to control health insurance costs inflation. The title of the measure was also revised to reflect the new emphasis and objective, and reads as follows:

"HOUSE RESOLUTION REQUESTING THE GOVERNOR'S BLUE RIBBON PANEL ON THE FUTURE OF HEALTH CARE IN HAWAII TO INVESTIGATE, STUDY, AND SUBMIT RECOMMENDATIONS TO CONTROL HEALTH INSURANCE COST INFLATION."

Your Committee on Consumer Protection and Commerce 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, HD 1.

Signed by all members of the Committee except Representative Yoshimura.

SCRep. 1479 Consumer Protection and Commerce on H.C.R. No. 167

The purpose of this concurrent resolution, as received, is to ask the Legislative Auditor to explore the inflation of health insurance costs in Hawaii, in an effort to direct the state to address the health care needs of the growing elderly population.

Your Committee heard testimony from the Department of Commerce and Consumer Affairs (DCCA) and the Hawaii State Department of Health in support of the intent of the resolution but noting that many of the suggestions are presently implemented in Hawaii. Your Committee received supporting testimony from Kahuku Hospital and opposing testimony from Hawaii Medical Service Association.

Your Committee finds that there is a need to study the rising costs of health insurance and to review federal proposals to ensure that all persons have access to health care through insurance. The Bipartisan Commission on Comprehensive Health Care, a federal group also known as the Pepper Commission, has proposed programs, policies, and financing to assure the availability of health insurance to all citizens and long term care insurance to the disabled as well as the elderly. The Hawaii State Department of Health suggested a broader prospective of the study to consider all recommendations of the Pepper Commission as well as other national organizations. Moreover, they noted that the Governor's Blue Ribbon Panel on the future of health care in Hawaii is already studying these issues.

Your Committee agrees with these suggestions. Accordingly, your Committee has amended this concurrent resolution by requesting that the Governor's Blue Ribbon Panel on the Future of Health Care in Hawaii investigate, study, and submit recommendations to control health insurance cost inflation. The title of the measure was also revised to reflect the new emphasis and objective, and reads as follows:

"HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR'S BLUE RIBBON PANEL ON THE FUTURE OF HEALTH CARE IN HAWAII TO INVESTIGATE, STUDY, AND SUBMIT RECOMMENDATIONS TO CONTROL HEALTH INSURANCE COST INFLATION."

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.C.R. No. 167, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 167, HD 1.

Signed by all members of the Committee except Representative Yoshimura.

SCRep. 1480 Consumer Protection and Commerce on H.R. No. 280

The purpose of this resolution is to affirm the Hawaii State Legislature's support of a viable dual banking system and its opposition to any congressional proposals which would weaken or eliminate the dual banking system.

Supporting testimony was presented by the Commission of Financial Institutions of the Department of Commerce and Consumer Affairs and First Hawaiian Bank.

Dual banking has resulted in innovations in the banking system and increased consumer protection. This resolution sends the message to Congress that State regulators and State legislators should not be overlooked in discussions involving expanded powers, interstate branching, and the ownership of commercial banks.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of H.R. No. 280 and recommends its adoption.

Signed by all members of the Committee except Representative Yoshimura.

SCRep. 1481 Consumer Protection and Commerce on H.C.R. No. 256

The purpose of this concurrent resolution is to affirm the Hawaii State Legislature's support of a viable dual banking system and its opposition to any congressional proposals which would weaken or eliminate the dual banking system.

Supporting testimony was presented by the Commission of Financial Institutions of the Department of Commerce and Consumer Affairs and First Hawaiian Bank.

Dual banking has resulted in innovations in the banking system and increased consumer protection. This concurrent resolution sends the message to Congress that State regulators and State legislators should not be overlooked in discussions involving expanded powers, interstate branching, and the ownership of commercial banks.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of H.C.R. No. 256 and recommends its adoption.

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

SCRep. 1482 Consumer Protection and Commerce and Judiciary on H.R. No. 257

The purpose of this resolution is to request the Department of Agriculture (DOA) to:

- (1) Conduct a study on the feasibility of expanding State regulatory controls to include the labeling of all agricultural products grown or made in Hawaii;
- (2) Prepare a report of its findings and recommendations including, but not limited to:
 - (a) Whether the labeling requirements should be addressed within the State Agricultural Functional Plan;
 - (b) Resources (fiscal and human) that would be needed to enforce a labeling requirement; and
 - (c) Legislation that would have to be enacted to carry out the recommendations.

Representatives from the Board of Agriculture and the Hawaii Farm Bureau Federation (HBEF) submitted testimony in support of this resolution.

Your Committees find that Hawaii's agricultural industry is a major contributor to Hawaii's economy and that the merchandising success of Hawaiian-grown agricultural products has induced foreign and mainland producers to use names associated with Hawaii in product-marketing strategies. This severely disrupts the strength of Hawaiian-grown products in the marketplace.

Your Committees on Consumer Protection and Commerce and Judiciary are in accord with the intent and purpose of H.R. No. 257, HD 1, and recommend its adoption.

Signed by all members of the Committees except Representative Yoshimura.

SCRep. 1483 Consumer Protection and Commerce and Judiciary on H.C.R. No. 232

The purpose of this concurrent resolution is to request the Department of Agriculture (DOA) to:

- (1) Conduct a study on the feasibility of expanding State regulatory controls to include the labeling of all agricultural products grown or made in Hawaii;
- (2) Prepare a report of its findings and recommendations including, but not limited to:
 - (a) Whether the labeling requirements should be addressed within the State Agricultural Functional Plan;
 - (b) Resources (fiscal and human) that would be needed to enforce a labeling requirement; and
 - (c) Legislation that would have to be enacted to carry out the recommendations.

Representatives from the Board of Agriculture and the Hawaii Farm Bureau Federation (HBEF) submitted testimony in support of this concurrent resolution.

Your Committees find that Hawaii's agricultural industry is a major contributor to Hawaii's economy and that the merchandising success of Hawaiian-grown agricultural products has induced foreign and mainland producers to use names associated with Hawaii in product-marketing strategies. This severely disrupts the strength of Hawaiian-grown products in the marketplace.

Your Committees on Consumer Protection and Commerce and Judiciary are in accord with the intent and purpose of H.C.R. No. 232, HD 1, and recommend its adoption.

Signed by all members of the Committees except Representative Yoshimura.

SCRep. 1484 Consumer Protection and Commerce and Judiciary on H.R. No. 299

The purpose of this resolution, as received, is to support the use of permanent, full-time employees in the public utility sector, as opposed to contract labor.

Your Committees heard supporting testimony from the International Brotherhood of Electrical Workers who suggested amending the resolution to delete any references to the Democratic Party as being inappropriate. They did urge the Legislature to lend its support for opportunities for Hawaiian workers. Opposing testimony was heard from Hawaiian Electric Company, Inc., and Kauai Electric Division of Citizens Utilities Companies while GTE Hawaiian Tel expressed support for some of the resolution's proposals.

Accordingly, your Committees have amended this resolution by supporting the use of regular, full-time employees throughout the public utility sector and reflecting the Legislature's support, not the Democratic Party's support. References to the Democratic party were deleted. Therefore, the title of the measure was also revised to reflect the new emphasis, and reads as follows:

"HOUSE RESOLUTION SUPPORTING THE USE OF REGULAR, FULL-TIME EMPLOYEES THROUGHOUT THE PUBLIC UTILITY SECTOR."

The resolution is combined with H.R. 334, a short resolution supporting the use of full-time workers and opposing the use of contract workers by public utilities. The amended resolution expresses support for full-time workers, jobs for Hawaii residents, and training for local workers.

Your Committees on Consumer Protection and Commerce and Judiciary concur with the intent and purpose of H.R. No. 299, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 299, HD 1.

Signed by all members of the Committees except Representatives Peters and Yoshimura.

SCRep. 1485 Consumer Protection and Commerce and Judiciary on H.C.R. No. 280

The purpose of this concurrent resolution, as received, is to support the use of permanent, full-time employees in the public utility sector, as opposed to contract labor.

Your Committees heard supporting testimony from the International Brotherhood of Electrical Workers who suggested amending the concurrent resolution to delete any references to the Democratic Party as being inappropriate. They did urge the Legislature to lend its support for opportunities for Hawaiian workers. Opposing testimony was heard from Hawaiian Electric Company, Inc., and Kauai Electric Division of Citizens Utilities Companies while GTE Hawaiian Tel expressed support for some of the concurrent resolution's proposals.

Accordingly, your Committees amended this concurrent resolution supporting the use of regular, full-time employees throughout the public utility sector and reflecting the Legislature's support, not the Democratic Party's support. References to the Democratic party were deleted. Therefore, the title of the measure was also revised to reflect the new emphasis, and reads as follows:

"HOUSE CONCURRENT RESOLUTION SUPPORTING THE USE OF REGULAR, FULL-TIME EMPLOYEES THROUGHOUT THE PUBLIC UTILITY SECTOR."

The concurrent resolution is combined with H.C.R. No. 315, a short resolution supporting the use of full-time workers and opposing the use of contract workers by public utilities. The amended concurrent resolution expresses support for full-time workers, jobs for Hawaii residents, and training for local workers.

Your Committees on Consumer Protection and Commerce and Judiciary concur with the intent and purpose of H.C.R. No. 280, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 280, HD 1.

Signed by all members of the Committees except Representatives Peters and Yoshimura.

SCRep. 1486 Consumer Protection and Commerce and Intergovernmental Relations and International Affairs on H.R. No. 281

The purpose of this resolution is to notify Hawaii's Congressional delegation of the need to enact reasonable proposals to ensure the safety and soundness of the nation's banking system without abrogating the right of the states to formulate their own proposals.

Your Committees heard testimony from the Department of Commerce and Consumer Affairs, First Hawaiian Bank, and the Bank of Hawaii.

Your Committees find that under the dual banking system, the states play an important role in the regulation of financial institutions to ensure that local conditions, needs, and wishes are given due consideration. In the present congressional session, there is serious discussion regarding a complete overhaul of the system of banking regulation. The resolution affirms the right of the State Legislature to examine those issues which are unique to Hawaii, and sends the message that the State should be able to control its own direction without undue influence from federal law.

Your Committees on Consumer Protection and Commerce and Intergovernmental Relations and International Affairs are in accord with the intent and purpose of H.R. No. 281 and recommend its adoption.

Signed by all members of the Committees except Representatives Peters and Yoshimura.

SCRep. 1487 Consumer Protection and Commerce and Intergovernmental Relations and International Affairs on H.C.R. No. 257

The purpose of this concurrent resolution is to notify Hawaii's Congressional delegation of the need to enact reasonable proposals to ensure the safety and soundness of the nation's banking system without abrogating the right of the states to formulate their own proposals.

Your Committees heard testimony from the Department of Commerce and Consumer Affairs, First Hawaiian Bank, and the Bank of Hawaii.

Your Committees find that under the dual banking system, the states play an important role in the regulation of financial institutions to ensure that local conditions, needs, and wishes are given due consideration. In the present congressional session, there is serious discussion regarding a complete overhaul of the system of banking regulation. The concurrent resolution affirms the right of the State Legislature to examine those issues which are unique to Hawaii, and sends the message that the State should be able to control its own direction without undue influence from federal law.

Your Committees on Consumer Protection and Commerce and Intergovernmental Relations and International Affairs are in accord with the intent and purpose of H.C.R. No. 257 and recommend its adoption.

Signed by all members of the Committees except Representatives Peters and Yoshimura.

SCRep. 1488 Energy and Environmental Protection and Housing on H.R. No. 347

The purpose of this resolution is to request that the Department of Health (DOH) and the Housing Finance and Development Corporation (HFDC) conduct a preliminary investigation/site assessment and a remedial investigation/feasibility study.

Your Committees heard testimony from the DOH and HFDC. Both agencies testified that they are aware of the problems with the Kealakehe landfill.

The DOH and HFDC also testified that they would not have the expertise to conduct such an investigation or study. Your Committees have amended this resolution by requesting the DOH in conjunction with HFDC to monitor the expeditious closure of the Kealakehe landfill by the county of Hawaii. Accordingly, your Committees have also amended the title of this resolution to read:

"HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH IN CONJUNCTION WITH THE HOUSING FINANCE AND DEVELOPMENT CORPORATION TO MONITOR THE EXPEDITIOUS CLOSURE OF THE KEALAKEHE LANDFILL BY THE COUNTY OF HAWAII."

Your Committees also amended this resolution to make further clarifications that the Puuanahulu site is a new site.

Other amendments for purposes of style and clarity were made.

Your Committees on Energy and Environmental Protection and Housing concur with the intent and purpose of H.R. No. 347, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 347, HD 1.

Signed by all members of the Committees except Representative Peters.

SCRep. 1489 Energy and Environmental Protection and Housing on H.C.R. No. 328

The purpose of this concurrent resolution is to request that the Department of Health (DOH) and the Housing Finance and Development Corporation (HFDC) conduct a preliminary investigation/site assessment and a remedial investigation/feasibility study.

Your Committees heard testimony from the DOH and HFDC. Both agencies testified that they are aware of the problems with the Kealakehe landfill.

The DOH and HFDC also testified that they would not have the expertise to conduct such an investigation or study. Your Committees have amended this concurrent resolution by requesting the DOH in conjunction with HFDC to monitor the expeditious closure of the Kealakehe landfill by the county of Hawaii. Accordingly, your Committees have also amended the title of this concurrent resolution to read:

"HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH IN CONJUNCTION WITH THE HOUSING FINANCE AND DEVELOPMENT CORPORATION TO MONITOR THE EXPEDITIOUS CLOSURE OF THE KEALAKEHE LANDFILL BY THE COUNTY OF HAWAII."

Your Committees also amended this concurrent resolution to make further clarifications that the Puuanahulu site is a new site.

Other amendments for purposes of style and clarity were made.

Your Committees on Energy and Environmental Protection and Housing concur with the intent and purpose of H.C.R. No. 328, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 328, HD 1.

Signed by all members of the Committees except Representative Peters.

SCRep. 1490 Housing and Human Services on H.R. No. 386

The purpose of this resolution is to determine the feasibility of establishing a State-funded mortgage insurance program and to recommend appropriate law changes and proposals to enhance the Hawaii Community Reinvestment Corporation's efforts in addressing the affordable housing crisis.

Your Committees agree there is a need for affordable rental housing and that the Hawaii Community Reinvestment Corporation's affordable rental loan program will aid the State and County governments to make affordable housing available for low and moderate income families.

Testimony in support of this resolution was submitted by the Housing Finance and Development Corporation, the Hawaii Housing Authority, the Department of Commerce and Consumer Affairs and the Hawaii Community Reinvestment Corporation.

Your Committees also find that sections 201E-160 and 161 of the Hawaii Revised Statutes already provides for the establishment of a mortgage guarantee program; however, the program has never been funded. Therefore, it is the intent of your Committees that reassessing the current statutory provisions relating to the State Mortgage Insurance Program is appropriate.

Your Committees have amended the resolution by adding another paragraph:

"WHEREAS, the Hawaii Community Reinvestment Corporation will aid the State and County governments in fulfilling their responsibilities to bring housing costs within reach of low-and moderate-income families by generating below-market loans for development of affordable housing;"

Your Committees on Housing and Human Services concur with the intent and purpose of H.R. No. 386, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 386, HD 1.

Signed by all members of the Committees except Representative Peters.

SCRep. 1491 Housing and Human Services on H.C.R. No. 357

The purpose of this concurrent resolution is to determine the feasibility of establishing a State-funded mortgage insurance program and to recommend appropriate law changes and proposals to enhance the Hawaii Community Reinvestment Corporation's efforts in addressing the affordable housing crisis.

Your Committees agree there is a need for affordable rental housing and that the Hawaii Community Reinvestment Corporation's affordable rental loan program will aid the State and County governments to make affordable housing available for low and moderate income families.

Testimony in support of this concurrent resolution was submitted by the Housing Finance and Development Corporation, the Hawaii Housing Authority, the Department of Commerce and Consumer Affairs and the Hawaii Community Reinvestment Corporation.

Your Committees also find that sections 201E-160 and 161 of the Hawaii Revised Statutes already provides for the establishment of a mortgage guarantee program; however, the program has never been funded. Therefore, it is the intent of your Committees that reassessing the current statutory provisions relating to the State Mortgage Insurance Program is appropriate.

Your Committees have amended the concurrent resolution by adding another paragraph:

"WHEREAS, the Hawaii Community Reinvestment Corporation will aid the State and County governments in fulfilling their responsibilities to bring housing costs within reach of low-and moderate-income families by generating below-market loans for development of affordable housing;"

Your Committees on Housing and Human Services concur with the intent and purpose of H.C.R. No. 357, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 357, HD 1.

Signed by all members of the Committees except Representative Peters.

SCRep. 1492 Housing and Agriculture on H.R. No. 64

The purpose of this resolution is to request the Department of Agriculture to examine the possibility of designating lands adjacent to the Keahole Agricultural Park for rental units for laborers.

The Board of Agriculture noted that they only develop lands for agricultural purposes when they are set aside by the Governor with approval by the Board of Land and Natural Resources and that the responsibility for housing development rests with other executive branch agencies. They indicated their desire to work with these other agencies to accomplish the goals of the resolution.

The Housing Finance and Development Corporation supported the concept and expressed a willingness to work with other agencies to get a rental program underway in the target area.

Your Committees have therefore amended the resolution title and the resolved clauses to reflect that the Department of Agriculture should take the lead in working with the Department of Land and Natural Resources and the Housing Finance and Development Corporation to carry out this resolution.

Your Committees on Housing and Agriculture concur with the intent and purpose of H.R. No. 64, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 64, HD 1.

Signed by all members of the Committees except Representatives Kanoho and Peters.

SCRep. 1493 Housing and Agriculture on H.C.R. No. 52

The purpose of this concurrent resolution is to request the Department of Agriculture to examine the possibility of designating lands adjacent to the Keahole agricultural park for rental units for laborers.

The Board of Agriculture noted that they only develop lands for agricultural purposes when they are set aside by the Governor with approval by the Board of Land and Natural Resources and that the responsibility for housing development rests with other executive branch agencies. They indicated their desire to work with these other agencies to accomplish the goals of the resolution.

The Housing Finance and Development Corporation supported the concept and expressed a willingness to work with other agencies to get a rental program underway in the target area.

Your Committees have therefore amended the concurrent resolution title and the resolved clauses to reflect that the Department of Agriculture should take the lead in working with the Department of Land and Natural Resources and the Housing Finance and Development Corporation to carry out this concurrent resolution.

Your Committees on Housing and Agriculture concur with the intent and purpose of H.C.R. No. 52, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 52, HD 1.

Signed by all members of the Committees except Representatives Kanoho and Peters.

SCRep. 1494 Intergovernmental Relations and International Affairs on H.R. No. 133

The purpose of this resolution is to urge France to refrain from further nuclear testing in the Pacific.

Representatives from the Office of International Relations, the Center for Pacific Island Studies of the University of Hawaii, and the Sane Nuclear Freeze Hawaii testified in favor of this measure.

Your Committee supports the request to France to refrain from further nuclear testing in the Pacific and notes that the United States and France have declined to sign the Treaty of Rarotonga, also known as the South Pacific Nuclear Free Zone Treaty. Your Committee believes that the measure should give priority to a request that the United States sign the Treaty of Rarotonga.

Your Committee has amended this measure accordingly and has changed the title of this measure to: "REQUESTING THE UNITED STATES AND FRANCE TO ACCEPT THE TREATY OF RAROTONGA."

This measure has also been amended to provide that certified copies are sent to the President of the United States; the Secretary General of the South Pacific Forum; and the leaders of the Federation of Micronesia, the Kingdom of Tonga, and the Marshall Islands.

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

Your Committee on Intergovernmental Relations and International 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, HD 1.

Signed by all members of the Committee.

SCRep. 1495 Intergovernmental Relations and International Affairs on H.C.R. No. 121

The purpose of this concurrent resolution is to urge France to refrain from further nuclear testing in the Pacific.

Representatives from the Office of International Relations, the Center for Pacific Island Studies of the University of Hawaii, and the Sane Nuclear Freeze Hawaii testified in favor of this measure.

Your Committee supports the request to France to refrain from further nuclear testing in the Pacific and notes that the United States and France have declined to sign the Treaty of Rarotonga, also known as the South Pacific Nuclear Free Zone Treaty. Your Committee believes that the measure should give priority to a request that the United States sign the Treaty of Rarotonga.

Your Committee has amended this measure accordingly and has changed the title of this measure to: "REQUESTING THE UNITED STATES AND FRANCE TO ACCEPT THE TREATY OF RAROTONGA."

This measure has also been amended to provide that certified copies are sent to the President of the United States; the Secretary General of the South Pacific Forum; and the leaders of the Federation of Micronesia, the Kingdom of Tonga, and the Marshall Islands.

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

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.C.R. No. 121, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 121, HD 1.

Signed by all members of the Committee.

SCRep. 1496 Labor and Public Employment and Intergovernmental Relations and International Affairs on H.R. No. 336

The purpose of this resolution is to express the House of Representatives full support of the United States Congress' Civil Rights Act of 1991. The Civil Rights Act of 1991 is designed to restore civil rights protection which were dramatically limited by recent U.S. Supreme Court decisions. It is also intended to strengthen existing protection by providing more effective deterrence measures as well as adequate compensation for victims discrimination.

Your Committees find that the Civil Rights Act is essential in providing equality to all persons under our Constitution and the Declaration of Independence. The State of Hawaii has always strived to create a living environment free of discrimination for our citizens. The "aloha spirit" along with mutual respect enables our multi-racial, multi-cultural society to live harmoniously together.

Your Committees received testimony in favor of this measure from the Hawaii Civil Rights Commission, Hawaii State Commission of the Status of Women, Commission of Persons with Disabilities, the Hawaii State AFL-CIO, ACLU, Hawaii Women's Political Caucus, and Na Loio No Na Kanaka.

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

Your Committees on Labor and Public Employment and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.R. No. 336, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 336, HD 1.

Signed by all members of the Committees.

SCRep. 1497 Labor and Public Employment and Intergovernmental Relations and International Affairs on H.C.R. No. 317

The purpose of this concurrent resolution is to express the House of Representatives full support of the United States Congress' Civil Rights Act of 1991. The Civil Rights Act of 1991 is designed to restore civil rights protection which were dramatically limited by recent U.S. Supreme Court decisions. It is also intended to strengthen existing protection by providing more effective deterrence measures as well as adequate compensation for victims discrimination.

Your Committees find that the Civil Rights Act is essential in providing equality to all persons under our Constitution and the Declaration of Independence. The State of Hawaii has always strived to create a living environment free of discrimination for our citizens. The "aloha spirit" along with mutual respect enables our multi-racial, multi-cultural society to live harmoniously together.

Your Committees received testimony in favor of this measure from the Hawaii Civil Rights Commission, Hawaii State Commission of the Status of Women, Commission of Persons with Disabilities, the Hawaii State AFL-CIO, ACLU, Hawaii Women's Political Caucus, and Na Loio No Na Kanaka.

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

Your Committees on Labor and Public Employment and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.C.R. No. 317 and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1498 Labor and Public Employment and Health on H.R. No. 212

The purpose of this resolution is to urge the Department of Labor and Industrial Relations to institute more frequent monitoring and enforcement relating to HIV/HBV occupational exposure to health care workers.

Your Committees concur with the HIV/HBV Occupational Exposure Task Force recommendation that this system be as visible and vigilant as possible in both facilitating and monitoring all public and private employers regarding their systems of occupational exposure preparedness.

Your Committees find that the care of patients infected with the AIDS virus can be a potentially dangerous occupation without systems to protect the health care worker.

Your Committees received testimony from the Department of Labor and Industrial Relations and the Governor's Committee on AIDS.

Your Committees on Labor and Public Employment and Health concur with the intent and purpose of H.R. No. 212 and recommend that it be referred to the Committee on Judiciary.

Signed by all members of the Committees except Representative Peters.

SCRep. 1499 Labor and Public Employment and Health on H.C.R. No. 184

The purpose of this concurrent resolution is to urge the Department of Labor and Industrial Relations to institute more frequent monitoring and enforcement relating to HIV/HBV occupational exposure to health care workers.

Your Committees concur with the HIV/HBV Occupational Exposure Task Force recommendation that this system be as visible and vigilant as possible in both facilitating and monitoring all public and private employers regarding their systems of occupational exposure preparedness.

Your Committees find that the care of patients infected with the AIDS virus can be a potentially dangerous occupation without systems to protect the health care worker.

Your Committees received testimony from the Department of Labor and Industrial Relations and the Governor's Committee on AIDS.

Your Committees on Labor and Public Employment and Health concur with the intent and purpose of H.C.R. No. 184 and recommend that it be referred to the Committee on Judiciary.

Signed by all members of the Committees except Representative Peters.

SCRep. 1500 Labor and Public Employment on H.R. No. 335

The purpose of this resolution is to proclaim April 28 as "Workers Memorial Day" in Hawaii and to establish a worksite safety and health program and a safety and health committee.

Your Committee finds a "Workers Memorial Day" would appropriately recognize the right of every worker to safe and healthful working conditions and to also educate the community on the need to continuously and tirelessly advocate for on the job safety.

The "Workers Memorial Day" exemplifies the Hawaii State AFL-CIO's continued commitment in promoting worker safety. In testimony, the Hawaii State AFL-CIO, stated the "Workers Memorial Day" would accomplish the following:

1. acknowledgement that workers have been killed, injured, or diseased on the job;
2. education and implementation of stronger safety and health standards; and
3. strengthening the enforcement of those standards.

Your Committee received favorable testimony from the Department of Labor and Industrial Relations, Hawaii State AFL-CIO, Boilermakers, Local 204, and Screen Actors Guild.

Your Committee on Labor and Public Employment concurs with the intent and purpose of H.R. No. 335 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1501 Labor and Public Employment on H.C.R. No. 316

The purpose of this concurrent resolution is to proclaim April 28 as "Workers Memorial Day" in Hawaii and to establish a worksite safety and health program and a safety and health committee.

Your Committee finds a "Workers Memorial Day" would appropriately recognize the right of every worker to safe and healthful working conditions and to also educate the community on the need to continuously and tirelessly advocate for on the job safety.

The "Workers Memorial Day" exemplifies the Hawaii State AFL-CIO's continued commitment in promoting worker safety. In testimony, the Hawaii State AFL-CIO, stated the "Workers Memorial Day" would accomplish the following:

1. acknowledgement that workers have been killed, injured, or diseased on the job;
2. education and implementation of stronger safety and health standards; and
3. strengthening the enforcement of those standards.

Your Committee received favorable testimony from the Department of Labor and Industrial Relations, Hawaii State AFL-CIO, Boilermakers, Local 204, and Screen Actors Guild.

Your Committee on Labor and Public Employment concurs with the intent and purpose of H.C.R. No. 316 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1502 Labor and Public Employment on H.R. No. 376

The purpose of this resolution is to request the Department of Labor and Industrial Relations to conduct a comprehensive review of administrative practices relating to the use of Independent Medical Examinations (IME) in Workers' Compensation disputes.

Your Committee received testimony from the Department of Labor and Industrial Relations, the ILWU Local 142, the Malama Chiropractic Clinic and Deborah Pratt.

Your Committee on Labor and Public Employment concurs with the intent and purpose of H.R. No. 376 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1503 Labor and Public Employment on H.C.R. No. 346

The purpose of this concurrent resolution is to request the Department of Labor and Industrial Relations to conduct a comprehensive review of administrative practices relating to the use of Independent Medical Examinations (IME) in Workers' Compensation disputes.

Your Committee received testimony from the Department of Labor and Industrial Relations, the ILWU Local 142, the Malama Chiropractic Clinic and Deborah Pratt.

Your Committee on Labor and Public Employment concurs with the intent and purpose of H.C.R. No. 346 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1504 Labor and Public Employment on H.R. No. 338

The purpose of this resolution is to request the House Committee on Labor and Public Employment to review the outlook for jobs and employment in Hawaii with the Department of Labor and Industrial Relations, the Department of Business, Economic Development, and Tourism, and other appropriate organizations, to develop and recommend any necessary policies to mitigate unemployment and maintain and expand jobs and employment in Hawaii.

By taking this proactive approach, this Committee would be better able to understand current and future employment trends. As a result, this Committee would be more confident in developing State policy for the future.

Testimony in support of this measure was submitted by the Department of Labor and Industrial Relations, the Department of Business, Economic Development, and Tourism, the Chamber of Commerce of Hawaii, the Hawaii Hotel Association, and the Outrigger Hotels Hawaii.

Your Committee on Labor and Public Employment concurs with the intent and purpose of H.R. No. 338 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1505 Labor and Public Employment on H.C.R. No. 319

The purpose of this concurrent resolution is to request the House Committee on Labor and Public Employment and the Senate Committee on Employment and Public Institutions to review the outlook for jobs and employment in Hawaii with the Department of Labor and Industrial Relations, the Department of Business, Economic Development, and Tourism, and other appropriate organizations, to develop and recommend any necessary policies to mitigate unemployment and maintain and expand jobs and employment in Hawaii.

By taking this proactive approach, the Legislature would be better able to understand current and future employment trends. As a result, the Legislature would be more confident in developing State policy for the future.

Testimony in support of this measure was submitted by the Department of Labor and Industrial Relations, the Department of Business, Economic Development, and Tourism, the Chamber of Commerce of Hawaii, the Hawaii Hotel Association, and the Outrigger Hotels Hawaii.

Your Committee on Labor and Public Employment concurs with the intent and purpose of H.C.R. No. 319 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1506 Legislative Management on H.C.R. No. 327

The purpose of this concurrent resolution is as follows:

- (1) To request the Legislative Auditor to compile and analyze data on the resale of units converted under the Hawaii Land Reform Act, including the effect which such conversions may have on rising housing prices and the extent to which speculators and foreign interests have benefited from the resale process; and
- (2) To request the Housing Finance and Development Agency (HFDC) to collect and compile data on single family houselots converted from leasehold to fee simple and subsequently resold on or after the effective date of the concurrent resolution, including the number of completed conversions resold, the resale price, date of resale, and other data reflecting the effect which such resales may have on rising housing prices.

Your Committee received testimony in support of the intent of this concurrent resolution from the HFDC and the Kamehameha Schools/Bernice Pauahi Bishop Estate.

Your Committee has amended this bill by:

- (1) Limiting the scope of the study to the analyzation, collection, compilation, and reporting of data on resales completed as of the effective date of the concurrent resolution;
- (2) Designating the Legislative Auditor as the lead agency in conducting the foregoing study;
- (3) Clarifying that the HFDC shall cooperate with the Auditor in collecting and compiling data needed for the study; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and style.

Your Committee on Legislative Management 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, HD 1.

Signed by all members of the Committee.

SCRep. 1507 Legislative Management on H.C.R. No. 306

The purpose of this concurrent resolution is to request the Legislative Auditor to study the Department of Health's current system and contract policies regarding the provision of services to persons with developmental disabilities.

Supporting testimony was received from the Department of Health, the State Planning Council on Developmental Disabilities, and the Commission on Persons with Disabilities.

Your Committee finds that the purchase of services (POS) process has become confusing not only for the service providers but for the department itself. It is evident from testimony that both parties would welcome this review.

Your Committee on Legislative Management concurs with the intent and purpose of H.C.R. No. 306 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1508 Legislative Management on H.C.R. No. 246

The purpose of this concurrent resolution is to request the Legislative Auditor to perform a comprehensive review of all administrative rules relating to the administration, dispersal, and development of Residential Care Homes.

Supporting testimony was received from the State Planning Council on Developmental Disabilities, the Commission on Persons with Disabilities, the United Group of Home Operators, and a private citizen.

Your Committee finds the amendments that were incorporated are helpful to focus the study and avoid duplication of previous efforts reviewing residential care homes.

Your Committee on Legislative Management concurs with the intent and purpose of H.C.R. No. 246, HD 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1513 **Legislative Management on H.C.R. No. 81**

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to study the feasibility of providing tax incentives to promote ridesharing arrangements and programs.

Your Committee finds that ridesharing is a transportation alternative that decreases the amount of traffic congestion and reduces the State's dependence on fossil fuels. However, to increase the proliferation of ridesharing programs, it is believed that various tax incentives may be feasible. Your Committee further finds that the economic benefits that would be realized from participating in ridesharing programs that are provided by employers may attract employees away from single occupant vehicles.

Testimony in support of this measure was received from the Department of Business, Economic Development, and Tourism and the Department of Transportation.

Your Committee on Legislative Management concurs with the intent and purpose of H.C.R. No. 81 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1514 Water, Land Use and Hawaiian Affairs on H.R. No. 116

The purpose of this resolution is to request the Department of Land and Natural Resources to encourage and promote equestrian activities wherever appropriate in the Na Ala Hele System, and to assist in selecting suitable trails for the Hawaiian Equestrian Trail Association to participate in the Adopt-A-Trail Program.

Your Committee received testimony from the Department of Land and Natural Resources (DLNR), eight members of the Hawaiian Equestrian Trail Association, the Circle Z Ranch, Eagle Distributors Inc., Blesi Properties Inc., Gasco Inc., American Horse Show Association, and a number of other individuals and organizations.

Clearly, the sport of horseback-riding in Hawai'i has an enthusiastic following. As reasons for their enjoyment of the sport, they cite connection with the land, enjoyment of the outdoors, and preservation of the environment.

True respect for the environment requires experiencing nature with as little impact as possible. However, horses can severely degrade trails by trampling vegetation and churning up dirt and mud, thus drastically accelerating erosion. By spreading seeds of non-native vegetation, horses also can contribute to the decline of endemic flora and fauna.

Because of these concerns, your Committee has amended this resolution by adding a clause explicitly stating that equestrian activities will only be allowed on trails where they cannot harm native vegetation or cause erosion problems. It also requires that hikers not be displaced from their favorite trails. DLNR has assured your Committee that this should not be a problem since these types of trails are not found in the areas of Waimanalo and Waianae being considered for equestrian use.

Your Committee on Water, Land Use and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 116, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 116, HD 1.

Signed by all members of the Committee.

SCRep. 1515 Water, Land Use and Hawaiian Affairs on H.C.R. No. 108

The purpose of this concurrent resolution is to request the Department of Land and Natural Resources to encourage and promote equestrian activities wherever appropriate in the Na Ala Hele System, and to assist in selecting suitable trails for the Hawaiian Equestrian Trail Association to participate in the Adopt-A-Trail Program.

Your Committee received testimony from the Department of Land and Natural Resources (DLNR), eight members of the Hawaiian Equestrian Trail Association, the Circle Z Ranch, Eagle Distributors Inc., Blesi Properties Inc., Gasco Inc., American Horse Show Association, and a number of other individuals and organizations.

Clearly, the sport of horseback-riding in Hawai'i has an enthusiastic following. As reasons for their enjoyment of the sport, they cite connection with the land, enjoyment of the outdoors, and preservation of the environment.

True respect for the environment requires experiencing nature with as little impact as possible. However, horses can severely degrade trails by trampling vegetation and churning up dirt and mud, thus drastically accelerating erosion. By spreading seeds of non-native vegetation, horses also can contribute to the decline of endemic flora and fauna.

Because of these concerns, your Committee has amended this concurrent resolution by adding a clause explicitly stating that equestrian activities will only be allowed on trails where they cannot harm native vegetation or cause erosion problems. It also requires that hikers not be displaced from their favorite trails. DLNR has assured your Committee that this should not be a problem since these types of trails are not found in the areas of Waimanalo and Waianae being considered for equestrian use.

Your Committee on Water, Land Use and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 108, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 108, HD 1.

Signed by all members of the Committee.

SCRep. 1516 Water, Land Use and Hawaiian Affairs on H.R. No. 127

The purpose of this resolution is to protect important freshwater stream ecosystems by urging the Commission on Water Resources Management to establish a system for the selective designation of streams for protection from development in their entirety.

According to the testimony submitted by the United States Fish and Wildlife Service, the need for such a program is apparent if one considers the situation in West Maui. Of the 18 perennial streams in this region, only three streams flow continuously and uninterrupted to the ocean throughout the year. The remaining 15 streams have been diverted for agricultural and urban purposes and no longer flow continuously to the ocean.

The Department of Land and Natural Resources (DLNR), the People's Water Conference, and the Hawaii Audobon Society also submitted testimony on this measure.

Your Committee finds that as a follow-up to the Commission on Water Resource Management's recently completed Hawaii Stream Assessment project, DLNR plans to recommend the adoption of appropriate stream protection policies and the development of a statewide stream management plan to implement those policies. This plan is envisioned to contain mechanisms to preserve and enhance important stream systems. Nevertheless, your Committee finds that adoption of this resolution will heighten the urgency for DLNR to take immediate steps on this issue.

Your Committee on Water, Land Use and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 127 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1517 Water, Land Use and Hawaiian Affairs on H.C.R. No. 116

The purpose of this concurrent resolution is to protect important freshwater stream ecosystems by urging the Commission on Water Resources Management to establish a system for the selective designation of streams for protection from development in their entirety.

According to the testimony submitted by the United States Fish and Wildlife Service, the need for such a program is apparent if one considers the situation in West Maui. Of the 18 perennial streams in this region, only three streams flow continuously and uninterrupted to the ocean throughout the year. The remaining 15 streams have been diverted for agricultural and urban purposes and no longer flow continuously to the ocean.

The Department of Land and Natural Resources (DLNR), the People's Water Conference, and the Hawaii Audobon Society also submitted testimony on this measure.

Your Committee finds that as a follow-up to the Commission on Water Resource Management's recently completed Hawaii Stream Assessment project, DLNR plans to recommend the adoption of appropriate stream protection policies and the development of a statewide stream management plan to implement those policies. This plan is envisioned to contain mechanisms to preserve and enhance important stream systems. Nevertheless, your Committee finds that adoption of this concurrent resolution will heighten the urgency for DLNR to take immediate steps on this issue.

Your Committee on Water, Land Use and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 116 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1518 Water, Land Use and Hawaiian Affairs on H.R. No. 55

The purpose of this resolution is to request the Department of Land and Natural Resources (DLNR) to designate Mount Olomana as 'Aina Hoomalu, a state park of distinction. Under this concept which is currently being considered by the Legislature, a select number of state parks that contain unique and significant natural or cultural history or features would receive such designation. Citizens would then have the opportunity to participate in a variety of educational and recreational experiences which promote appreciation and enjoyment of the resources.

The Maunawili Community Association, the Save Mount Olomana Association, and three private citizens testified in support of this resolution. The Department of Land and Natural Resources also testified on this measure.

Your Committee on Water, Land Use and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 55 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1519 Water, Land Use and Hawaiian Affairs on H.C.R. No. 43

The purpose of this concurrent resolution is to request the Department of Land and Natural Resources (DLNR) to designate Mount Olomana as 'Aina Hoomalu, a State park of distinction. Under this concept which is currently being considered by the Legislature, a select number of State parks that contain unique and significant natural or cultural history or features would receive such designation. Citizens would then have the opportunity to participate in a variety of educational and recreational experiences which promote appreciation and enjoyment of the resources.

The Maunawili Community Association, the Save Mount Olomana Association, and three private citizens testified in support of this concurrent resolution. The Department of Land and Natural Resources also testified on this measure.

Your Committee on Water, Land Use and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 43 and recommends its adoption.

Signed by all members of the Committee except Representative Yoshimura.

SCRep. 1520 Water, Land Use and Hawaiian Affairs on H.R. No. 154

The purpose of this resolution is to ensure that native Hawaiians preserve their legitimate land claims and rights by supporting the "non-adversarial" resolution of all quiet title actions involving native Hawaiian land claims and those rights guaranteed by the Constitution of the State of Hawaii.

The Office of Hawaiian Affairs, the Native Hawaiian Legal Corporation (NHLC), and an individual testified on this measure. The NHLC supported the concept of "non-adversarial" resolution of all quiet title actions especially amongst Hawaiian families. The NHLC pointed out that adverse possession can work both ways with regards to the native Hawaiians and that the Legislature shouldn't rush into this issue.

Upon further consideration, your Committee has amended this resolution as follows:

- (1) Amended the BE IT RESOLVED clause to state that the Legislature supports the concept of "non-adversarial" resolution of title disputes amongst native Hawaiian family members;
- (2) Inserted a BE IT FURTHER RESOLVED clause stating that the Legislature recognizes that the doctrine of adverse possession has had a negative effect on the continued possession of native Hawaiian lands by native Hawaiian people;
- (3) Requested that the NHLC study the laws relevant to native Hawaiian land titles and adverse possession and report back to the 1992 Legislature; and requested that the study include:
 - (A) Recommendations for comprehensive amendments in such laws to provide adequate protection to the rights and land titles of native Hawaiians; and
 - (B) Possible "non-adversarial" methods of resolution where native Hawaiian family lands are involved; and
- (4) Inserted a BE IT FURTHER RESOLVED clause that a copy of this resolution be transmitted to the NHLC.

Your Committee on Water, Land Use and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 154, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 154, H.D. 1.

Signed by all members of the Committee.

SCRep. 1521 Water, Land Use and Hawaiian Affairs on H.C.R. No. 145

The purpose of this concurrent resolution is to ensure that native Hawaiians preserve their legitimate land claims and rights by supporting the "non-adversarial" resolution of all quiet title actions involving native Hawaiian land claims and those rights guaranteed by the Constitution of the State of Hawaii.

The Office of Hawaiian Affairs, the Native Hawaiian Legal Corporation (NHLC), and an individual testified on this measure. The NHLC supported the concept of "non-adversarial" resolution of all quiet title actions especially amongst Hawaiian families. The NHLC pointed out that adverse possession can work both ways with regards to the native Hawaiians and that the Legislature shouldn't rush into this issue.

Upon further consideration, your Committee has amended this concurrent resolution as follows:

- (1) Amended the BE IT RESOLVED clause to state that the Legislature supports the concept of "non-adversarial" resolution of title disputes amongst native Hawaiian family members;
- (2) Inserted a BE IT FURTHER RESOLVED clause stating that the Legislature recognizes that the doctrine of adverse possession has had a negative effect on the continued possession of native Hawaiian lands by native Hawaiian people;

- (3) Requested that the NHLC study the laws relevant to native Hawaiian land titles and adverse possession and report back to the 1992 Legislature; and requested that the study include:
- (A) Recommendations for comprehensive amendments in such laws to provide adequate protection to the rights and land titles of native Hawaiians; and
 - (B) Possible "non-adversarial" methods of resolution where native Hawaiian family lands are involved; and
- (4) Inserted a BE IT FURTHER RESOLVED clause that a copy of this concurrent resolution be transmitted to the NHLC.

Your Committee on Water, Land Use 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, HD 1.

Signed by all members of the Committee.

SCRep. 1522 Water, Land Use and Hawaiian Affairs on H.R. No. 156

The purpose of this resolution is to:

- 1) Designate 1993 as a year of special reflection on the rights and dignities of the native Hawaiians within the Hawaiian and American societies;
- 2) Designate 1993 as a special time for Hawaii to question the present and future role of people of every race who today constitute its society;
- 3) Encourage debate over the future of Hawaii as a Pacific Island society, within or without the United States of America; and
- 4) Support The Hawaii Council for the Year 1993 and Beyond in its effort to promote and coordinate activities toward the above-mentioned ends.

Your Committee received supporting testimony from the Office of Hawaiian Affairs, Alu Like, the Hawaii Council for the Year 1993 and Beyond, and an individual.

1993 will be a painful year for Hawaiians, marking one hundred years of loss of pride, culture, religion, and sovereignty. It is extremely important that all people in the State recognize and understand this. Also, the United States government needs to acknowledge its part in this century-long tragedy by issuing a formal apology to the Hawaiian people for overthrowing the Hawaiian monarchy. Returning land, such as Lualualei and Bellows, would be another important gesture of atonement.

Looking to the future, the people of Hawai'i should use 1993 as an opportunity for introspection on what type of relationship with the United States is best for them. It does not necessarily make the most sense for Hawai'i to abide by decisions made five thousand miles away by people with different cultural backgrounds and different interests than those of Hawai'i's people. The Hawai'i Council for the Year 1993 and Beyond pointed out in its testimony that in the past forty years almost all Pacific island peoples have gained more independence from the nineteenth century colonial powers. Thus it is not entirely out of the question for Hawai'i to consider some type of renewed sovereignty as well.

Your Committee has amended this resolution by adding a 'resolved' clause transmitting copies of it to the President of the United States, the members of the Hawai'i Congressional delegation, the Governor, the Hawai'i Council for the Year 1993 and Beyond, the Office of Hawaiian Affairs, the American Friends Service Council, the Council of Churches, and three individuals.

Your Committee on Water, Land Use and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 156, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 156, HD 1.

Signed by all members of the Committee.

SCRep. 1523 Water, Land Use and Hawaiian Affairs on H.C.R. No. 147

The purpose of this concurrent resolution is to:

- 1) Designate 1993 as a year of special reflection on the rights and dignities of the native Hawaiians within the Hawaiian and American societies;
- 2) Designate 1993 as a special time for Hawaii to question the present and future role of people of every race who today constitute its society;
- 3) Encourage debate over the future of Hawaii as a Pacific Island society, within or without the United States of America; and
- 4) Support The Hawaii Council for the Year 1993 and Beyond in its effort to promote and coordinate activities toward the above-mentioned ends.

Your Committee received supporting testimony from the Office of Hawaiian Affairs, Alu Like, the Hawaii Council for the Year 1993 and Beyond, and an individual.

1993 will be a painful year for Hawaiians, marking one hundred years of loss of pride, culture, religion, and sovereignty. It is extremely important that all people in the State recognize and understand this. Also, the United States government needs to acknowledge its part in this century-long tragedy by issuing a formal apology to the Hawaiian people for overthrowing the Hawaiian monarchy. Returning land, such as Lualualei and Bellows, would be another important gesture of atonement.

Looking to the future, the people of Hawai'i should use 1993 as an opportunity for introspection on what type of relationship with the United States is best for them. It does not necessarily make the most sense for Hawai'i to abide by decisions made five thousand miles away by people with different cultural backgrounds and different interests than those of Hawai'i's people. The Hawai'i Council for the Year 1993 and Beyond pointed out in its testimony that in the past forty years almost all Pacific island peoples have gained more independence from the nineteenth century colonial powers. Thus it is not entirely out of the question for Hawai'i to consider some type of renewed sovereignty as well.

Your Committee has amended this concurrent resolution by adding a 'resolved' clause transmitting copies of it to the President of the United States, the members of the Hawai'i Congressional delegation, the Governor, the Hawai'i Council for the Year 1993 and Beyond, the Office of Hawaiian Affairs, the American Friends Service Council, the Council of Churches, and three individuals.

Your Committee on Water, Land Use 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, HD 1.

Signed by all members of the Committee.

SCRep. 1524 Water, Land Use and Hawaiian Affairs on H.C.R. No. 105

The purpose of this concurrent resolution is to authorize the Board of Land and Natural Resources to dispose of water rights covering Wailuku River, Hilo, Hawaii to Wailuku River Hydroelectric Power Company, Inc., for the purpose of non-consumptive, non-polluting generation of electric power.

Testimony in support of this measure was submitted by the Department of Business, Economic Development, and Tourism, the Department of Land and Natural Resources, the County of Hawaii Department of Water Supply, and the law firm of Carl Smith et al representing Wailuku River Hydroelectric Power Company, Inc.

The proposed 10 megawatt hydroelectric power plant would generate 33 million kilowatt hours of electric power and replace up to 55,000 barrels of imported oil each year. Provided that the plant really is non-consumptive and non-polluting, by not using oil it will clearly be a benefit to the environment of both Hawai'i and the planet.

Your Committee did wonder about the possible effects of the plant on stream biota, particularly if thermal pollution is an unforeseen byproduct of the plant's operations. Therefore your Committee has amended this concurrent resolution by requiring the Department of Land and Natural Resources to submit a report to the Legislature on water quality, bypass flows, and impacts on stream biota for the Wailuku River and the Kalohehewa Stream one year after the plant begins operations.

In addition, your Committee has amended this concurrent resolution by:

- 1) Deleting the word "allegedly" from the second 'whereas' clause; and
- 2) Adding the phrase "and junior to prior existing users of the Wailuku River Water System" to the provisions at the end of the third 'whereas' clause to ensure that Hawai'i County's needs are met first.

Your Committee on Water, Land Use and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 105, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 105, HD 1.

Signed by all members of the Committee.

SCRep. 1525 Water, Land Use and Hawaiian Affairs and Intergovernmental Relations and International Affairs on H.C.R. No. 11

The purpose of this concurrent resolution is to:

- 1) Request that the State of Hawaii be informed and advised of all operational plans and procedures conducted at Johnston Island;
- 2) Establish a blue ribbon commission, consisting of representatives from the Governor's Office, members of both houses of the State Legislature, and representatives from the United States Department of Defense, to study the feasibility of a chronological transfer of the jurisdictional authority over Johnston Island to the State; and
- 3) Request that the commission submit its findings and recommendations to the Legislature thirty days prior to the convening of the 1992 session.

The issue of the Chemical Agent Disposal System on Kalama Island, or Johnston Atoll as it is known, is of great concern to the people of Hawai'i. The facility potentially poses a grave threat to human health and the environment. Furthermore, the insensitivity of the U.S. government regarding the issue is disturbing.

The release of a slight amount of nerve gas into the atmosphere last December 8 demonstrated that the facility is not as safe as the U.S. claims. Although the chance of toxic gases from the facility reaching Hawai'i in high enough concentrations to harm people is very small, it could happen under the right atmospheric conditions. Also, leaking chemicals from the incinerator and the stored weapons could easily contaminate birds and marine life, and even make their way into fish caught for people to eat in Hawai'i. This scenario of widespread contamination is not inconceivable, given the complexity of the marine ecosystem.

The U.S. government does not have the right to arbitrarily impose such risks, however low their probability of occurrence, upon the health and environment of the people of Hawai'i and the other Pacific islands. Realistically, the old and leaking weapons already on Kalama Island are too fragile to move and must be incinerated there. However, American foreign policy in Europe has resulted in the chemical stockpile in Germany being shipped to Kalama Island. The United States and Europe cannot dump these weapons on an island in the middle of the Pacific just because they aren't willing to dispose of them on their own continents. The people of the Pacific should not have to suffer from the results of decisions made halfway around the world by people who do not represent their interests.

Your Committees received testimony from the Office of State Planning (OSP), and supporting testimony from the Office of Hawaiian Affairs (OHA), and the Pacific Asia Council of Indigenous Peoples.

The OSP testified that the State is already working with the federal government to resolve their differences over Kalama Island. The blue ribbon commission therefore was not necessary and, according to the OSP, would probably hinder the process more than help it. Despite Hawaii's historical claim to Kalama, seeking return of the island at this point is not practical because the State does not have the resources to deal with the plutonium and Agent Orange spilled there by the federal government.

Therefore, your Committees have amended this concurrent resolution by:

- 1) Deleting the clauses referring to the blue ribbon commission;
- 2) Adding the Congressional delegation, the Office of State Planning, and the Office of Hawaiian Affairs to the list of individuals and agencies to be notified regarding Johnston Island; and
- 3) Adding the above to the list of individuals and agencies to receive certified copies of the concurrent resolution.

In addition, several minor technical drafting errors were corrected.

Your Committees on Water, Land Use and Hawaiian Affairs and Intergovernmental Relations and International Affairs are in accord with the intent and purpose of H.C.R. No. 11, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 11, HD 1.

Signed by all members of the Committees.

**SCRep. 1526 Water, Land Use and Hawaiian Affairs and Intergovernmental Relations and International Affairs
on H.R. No. 148**

The purpose of this resolution is to request the Department of Land and Natural Resources to select a site and determine the cost of constructing a skateboard rink in the North Shore area of Oahu.

Your Committees have amended this concurrent resolution to designate the Department of Parks and Recreation of the City and County of Honolulu as the lead agency instead of the Department of Land and Natural Resources.

Your Committees on Water, Land Use and Hawaiian Affairs and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.R. No. 148, HD 1, and recommend its adoption.

Signed by all members of the Committees.

**SCRep. 1527 Water, Land Use and Hawaiian Affairs and Intergovernmental Relations and International Affairs
on H.C.R. No. 139**

The purpose of this concurrent resolution is to request the Department of Land and Natural Resources to select a site and determine the cost of constructing a skateboard rink in the North Shore area of Oahu.

Your Committees have amended this resolution to designate the Department of Parks and Recreation of the City and County of Honolulu as the lead agency instead of the Department of Land and Natural Resources.

Your Committees on Water, Land Use and Hawaiian Affairs and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.C.R. No. 139, HD 1, and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1528**Water, Land Use and Hawaiian Affairs and Intergovernmental Relations and International Affairs
on H.R. No. 51**

The purpose of this resolution is to:

- 1) Request that the Commission on Water Resource Management in conjunction with the Board of Land and Natural Resources and the water board or department of each county design and develop a State Water Conservation Plan;
- 2) Request that representatives from a list of types of agencies and organizations be included in designing and developing the Conservation Plan;
- 3) Specify four issues that the Plan must address; and
- 4) Request that the Commission on Water Resource Management submit a report summarizing the activities and efforts taken as a result of this resolution to the Legislature twenty days before the convening of the 1992 Session.

Your Committees received testimony from the Department of Land and Natural Resources, and supporting testimony from the Board of Water Supply of the City and County of Honolulu, the Outdoor Circle, and the People's Water Conference.

Hawai'i does not have an infinite supply of water. If water is drawn from underground aquifers at rates faster than nature replenishes them, they will either run dry or become brackish. If runaway population growth continues unabated, particularly on O'ahu, the aquifers could easily be depleted. Desalinization plants would be extremely expensive sources of water.

During questioning at the hearing, the Board of Water Supply (BOWS) stated that under current rates of usage, Oahu will have exhausted all available water sources within approximately twenty years. In addition, BOWS placed the maximum population O'ahu can support with respect to water supplies at 1.5 million people. The short-sightedness of some State officials in not thinking that immediate steps must be taken to deal with these problems is rather disturbing to your Committees.

BOWS stated that a cutback of 10% in water usage would extend the life of O'ahu's water supply by five years. Unfortunately, conservation will not completely solve Hawaii's water problem if population continues to rise. Conservation will buy time, however, until more long-term solutions are implemented.

Clearly, not very much is being done to seriously conserve water on a statewide level. A State Water Conservation Plan thus needs to be developed and implemented immediately. The input of state and local government, business, agriculture, and communities is important to develop a realistic Plan that people will actually follow. A number of environmental and grassroots organizations have garnered valuable knowledge on water in Hawai'i and should be important participants in the development process.

Therefore, your Committees have amended this resolution by:

- 1) Designating a statewide conference as the mechanism for designing and developing the State Water Conservation Plan;
- 2) Requesting that representatives from a list of types of agencies and organizations be included as participants in the conference to design and develop the Conservation Plan;
- 3) Requesting that the Commission on Water Resource Management submit a report summarizing the findings of the conference, and the steps taken to implement those findings, to the Legislature twenty days before the convening of the 1992 Session.

Your Committees on Water, Land Use and Hawaiian Affairs and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.R. No. 51, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 51, HD 1.

Signed by all members of the Committees.

SCRep. 1529**Water, Land Use and Hawaiian Affairs and Intergovernmental Relations and International Affairs
on H.C.R. No. 39**

The purpose of this concurrent resolution is to:

- 1) Request that the Commission on Water Resource Management in conjunction with the Board of Land and Natural Resources and the water board or department of each county design and develop a State Water Conservation Plan;
- 2) Request that representatives from a list of types of agencies and organizations be included in designing and developing the Conservation Plan;

- 3) Specify four issues that the Plan must address; and
- 4) Request that the Commission on Water Resource Management submit a report summarizing the activities and efforts taken as a result of this resolution to the Legislature twenty days before the convening of the 1992 Session.

Your Committees received testimony from the Department of Land and Natural Resources, and supporting testimony from the Board of Water Supply of the City and County of Honolulu, the Outdoor Circle, and the People's Water Conference.

Hawai'i does not have an infinite supply of water. If water is drawn from underground aquifers at rates faster than nature replenishes them, they will either run dry or become brackish. If runaway population growth continues unabated, particularly on O'ahu, the aquifers could easily be depleted. Desalinization plants would be extremely expensive sources of water.

During questioning at the hearing, the Board of Water Supply (BOWS) stated that under current rates of usage, Oahu will have exhausted all available water sources within approximately twenty years. In addition, BOWS placed the maximum population O'ahu can support with respect to water supplies at 1.5 million people. The short-sightedness of some State officials in not thinking that immediate steps must be taken to deal with these problems is rather disturbing to your Committees.

BOWS stated that a cutback of 10% in water usage would extend the life of O'ahu's water supply by five years. Unfortunately, conservation will not completely solve Hawaii's water problem if population continues to rise. Conservation will buy time, however, until more long-term solutions are implemented.

Clearly, not very much is being done to seriously conserve water on a statewide level. A State Water Conservation Plan thus needs to be developed and implemented immediately. The input of state and local government, business, agriculture, and communities is important to develop a realistic Plan that people will actually follow. A number of environmental and grassroots organizations have garnered valuable knowledge on water in Hawai'i and should be important participants in the development process.

Therefore, your Committees have amended this concurrent resolution by:

- 1) Designating a statewide conference as the mechanism for designing and developing the State Water Conservation Plan;
- 2) Requesting that representatives from a list of types of agencies and organizations be included as participants in the conference to design and develop the Conservation Plan;
- 3) Requesting that the Commission on Water Resource Management submit a report summarizing the findings of the conference, and the steps taken to implement those findings, to the Legislature twenty days before the convening of the 1992 Session.

Your Committees on Water, Land Use and Hawaiian Affairs and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.C.R. No. 39, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 39, HD 1.

Signed by all members of the Committees.

SCRep. 1530 Education and Higher Education and the Arts on H.C.R. No. 217

The purpose of this concurrent resolution is to request the Curriculum Research and Development Group, in consultation with the Department of Education; the School of Hawaiian, Asian, and Pacific Studies; the Consortium on Teaching Asia and the Pacific in the Schools; the Pacific and Asian Affairs Council; and other private and public agencies, to determine the feasibility of developing secondary school curriculum materials on Asia and the Pacific and to determine how the recommended materials can be developed expeditiously for use in Hawaii's schools.

Your Committees received supporting testimony from the Curriculum Research and Development Group; the Department of Education; the School of Hawaiian, Asian and Pacific Studies; Office of International Relations; United Parents for Education Coalition; Hawaii State Teachers Association; Pacific and Asian Affairs Council; and the Pacific Rim Foundation.

Your Committees on Education and Higher Education and the Arts concur with the intent and purpose of H.C.R. No. 217 and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1531 Education and Health on H.R. No. 267

The purpose of this resolution is to request the Department of Education (DOE) to review the design, construction, and alteration of school buildings for accessibility for children with physical handicaps without causing additional problems for them or creating safety hazards for other children and teachers.

While agreeing with the intent of the resolution, the DOE, the Commission on Persons with Disabilities, and the Architectural Access Committee testified that the measure was not necessary. They noted that pursuant to Section 103-50.5, Hawaii Revised Statutes, statewide public hearings on the proposed guidelines for children's design specifications were held in March 1991.

The principal, the vice principal, and a teacher at Waipahu Intermediate School also testified, delineating the concerns and experiences at Waipahu Intermediate School over the barrier-free project.

Your Committees have added language to emphasize that the review encompass the design, construction, and alteration of school buildings throughout the whole project.

Your Committees on Education and Health concur with the intent and purpose of H.R. No. 267, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 267, HD 1.

Signed by all members of the Committees.

SCRep. 1532 Education and Health on H.C.R. No. 243

The purpose of this concurrent resolution is to request the Department of Education (DOE) to review the design, construction, and alteration of school buildings for accessibility for children with physical handicaps without causing additional problems for them or creating safety hazards for other children and teachers.

While agreeing with the intent of the concurrent resolution, the DOE, the Commission on Persons with Disabilities, and the Architectural Access Committee testified that the measure was not necessary. They noted that pursuant to Section 103-50.5, Hawaii Revised Statutes, statewide public hearings on the proposed guidelines for children's design specifications were held in March 1991.

The principal, the vice principal, and a teacher at Waipahu Intermediate School also testified, delineating the concerns and experiences at Waipahu Intermediate School over the barrier-free project.

Your Committees have added language to emphasize that the review encompass the design, construction, and alteration of school buildings throughout the whole project.

Your Committees on Education and Health concur with the intent and purpose of H.C.R. No. 243, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 243, HD 1.

Signed by all members of the Committees.

SCRep. 1533 Education and Labor and Public Employment on H.R. No. 172

The purpose of this resolution is to:

- (1) Request that the Department of Personnel Services (DPS) and the Department of Education (DOE) review and revise all position descriptions within the DOE;
- (2) Request that the DPS and the DOE, by June 30, 1992, conduct a comprehensive review and update all class specifications and position descriptions so that the class and position descriptions accurately reflect the actual employment practices and work assignments; and
- (3) Request that the DPS and the DOE submit a report of their findings and proposed changes to the Legislature at least twenty days prior to the convening of the Regular Session of 1992.

The Hawaii Government Employees Association (HGEA) testified in support of this measure. In addition, your Committees received testimony from the DPS, the DOE, and the United Parents For Education Coalition.

Your Committees have amended this resolution by:

- (1) Changing the title from "REQUESTING REVISIONS FOR ALL POSITION DESCRIPTIONS WITHIN THE DEPARTMENT OF EDUCATION," to "REQUESTING REVISIONS FOR ALL CLASSIFIED POSITION DESCRIPTIONS COVERED BY HGEA COLLECTIVE BARGAINING UNITS WITHIN THE DEPARTMENT OF EDUCATION.";
- (2) Specifying that only those position descriptions covered by HGEA collective bargaining units within the DOE be reviewed, revised, and updated;
- (3) Clarifying that the HGEA, along with the DPS and the DOE, is being requested to review and revise all classified position descriptions covered by HGEA collective bargaining units within the DOE;
- (4) Specifying that the HGEA, along with the DPS and the DOE, is being requested to conduct a comprehensive review to update all class specifications and position descriptions for classified positions covered by HGEA collective bargaining units within the DOE to accurately reflect actual employment practices and work assignments;

- (5) Requesting the DOE, the DPS, and the HGEA provide adequate notice of the review process to all affected classified collective bargaining units;
- (6) Specifying that the HGEA, along with the DPS and the DOE, is being requested to submit a report of their findings and proposed changes to the Legislature at least twenty days prior to the convening of the Regular Session of 1992; and
- (7) Requesting that the HGEA also receive a certified copy of the resolution.

Technical, nonsubstantive amendments were made for the purposes of style and clarity.

Your Committees on Education and Labor and Public Employment concur with the intent and purpose of H.R. No. 172, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 172, HD 1.

Signed by all members of the Committees.

SCRep. 1534 Education and Labor and Public Employment on H.R. No. 235

The purpose of this resolution is to request that the Department of Education (DOE), in cooperation with the Department of Personnel Services (DPS), the Hawaii State Government Employees Association (HGEA), and the Educational Assistants Association update and reclassify the job descriptions of educational assistants.

Your Committees received opposing testimony from the DOE and the DPS, stating that action is currently being taken on classification and training for educational assistants. The United Parents for Education Coalition also testified against this measure.

The HGEA, several public school teachers, and educational assistants testified in strong support of this resolution.

Your Committees recognize the need to revise and update the job descriptions of educational assistants that sufficiently compensates the responsibilities and duties of these employees. Based on current efforts underway to provide training and to update the job descriptions of educational assistants, your Committees have amended the measure as follows:

- (1) Changed the title to read "REQUESTING A REVISION AND UPDATE OF JOB DESCRIPTIONS FOR EDUCATIONAL ASSISTANTS" for clarity and consistency;
- (2) Clarified that educational assistants were asked to respond to a survey, which did not include comments submitted by educational assistants, but was finalized by DPS;
- (3) Included the work schedule based on the Educational Assistant Study Tentative Work Schedule conducted by the DOE, the DPS, the University of Hawaii, the HGEA, and the educational assistants in the WHEREAS clause;
- (4) Clarified that the Educational Assistant Study Tentative Work Schedule sets a June 1, 1991 deadline for revising and updating the job descriptions of educational assistants;
- (5) Required the DPS and DOE directors to:
 - (A) Provide a status report to the House Committee on Education by May 1, 1991; and
 - (B) Complete the updated/revised job description for educational assistants no later than June 1, 1991;
- (6) Stipulated that the DOE and the DPS develop and complete a training plan and graduated pay scale with the establishment of higher steps of classification and compensation for educational assistants that is agreeable to the Educational Assistants Association and the HGEA, and that is acceptable to the 1992 Legislature with a status report to the House Committee on Education by June 1, 1991;
- (7) Required DPS to provide all pertinent information regarding the revision process of educational assistants' job descriptions to the DOE, the Board of Education, the HGEA, and the House Committee on Education by June 1, 1991;
- (8) Required the House Committee on Education to hold public information hearings on the progress of revising and updating the job descriptions of educational assistants; and
- (9) Requested that the Conference of Personnel Directors also receive a certified copy of this Resolution.

Technical, nonsubstantive amendments were also made for the purposes of style and clarity.

Your Committees on Education and Labor and Public Employment 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, HD 1.

Signed by all members of the Committees.

SCRep. 1535 Education and Labor and Public Employment on H.C.R. No. 213

The purpose of this concurrent resolution is to request that the Department of Education (DOE), in cooperation with the Department of Personnel Services (DPS), the Hawaii State Government Employees Association (HGEA), and the Educational Assistants Association update and reclassify the job descriptions of educational assistants.

Your Committees received opposing testimony from the DOE and the DPS, stating that action is currently being taken on classification and training for educational assistants. The United Parents for Education Coalition also testified against this measure.

The HGEA, several public school teachers, and educational assistants testified in strong support of this concurrent resolution.

Your Committees recognize the need to revise and update the job descriptions of educational assistants that sufficiently compensates the responsibilities and duties of these employees. Based on current efforts underway to provide training and to update the job descriptions of educational assistants, your Committees have amended the measure as follows:

- (1) Changed the title to read "REQUESTING A REVISION AND UPDATE OF JOB DESCRIPTIONS FOR EDUCATIONAL ASSISTANTS" for clarity and consistency;
- (2) Clarified that educational assistants were asked to respond to a survey, which did not include comments submitted by educational assistants, but was finalized by DPS;
- (3) Included the work schedule based on the Educational Assistant Study Tentative Work Schedule conducted by the DOE, the DPS, the University of Hawaii, the HGEA, and the educational assistants in the WHEREAS clause;
- (4) Clarified that the Educational Assistant Study Tentative Work Schedule sets a June 1, 1991 deadline for revising and updating the job descriptions of educational assistants;
- (5) Required the DPS and DOE directors to:
 - (A) Provide a status report to the House and Senate Committees on Education by May 1, 1991; and
 - (B) Complete the updated/revised job description for educational assistants no later than June 1, 1991;
- (6) Stipulated that the DOE and the DPS develop and complete a training plan and graduated pay scale with the establishment of higher steps of classification and compensation for educational assistants that is agreeable to the Educational Assistants Association and the HGEA, and that is acceptable to the 1992 Legislature with a status report to the House and Senate Committees on Education by June 1, 1991;
- (7) Required DPS to provide all pertinent information regarding the revision process of educational assistants' job descriptions to the DOE, the Board of Education, the HGEA, and the House and Senate Committees on Education by June 1, 1991;
- (8) Required the House Committee on Education to hold public information hearings on the progress of revising and updating the job descriptions of educational assistants; and
- (9) Requested that the Conference of Personnel Directors also receive a certified copy of this Concurrent Resolution.

Technical, nonsubstantive amendments were also made for the purposes of style and clarity.

Your Committees on Education and Labor and Public Employment concur with the intent and purpose of H.C.R. No. 213, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 213, HD 1.

Signed by all members of the Committees.

SCRep. 1536

Education on H.R. No. 153

The purpose of this resolution is to emphasize that the primary purpose of scholastic athletics is to allow students to participate and learn physical skills, not just to win games. This resolution requests the Department of Education to make every effort to broaden the base of participation in athletics, and to report on the status of student participation in athletics and present a plan to encourage a wider number of students to participate in athletics.

Testimony in support of this resolution was received from the Department of Education, the Hawaii State Teachers Association, the Hawaii Wheelchair Athletic Association, the Women's Athletics Department of the University of Hawaii, and others. Your Committee has made a technical, nonsubstantive amendment for purposes of style and clarity.

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

Signed by all members of the Committee.

SCRep. 1537**Education on H.C.R. No. 144**

The purpose of this concurrent resolution is to emphasize that the primary purpose of scholastic athletics is to allow students to participate and learn physical skills, not just to win games. This concurrent resolution requests the Department of Education to make every effort to broaden the base of participation in athletics, and to report on the status of student participation in athletics and present a plan to encourage a wider number of students to participate in athletics.

Testimony in support of this concurrent resolution was received from the Department of Education, the Hawaii State Teachers Association, the Hawaii Wheelchair Athletic Association, the Women's Athletics Department of the University of Hawaii, and others. Your Committee has made a technical, nonsubstantive amendment for purposes of style and clarity.

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, HD 1.

Signed by all members of the Committee.

SCRep. 1538**Education on H.R. No. 265**

The purpose of this resolution is to request the Department of Education (DOE) to facilitate and expedite the replacement and installation of an improved telephone system for Kahuku High School.

Your Committee recognizes that an updated and improved telephone system at Kahuku High School would contribute to the smooth and efficient operations of this public school.

The DOE testified in strong support of this resolution, noting that if additional funds were made available, then the DOE will be able to meet the intent of this measure.

Based on the foregoing testimony, your Committee has amended this resolution by:

- (1) Adding a WHEREAS clause that the Legislature recognizes that more funding is needed to provide assistance to facilitate and expedite the replacement and installation of an improved telephone system for Kahuku High School; and
- (2) Making technical, nonsubstantive amendments for clarity.

Your Committee on Education concurs with the intent and purpose of H.R. No. 265, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 265, HD 1.

Signed by all members of the Committee.

SCRep. 1539**Education on H.C.R. No. 241**

The purpose of this concurrent resolution is to request the Department of Education (DOE) to facilitate and expedite the replacement and installation of an improved telephone system for Kahuku High School.

Your Committee recognizes that an updated and improved telephone system at Kahuku High School would contribute to the smooth and efficient operations of this public school.

The DOE testified in strong support of this concurrent resolution, noting that if additional funds were made available, then the DOE will be able to meet the intent of this measure.

Based on the foregoing testimony, your Committee has amended this concurrent resolution by:

- (1) Adding a WHEREAS clause that the Legislature recognizes that more funding is needed to provide assistance to facilitate and expedite the replacement and installation of an improved telephone system for Kahuku High School; and
- (2) Making technical, nonsubstantive amendments for clarity.

Your Committee on Education concurs with the intent and purpose of H.C.R. No. 241, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 241, HD 1.

Signed by all members of the Committee.

SCRep. 1540**Education on H.R. No. 234**

The purpose of this resolution is to request that the Department of Education study the feasibility of incorporating the internment of Japanese Americans during World War II and the struggles of ethnic minorities both in Hawaii and on the mainland in the study of the Constitution and the Bill of Rights.

Testimony in support of this resolution was submitted by the Department of Education, the Japanese American Citizens League and the 442nd Veterans Club.

Your Committee on Education concurs with the intent and purpose of H.R. No. 234 and recommends its adoption.

Signed by all members of the Committee except Representative O'Kieffe.

SCRep. 1541 Education on H.R. No. 241

The purpose of this resolution is to request the Department of Education to conduct a study to update projected teacher shortage calculations in terms of hiring positions, teacher graduates, net calculated shortages, and applicant pool for the next ten years.

Your Committee finds that a study to address teacher shortages in the State would reveal the need to include additional resources such as relocation subsistence to attract qualified teachers and additional personnel to maintain personal contact, communication, and correspondence with potential teacher candidates.

Testimony supporting the intent and purpose of this measure was submitted by the Department of Education and the United Parents for Education Coalition.

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

- (1) Acknowledging that it is especially difficult to recruit qualified teachers to staff public school classrooms on the neighbor islands and in rural areas;
- (2) Requesting the Department of Education, with the cooperation of the College of Education of the University of Hawaii, to employ marketing strategies to encourage students to pursue careers in education; and
- (3) Providing that a certified copy of this measure is transmitted to the Dean of the College of Education of the University of Hawaii.

Your Committee on Education concurs with the intent and purpose of H.R. No. 241, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 241, HD 1.

Signed by all members of the Committee.

SCRep. 1542 Education on H.R. No. 118

The purpose of this resolution is to request the Board of Education to develop and implement regulations and procedures to monitor student academic progress and to provide assistance to all high school students whose grade point averages fall below 2.0.

As part of its responsibility for establishing educational policy, the Board of Education has adopted a 2.0 grade point average requirement that students must meet before participating in athletics and other co-curricular activities. This resolution requests that educators make every effort to provide academic support services to help every student maintain their grades.

The Office of Hawaiian Affairs, the United Parents for Education Coalition, and a private citizen presented testimony in support of the resolution.

However, although concurring with the intent of the resolution, the Department of Education testified that the resolution was not necessary in light of the various programs that are available to assist all students who need additional educational assistance.

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

- (1) Adding a new BE IT FURTHER RESOLVED clause stipulating that the Legislature recognizes that more funding is needed to provide assistance to students; and
- (2) Correcting stylistic and technical errors.

Your Committee on Education concurs with the intent and purpose of H.R. No. 118, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 118, HD 1.

Signed by all members of the Committee.

SCRep. 1543 Education on H.R. No. 240

The purpose of this resolution is to request that the Department of Education update its equipment acquisition plan, identify the equipment needed and formulate a schedule for procurement of classroom equipment necessary to fulfill the ratio of one computer for every ten students.

Your committee finds that the current computer-to-student ration of 24:1 is far below the State's goal of one computer for every ten students. In addition, inadequate funding to cover the cost of software and equipment maintenance, as well as staff development training, impede our students' acquiring of skills that will be essential for their successfully competing in the workforce as adults.

Your Committee on Education concurs with the intent and purpose of H.R. No. 240 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1544 Education on H.R. No. 284

The purpose of this resolution is to request the Department of Education to ensure that clean classrooms are available to teachers and children in all schools.

Your Committee recognizes the problem of ensuring that all classrooms in the public schools are cleaned regularly and adequately to provide an environment that is conducive to learning and teaching.

The Department of Education and a teacher from Kailua Intermediate School testified on the measure, verifying the necessity to provide clean classrooms for teachers and students.

Your Committee has amended the resolution by:

- (1) Indicating that the Department of Education concurs that the problem of providing clean and healthy classrooms for students and teachers alike exist, and that expedient, feasible, and effective solutions must be sought to address this problem;
- (2) Requesting the Department of Education to seek the cooperation of the Attorney General's Office, the Department of Accounting and General Services, and the appropriate unions to ensure that clean classrooms are available to teachers and students in all public schools;
- (3) Specifying that certified copies of this resolution also be transmitted to the Attorney General, the Comptroller, and the appropriate unions;
- (4) Amending the title from "REQUESTING THE DEPARTMENT OF EDUCATION TO ENSURE THAT CLEAN CLASSROOMS ARE AVAILABLE TO TEACHERS AND CHILDREN IN ALL SCHOOLS" to "REQUESTING THE DEPARTMENT OF EDUCATION TO ENSURE THAT CLEAN CLASSROOMS ARE AVAILABLE TO TEACHERS AND STUDENTS IN ALL PUBLIC SCHOOLS" for clarity; and
- (5) Making other technical, nonsubstantive amendments for the purposes of style and clarity.

Your Committee on Education concurs with the intent and purpose of H.R. No. 284, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 284, HD 1.

Signed by all members of the Committee.

SCRep. 1545 Education on H.R. No. 352

The purpose of this resolution is to request that the Board of Education approve and expedite the establishment of a new public library for North Kohala, Hawaii to serve the various cultural, civic and educational needs of this growing community, and that the Board of Education work closely with North Kohala civic organizations and other community groups in carrying out this project.

The Board of Education has approved the ten-year master plan for public libraries, which includes replacement of the Bond Memorial Public Library sometime between July, 1997 and June, 2000.

Testimony in support of this resolution was received by the Committee on Education from the Hawaii State Public Library System.

Your Committee on Education concurs with the intent and purpose of H.R. No. 352 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1546 Education on H.R. No. 185

The purpose of this resolution, as received, is to request the Department of Education (DOE) to evaluate the feasibility and expense of establishing general aide positions within the public schools.

Your Committee received testimony from the Hawaii Government Employees Association and the United Parents For Education Coalition in support of this resolution. The DOE testified in opposition to this measure, citing that a general aide program has already been implemented in the public schools by the DOE. At the present time, 27 general aide positions have been assigned to elementary schools throughout the State in smaller schools without a vice principal.

Based on the foregoing testimony, your Committee has amended the resolution by:

- (1) Requesting the DOE to submit an evaluation report of the purpose of and current use of general aide positions in the public schools to the Legislature;

- (2) Changing the title to read "REQUESTING AN EVALUATION REPORT ON THE PURPOSE AND CURRENT USE OF GENERAL AIDE POSITIONS IN THE PUBLIC SCHOOLS" to reflect the amended purpose of this measure;
- (3) Deleting references requesting the DOE to evaluate the feasibility and expense of establishing general aid positions within the public schools; and
- (4) Making technical, nonsubstantive amendments for the purposes of style and clarity.

Your Committee on Education is in accord with the intent and purpose of H.R. No. 185, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 185, HD 1.

Signed by all members of the Committee.

SCRep. 1547 Education on H.R. No. 238

The purpose of this resolution is to request that the Board of Education conduct public hearings to solicit a wide range of comments and complete its review of the Department of Education curriculum for kindergarten through the twelfth grades by June 30, 1991.

Your Committee finds that while the Board of Education has been diligent in the extensive effort of restructuring the curriculum, the timely completion of the curriculum review is essential to ensuring that resource allocation is consistent with the courses of study established by the policy setting body for public education.

Your Committee on Education concurs with the intent and purpose of H.R. No. 238 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1548 Education on H.C.R. No. 214

The purpose of this concurrent resolution is to:

- (1) Request the Conference of Personnel Services, along with the Association of Professional Clerks, to conduct a study on the pricing of Personnel Clerks and Technician positions within the State;
- (2) Clarify that the Conference of Personnel Services shall initiate any appropriate repricing action as a result of the study; and
- (3) Require the Conference of Personnel Services to submit a report of its findings, recommendations, and actions taken regarding the repricing of Personnel Clerks and Technician positions to the Legislature at least twenty days prior to the convening of the Regular Session of 1992.

Your Committee recognizes that the responsibilities of personnel clerks and technicians have increased significantly over a period of time, which has resulted in the complexity and difficulty of their jobs. Your Committee notes that personnel clerks and technicians are required to have a broad and comprehensive understanding of state and federal labor laws in order to fulfill their job responsibilities.

The Department of Education (DOE), the Hawaii Government Employees Association (HGEA), several personnel clerks and technicians, and others submitted testimony in support of this measure. The Department of Personnel Services (DPS) also submitted comments on this measure.

As a result, the concurrent resolution has been amended as follows:

- (1) Substituted the phrase "Conference of Personnel Directors" for the phrase "Department of Personnel Services" in the title and throughout the measure, wherever appropriate;
- (2) Deleted the Association of Professional Clerks from the repricing study request;
- (3) Added the timetable, which includes milestones and dates by which required tasks are to be accomplished;
- (4) Required the House Committee on Education to hold informational public hearings during the 1991 legislative interim to allow response and feedback from personnel clerks and technicians; and
- (5) Clarified that the HGEA will provide support and assistance throughout the repricing review process.

Your Committee on Education concurs with the intent and purpose of H.C.R. No. 214, HD 1, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 214, HD 2.

Signed by all members of the Committee.

SCRep. 1549 Education on H.C.R. No. 215

The purpose of this concurrent resolution is to request that the Department of Education convene a broad-based Committee on Vocational Education, which will consist of members from the Department of Education, the business community-at-large, the University of Hawaii and its community colleges and the Department of Labor and Industrial Relations, to review the current Vocational Education Program.

While efforts are underway to improve and expand vocational education and future employment opportunities for students, and significant work is being done to modernize program delivery, upgrade teacher competencies and increase business and industry partnerships, a review of the Vocational Education Program will ensure consistency between the State's program and requirements of the Carl Perkins Vocational and Applied Technology Act, P.L. 101-392.

Testimony in support of this concurrent resolution was submitted by the Department of Education, the Commission on Employment and Human Resources and the United Parents for Education Coalition.

Your Committee on Education concurs with the intent and purpose of H.C.R. No. 215 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1550 Education on H.C.R. No. 216

The purpose of this concurrent resolution is to request that the Department of Education develop a multi-year funding plan that includes, but is not limited to issues such as the status of instructional equipment in the schools, projected instructional equipment needs, a projected timetable for equipment acquisition and a cost analysis for implementation of the multi-year funding plan that is developed.

Your Committee finds that in addition to instructional equipment needs of the Department of Education in science, music, computer education and vocational education programs, the need to "catch up" on a backlog of equipment purchases, as well as the need to replace obsolete or overused equipment, exacerbate progress in resolving this long-standing problem.

Your Committee on Education concurs with the intent and purpose of H.C.R. No. 216 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1551 Human Services on H.C.R. No. 265

The purpose of this concurrent resolution is to request all state departments that employ social workers, the Judiciary and the Department of Personnel Services to examine the feasibility of developing and implementing a separate social worker series as it applies to their respective departments.

Your Committee has amended this concurrent resolution to make updated, technical, nonsubstantive amendments.

Your Committee on Human Services concurs with the intent and purpose of H.C.R. No. 265, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 265, HD 1.

Signed by all members of the Committee except Representatives Duldulao, M. Ige, Kawakami, Peters and Tatibouet.

SCRep. 1552 Human Services on H.C.R. No. 227

The purpose of this concurrent resolution is to request the designation of the Governor's Office of Children and Youth as the lead agency for early childhood education and child care.

Your Committee has amended the resolution to add additional to clarify that as the lead agency for early childhood education and child care, the Office of Children and Youth shall address issues of planning and coordination which shall include but are not limited to the following:

1. the development of an integrated, comprehensive service delivery system for early childhood and child care services;
2. the identification of existing and potential funding and funding mechanism;
3. standards for programs and services;
4. standards for the education and certification of early childhood personnel.

Your Committee on Human Services concurs with the intent and purpose of H.C.R. No. 227, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 227, HD 1.

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

SCRep. 1553 Human Services and Health on H.R. No. 20

The purpose of this resolution is to establish a task force to study the feasibility of establishing a centralized unit for the application for benefits and the provision of subsidy information for individuals diagnosed as HIV-positive.

Your Committees received testimony in support of the intent of this resolution from the Departments of Human Services (DHS) and Health, the Governor's Committee on AIDS, the Hemophilia Foundation of Hawaii, the Life Foundation, and an HIV-positive individual. This testimony indicated that one of the major problems encountered by HIV-positive individuals in their quest for needed assistance and services is the task of having to fill out duplicative applications which are excessively long and complicated.

Upon further consideration, your Committees have amended the resolution as follows:

- (1) Limiting its scope to the assessment, evaluation, and development of strategies that will enable HIV-positive persons to obtain the assistance they require in the most efficient, expeditious, and coordinated manner possible, including:
 - (A) Developing ways to streamline, coordinate, and otherwise improve the process for applying for the different types of assistance required; and
 - (B) Coordinating with and promoting cooperation between public and private entities involved in the provision of assistance to HIV-infected persons, including health care institutions, service providers, insurance providers, and agencies of the federal, state, and county governments;
- (2) Directing that the foregoing strategy development be conducted jointly by the DHS and the AIDS Community Care Team (ACCT) who shall jointly report their findings and recommendations to the Legislature at least twenty days prior to the Regular Session of 1992;
- (3) Reflecting the foregoing changes by amending the title of the resolution to read: "REQUESTING THE DEPARTMENT OF HUMAN SERVICES AND THE AIDS COMMUNITY CARE TEAM TO DEVELOP STRATEGIES TO ENABLE HIV-POSITIVE PERSONS TO OBTAIN NEEDED CARE, SERVICES, AND ASSISTANCE IN THE MOST EFFICIENT, EXPEDITIOUS, AND COORDINATED MANNER POSSIBLE"; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and style.

It is the intent of your Committees that in gaining input and coordinating with entities providing assistance to HIV-positive persons, the ACCT and DHS work with agencies and providers such as the Hemophilia Foundation of Hawaii, the Governor's Committee on AIDS, the Life Foundation, Hawaii Medical Service Association, Kaiser Permanente, the U.S. Department of Health and Human Services, the State Department of Health, the Center for Independent Living, Ho'omana'olana, the Queen's Medical Center, the Straub Clinic, the Kuakini Medical Center, and the Kapiolani Medical Center for Women and Children.

Additionally, while it is the intent of your Committees that the ACCT do the bulk of the legwork in carrying out this resolution, your Committees have requested a joint effort between the ACCT and the DHS to ensure DHS assistance and cooperation whenever necessary.

Your Committees on Human Services and Health concur with the intent and purpose of H.R. No. 20, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 20, HD 1.

Signed by all members of the Committees except Representatives Isbell, Peters and Tatibouet.

SCRep. 1554 Human Services and Health on H.C.R. No. 17

The purpose of this concurrent resolution is to establish a task force to study the feasibility of establishing a centralized unit for the application for benefits and the provision of subsidy information for individuals diagnosed as HIV-positive.

Your Committees received testimony in support of the intent of this concurrent resolution from the Departments of Human Services (DHS) and Health, the Governor's Committee on AIDS, the Hemophilia Foundation of Hawaii, the Life Foundation, and an HIV-positive individual. This testimony indicated that one of the major problems encountered by HIV-positive individuals in their quest for needed assistance and services is the task of having to fill out duplicative applications which are excessively long and complicated.

Upon further consideration, your Committees have amended the concurrent resolution as follows:

- (1) Limiting its scope to the assessment, evaluation, and development of strategies that will enable HIV-positive persons to obtain the assistance they require in the most efficient, expeditious, and coordinated manner possible, including:
 - (A) Developing ways to streamline, coordinate, and otherwise improve the process for applying for the different types of assistance required; and
 - (B) Coordinating with and promoting cooperation between public and private entities involved in the provision of assistance to HIV-infected persons, including health care institutions, service providers, insurance providers, and agencies of the federal, state, and county governments;

- (2) Directing that the foregoing strategy development be conducted jointly by the DHS and the AIDS Community Care Team (ACCT) who shall jointly report their findings and recommendations to the Legislature at least twenty days prior to the Regular Session of 1992;
- (3) Reflecting the foregoing changes by amending the title of the concurrent resolution to read: "REQUESTING THE DEPARTMENT OF HUMAN SERVICES AND THE AIDS COMMUNITY CARE TEAM TO DEVELOP STRATEGIES TO ENABLE HIV-POSITIVE PERSONS TO OBTAIN NEEDED CARE, SERVICES, AND ASSISTANCE IN THE MOST EFFICIENT, EXPEDITIOUS, AND COORDINATED MANNER POSSIBLE"; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and style.

It is the intent of your Committees that in gaining input and coordinating with entities providing assistance to HIV-positive persons, the ACCT and DHS work with agencies and providers such as the Hemophilia Foundation of Hawaii, the Governor's Committee on AIDS, the Life Foundation, Hawaii Medical Service Association, Kaiser Permanente, the U.S. Department of Health and Human Services, the State Department of Health, the Center for Independent Living, Ho'omana'olana, the Queen's Medical Center, the Straub Clinic, the Kuakini Medical Center, and the Kapiolani Medical Center for Women and Children.

Additionally, while it is the intent of your Committees that the ACCT do the bulk of the legwork in carrying out this concurrent resolution, your Committees have requested a joint effort between the ACCT and the DHS to ensure DHS assistance and cooperation whenever necessary.

Your Committees on Human Services and Health concur with the intent and purpose of H.C.R. No. 17, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 17, HD 1.

Signed by all members of the Committees except Representatives M. Ige, Isbell, Kawakami, Peters and Tatibouet.

SCRep. 1555 Intergovernmental Relations and International Affairs on H.R. No. 124

The purpose of this resolution is to establish a United Nations recruitment office component in the Office of International Relations (OIR) to recruit Hawaii's qualified individuals who could potentially serve their interests in international relations through employment with the United Nations.

A representative from the OIR testified in favor of this resolution.

Your Committee finds that one of the OIR's goals is to develop the global literacy of the people of Hawaii. OIR is a clearinghouse of information and a facilitator of economic and personal development of international interests. United Nations offices and programs are situated worldwide, and United Nations' activities are based on global cooperation and understanding. In that regard, assisting Hawaii's citizens in obtaining employment with the United Nations is entirely within the scope of OIR.

It is particularly fitting for Hawaii to increase its association with the United Nations at a time when a Pacific Islander, Sir Michael Somare of Papua New Guinea, is likely to be elected as one of the highest officials of the United Nations.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.R. No. 124 and recommends its adoption.

Signed by all members of the Committee except Representatives Hashimoto, Horita, Takamine and Tam.

SCRep. 1556 Intergovernmental Relations and International Affairs on H.R. No. 368

The purpose of this resolution is to urge the Congress of the United States to enact legislation to provide for the return of lands originally condemned by the federal government for public uses and that are no longer used for such public uses to the original landowners on equitable terms, and compensation.

Your Committee understands that the federal government has the power under the Constitution of the United States to condemn and seize private property, if it can justify that such land will be used for a specific public benefit. This right, known as the power of eminent domain, conflicts with another Constitutional freedom, the right of the individual to purchase and legally own private property free from government oppression.

In instances of eminent domain, the rights of the government subvert the rights of the individual, if the government can show good cause that the benefits to the public welfare would far outweigh the benefits if the land were to remain in the hands of private landowners.

However, your Committee notes examples where properties condemned for public use are no longer utilized by the federal government for the reasons that they were originally condemned. Your Committee agrees that such properties should be returned to the original owners, provided that the process is fair and equitable to all parties involved.

It is your Committee's intent that this measure would urge Congress to propose legislation that would strengthen the legal checks and balances that protect citizens from government oppression. It would also provide a means of compensation to landowners, seeking to reacquire property lost to government acquisition.

Your Committee received favorable testimony from Kamehameha Schools/Bishop Estate. The Department of Land and Natural Resources also submitted testimony on this measure.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.R. No. 368 and recommends its adoption.

Signed by all members of the Committee except Representatives Hashimoto, Horita, Takamine and Tam.

SCRep. 1557 Intergovernmental Relations and International Affairs on H.C.R. No. 343

The purpose of this concurrent resolution is to urge the Congress of the United States to enact legislation to provide for the return of lands originally condemned by the federal government for public uses and that are no longer used for such public uses to the original landowners on equitable terms, and compensation.

Your Committee understands that the federal government has the power under the Constitution of the United States to condemn and seize private property, if it can justify that such land will be used for a specific public benefit. This right, known as the power of eminent domain, conflicts with another Constitutional freedom, the right of the individual to purchase and legally own private property free from government oppression.

In instances of eminent domain, the rights of the government subvert the rights of the individual, if the government can show good cause that the benefits to the public welfare would far outweigh the benefits if the land were to remain in the hands of private landowners.

However, your Committee notes examples where properties condemned for public use are no longer utilized by the federal government for the reasons that they were originally condemned. Your Committee agrees that such properties should be returned to the original owners, provided that the process is fair and equitable to all parties involved.

It is your Committee's intent that this measure would urge Congress to propose legislation that would strengthen the legal checks and balances that protect citizens from government oppression. It would also provide a means of compensation to landowners, seeking to reacquire property lost to government acquisition.

Your Committee received favorable testimony from Kamehameha Schools/Bishop Estate. The Department of Land and Natural Resources also submitted testimony on this measure.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.C.R. No. 343 and recommends its adoption.

Signed by all members of the Committee except Representatives Hashimoto, Horita, Takamine and Tam.

SCRep. 1558 Intergovernmental Relations and International Affairs on H.R. No. 122

The purpose of this resolution, as received by your Committee, was to urge the Department of Business, Economic Development, and Tourism to host a major United Nations body or special agency conference each year.

Your Committee finds that there would be an increase in Hawaii's stature as it relates to international business, diplomacy, and cultural activities if a major United Nations body or special agency conference were located in the State of Hawaii each year.

Testimony in support of the intent of this resolution was submitted by the Office of International Relations and the Department of Business, Economic Development, and Tourism.

Based on the recommendations of both the Office of International Relations and the Department of Business, Economic Development, and Tourism, your Committee has amended this resolution by:

- (1) Removing the description of the goals of the Department of Business, Economic Development, and Tourism, and inserting instead a description of the goals of the Office of International Relations; and
- (2) Requesting the Office of International Relations to assist the State in recruiting at least one conference each year of a major United Nations' body, agency, or commission to help promote the purposes of the United Nations;
- (3) Providing that a certified copy of this measure be transmitted to the Director of Business, Economic Development, and Tourism;
- (4) Changing the title to: REQUESTING THE OFFICE OF INTERNATIONAL RELATIONS TO ASSIST THE STATE IN RECRUITING A MAJOR UNITED NATIONS BODY OR SPECIAL AGENCY CONFERENCE PER YEAR; and
- (5) Making other technical, nonsubstantive amendments for the purposes of clarity and style.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.R. No. 122, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 122, HD 1.

Signed by al members of the Committee except Representatives Hashimoto, Horita, Takamine and Tam.

SCRep. 1559 Intergovernmental Relations and International Affairs on H.C.R. No. 113

The purpose of this concurrent resolution, as received by your Committee, was to urge the Department of Business, Economic Development, and Tourism to host a major United Nations body or special agency conference each year.

Your Committee finds that there would be an increase in Hawaii's stature as it relates to international business, diplomacy, and cultural activities if a major United Nations body or special agency conference were located in the State of Hawaii each year.

Testimony in support of the intent of this concurrent resolution was submitted by the Office of International Relations and the Department of Business, Economic Development, and Tourism.

Based on the recommendations of both the Office of International Relations and the Department of Business, Economic Development, and Tourism, your Committee has amended this concurrent resolution by:

- (1) Removing the description of the goals of the Department of Business, Economic Development, and Tourism, and inserting instead a description of the goals of the Office of International Relations; and
- (2) Requesting the Office of International Relations to assist the State in recruiting at least one conference each year of a major United Nations' body, agency, or commission to help promote the purposes of the United Nations;
- (3) Providing that a certified copy of this measure be transmitted to the Director of Business, Economic Development, and Tourism;
- (4) Changing the title to: REQUESTING THE OFFICE OF INTERNATIONAL RELATIONS TO ASSIST THE STATE IN RECRUITING A MAJOR UNITED NATIONS BODY OR SPECIAL AGENCY CONFERENCE PER YEAR; and
- (5) Making other technical, nonsubstantive amendments for the purposes of clarity and style.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of H.C.R. No. 113, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 113, HD 1.

Signed by all members of the Committee except Representatives Hashimoto, Horita, Takamine and Tam.

SCRep. 1560 Legislative Management on H.C.R. No. 324

The purpose of this concurrent resolution is to request the Department of Accounting and General Services (DAGS) to consider renovation of the Capitol Building stairwells to provide for historic time lines and frescoes to capture in pictures the political history of Hawaii.

Your committee received testimony from the Department of Accounting and General Services (DAGS) which itemized several concerns.

Your committee finds that timelines and frescoes would enhance the public's knowledge and appreciation of Hawaii's political history but has concerns including vandalism, safety, and accessibility which need to be addressed.

This resolution was amended by adding a provision requesting DAGS to complete a feasibility report addressing concerns regarding vandalism, safety, and accessibility, in light of the overall costs, schedules and renovations of the State Capitol Building.

Your Committee on Legislative Management concurs with the intent and purpose of H.C.R. No. 324, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 324, HD 1.

Signed by all members of the Committee except Representative Arakaki.

SCRep. 1561 Finance on H.R. No. 190

The purpose of this resolution is to:

1. Request the House Committee on Education to convene a task force to study the issue of lump-sum budgeting for public school financing; and
2. Require the task force to submit a report to the Legislature that shall include but is not limited to:
 - a. An assessment of the adequacy of existing systems of resource allocation and accountability in the Department of Education (DOE) to ensure that funds are being expended for the purposes which they are intended;

- b. An analysis of the amounts expended for such functions as administration and support in comparison to the amounts expended directly for students, such as classroom teaching;
- c. A comparison of funding levels for public education in Hawaii with the funding levels of other selected school systems;
- d. An assessment of educational finance and allocation formulas used in other public school systems; and
- e. An analysis of alternatives to the present methods of budgeting, appropriating, and allocating funds for public schools.

Testimony in support of the measure was received from the DOE.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 190 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1562 Finance on H.C.R. No. 156

The purpose of this concurrent resolution is to urge the Legislature to recognize cash assistance or cash reimbursements for family support services as a benefit and not as taxable income.

The Department of Human Services, the State Planning Council on Developmental Disabilities, the Commission on Persons With Disabilities, and the Mental Health Association in Hawaii testified in support of the measure. In addition, your Committee received testimony from the Department of Taxation.

Your Committee on Finance concurs with the intent and purpose of H.C.R. No. 156, HD 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1563 Ocean and Marine Resources; Transportation; and Water, Land Use and Hawaiian Affairs on H.C.R. No. 151

The purpose of this concurrent resolution is to authorize the Board of Land and Natural Resources or the Department of Transportation to develop through a private developer approximately 40 acres of submerged land and approximately 13 acres of fast land situated at Kawaihae Bay, South Kohala, Hawaii, for marina purposes pursuant to Sections 171-53 and 60, Hawaii Revised Statutes.

Your Committees heard testimony from the Department of Land and Natural Resources (DLNR) and the Department of Transportation (DOT) in support of this concurrent resolution. DLNR stated that a conservation district use application (CDUA) and an environmental impact statement (EIS) must be filed and approved by the Land Board before any lease disposition is considered.

Your Committees learned that adjacent to the proposed marina facility site is an area filled with archaeological and historical significance and have consequently amended this concurrent resolution to include provisions to protect these features.

Several members of your Committees expressed concern over the environmental impact of such a project, especially since parts of the planned marina are situated adjacent to the Pu'ukohola Heiau, a national historic site, whose boundaries include submerged lands bordering the proposed marina site, and felt it necessary to ensure that the submerged "shark's heiau" be protected from further siltation.

Therefore, your Committees have amended this concurrent resolution by:

- (1) Broadening the scope of the title by substituting the word "developer" for "development";
- (2) Condensing the language concerning the history of boating;
- (3) Deleted the statement made that are no significant archaeological sites;
- (4) Adding language to emphasize the importance of preserving the Hawaiian culture and tradition in this region;
- (5) Indicating that the significant areas be designated as historical preservation areas;
- (6) Requiring the developer or developers to restore and preserve Hale o ka puni, the shark's heiau, and to mitigate any further siltation; and
- (7) Specifying that the Pacific Area Office of the Department of the Interior, National Park Service receive copies of this concurrent resolution.

Your Committees on Ocean and Marine Resources and Transportation and Water, Land Use and Hawaiian Affairs concur with the intent and purpose of H.C.R. No. 151, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 151, HD 1.

Signed by all members of the Committees except Representatives Hashimoto, Horita, Ihara and Tam.

SCRep. 1564 Water, Land Use and Hawaiian Affairs on H.R. No. 327

The purpose of this resolution is to:

- (1) Instruct the Board of Land and Natural Resources (BLNR) to review its rules regarding nonconforming use and residential use within the Conservation District, with special attention paid to the comments of the Legislative Auditor;
- (2) Request the BLNR to put into effect and publicize, under Chapter 91 of the Hawai'i Revised Statutes, "clearer, more specific standards in its rules" for residential structures in the Conservation District, as recommended by the Legislative Auditor;
- (3) Request the BLNR to hold public hearings on each island to elicit public opinion on the matter of conditional use; and
- (4) Request the BLNR to prepare and submit to the Legislature within twenty days of the opening of the 1992 session:
 - (a) A report on actions it has taken to remedy the deficiencies in review of Conservation District applications identified by the Legislative Auditor; and
 - (b) A report on its public hearings as requested in this resolution, which includes a complete transcript of all hearings as well as a summation of Board activities taken to address problems identified in those hearings.

Your Committee received testimony from DLNR, and strongly supporting testimony from Environment Hawai'i, the Conservation Council for Hawai'i, the Save Mt. Olomana Association, the Lanikai Association, Hawaii's Thousand Friends, and an individual.

DLNR testified that because this resolution takes a piecemeal approach towards the Conservation District, they did not support it. However, the outrage of environmental and community groups indicated that there is a specific problem which this resolution addresses. The BLNR has permitted a number of 'residential' structures in the Conservation District which clearly do not belong there. Among the most notorious of these are the Fazendin and Engelstad residences on the slopes of Mt. Olomana and the sprawling establishment of Indonesian businessman T.P. Liem on Hawea Point, Maui.

The actions required by this resolution are important steps towards making the Board's decisions more compatible with the statutory intent of nonconforming and permitted uses in the Conservation District. Hopefully, the Board will take this to heart and start voting in favor of what the public wants--preserving Hawaii's beautiful environment-- instead of what private developers want.

Your Committee on Water, Land Use and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 327 and recommends its adoption.

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

SCRep. 1565 Water, Land Use and Hawaiian Affairs on H.C.R. No. 305

The purpose of this concurrent resolution is to:

- (1) Instruct the Board of Land and Natural Resources (BLNR) to review its rules regarding nonconforming use and residential use within the Conservation District, with special attention paid to the comments of the Legislative Auditor;
- (2) Request the BLNR to put into effect and publicize, under Chapter 91 of the Hawai'i Revised Statutes, "clearer, more specific standards in its rules" for residential structures in the Conservation District, as recommended by the Legislative Auditor;
- (3) Request the BLNR to hold public hearings on each island to elicit public opinion on the matter of conditional use; and
- (4) Request the BLNR to prepare and submit to the Legislature within twenty days of the opening of the 1992 session:
 - (a) A report on actions it has taken to remedy the deficiencies in review of Conservation District applications identified by the Legislative Auditor; and

- (b) A report on its public hearings as requested in this concurrent resolution, which includes a complete transcript of all hearings as well as a summation of Board activities taken to address problems identified in those hearings.

Your Committee received testimony from DLNR, and strongly supporting testimony from Environment Hawai'i, the Conservation Council for Hawai'i, the Save Mt. Olomana Association, the Lanikai Association, Hawaii's Thousand Friends, and an individual.

DLNR testified that because this concurrent resolution takes a piecemeal approach towards the Conservation District, they did not support it. However, the outrage of environmental and community groups indicated that there is a specific problem which this concurrent resolution addresses. The DLNR has permitted a number of 'residential' structures in the Conservation District which clearly do not belong there. Among the most notorious of these are the Fazendin and Engelstad residences on the slopes of Mt. Olomana and the sprawling establishment of Indonesian businessman T.P. Liem on Hawea Point, Maui.

The actions required by this concurrent resolution are important steps towards making the Board's decisions more compatible with the statutory intent of nonconforming and permitted uses in the Conservation District. Hopefully, the Board will take this to heart and start voting in favor of what the public wants--preserving Hawaii's beautiful environment-- instead of what private developers want.

Your Committee on Water, Land Use and Hawaiian Affairs concurs with the intent and purpose of H.C.R. No. 305 and recommends its adoption.

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

SCRep. 1566 Water, Land Use and Hawaiian Affairs on H.R. No. 155

The purpose of this resolution is to:

- 1) Request the Board of Land and Natural Resources to take immediate action to amend the lease to F. Newell Bohnett of the State lands at Pu'uwa'awa'a;
- 2) Request the Department of Land and Natural Resources (DLNR) to report to the Legislature, twenty days before the opening of Session in 1992, why it has failed to enforce many of the lease terms;
- 3) Request the DLNR to prepare a plan for turning part of the unique habitats of Pu'uwa'awa'a into a Natural Area Reserve; and
- 4) Request the Legislative Auditor to determine how much money the State has lost by allowing the lessee to pay back rent, without interest, over the remainder of the lease term.

Your Committee received testimony from the Department of Land and Natural Resources. Testimony in strong support of the resolution was given by the Hawaii Audubon Society, Environment Hawai'i, the Conservation Council for Hawaii, both the Kona and Hawaii groups of the Sierra Club, the Environmental Center of the University of Hawaii, Hawaii's Thousand Friends, the Kona Hawaiian Civic Club, the Kona Conservation Group, and twenty individuals.

Late testimonies were received from the current lessee and his attorney.

From the amount of supporting testimony received and from the variety of people -- scientists, environmentalists, Hawaiian activists, residents from the Kailua-Kona area as well as throughout the State -- it was clear to your Committee that for many years the desecration of Pu'uwa'awa'a has been both widely known and of great concern to the people of Hawaii. Almost every witness asked that the lease be revoked.

It was painfully clear to your Committee that DLNR was over-accommodating in policing the current lessee's exploitation and destruction of Pu'uwa'awa'a. DLNR has failed to enforce terms of the lease, looked the other way while the current lessee caused rampant environmental destruction, charged him low lease rent, and allowed him to unfairly profit from his illegal koa logging.

The weight of testimony leads your Committee to conclude that by all appearances DLNR is unwilling to properly enforce and manage this lessee. Therefore, it is essential to terminate the lease of Pu'uwa'awa'a immediately before further destruction to the land occurs. Neither the current lessee nor DLNR seem to understand why Pu'uwa'awa'a means so much to the people of Hawai'i and why its desecration and the resulting loss of unique flora and fauna has outraged so many.

Although some species extinctions happen as part of the natural evolutionary process, the massive numbers of extinctions now occurring are the result of the actions of one species. Humans have overpopulated the Earth and overexploited its resources, destroying entire ecosystems in the process. Sadly, Hawaii is not spared from this wanton desecration.

Hawaii is blessed with more endemic species than anywhere else in the world. Almost 100% of native invertebrates are unique to the islands, as are 98% of the birds, and 93% of the flowering plants. Each species is valuable. Once it becomes extinct, it can never be replaced; its loss is tragic. Each time we destroy one, Hawaii becomes less a place of rare and distinctive beauty.

Ua mau ke ea o ka aina i ka pono -- "The life of the land is perpetuated in righteousness." Thus reads our State motto. In order to preserve the life of our land, we must live in harmony with it. We must regard ourselves as just another species coexisting with all others. Humans do not have an inherent right to displace other species. However, because we have great power to impact the land, just as any species does when its numbers reach a nonsustainable level, we must be conscious of the consequences of our actions and as stewards make sure that we do not cause the destruction of natural resources. This is the attitude of righteousness that will ensure our land is perpetuated.

The current lessee's actions and activities have tragically compromised our state motto. The life of the land of Pu'uwa'awa'a is being driven to extinction through callous disregard for the environment. In almost twenty years under the current lessee's tenure at Pu'uwa'awa'a, the following facts have been documented by many scientists:

- 1) The seriously endangered Hawaiian crow, the 'alala, has disappeared from Pu'uwa'awa'a, one of its last remaining habitats;
- 2) The dryland lama-kauwila forest of Pu'uwa'awa'a, the only one of its kind, has been partly destroyed;
- 3) The koa forests have been extensively cut;
- 4) At least two acres of the forest have been turned into a dump, which is currently in use;

as well as many other abuses.

These are inexcusable actions. The current lessee has indicated his indifference to the plight of the 'alala in a letter to the DLNR, in which he states that "They are still killing crows in Iowa because of the damage they do to crops... So why are we so overly concerned over their preservation in Hawai'i?" The 'alala is an entirely different species from an Iowa crow and a product of millions of years of evolution in isolation from mainland species.

Therefore, your Committee has amended the resolution by requesting the Board of Land and Natural Resources to terminate this lease of State lands at Pu'uwa'awa'a immediately. Because viable portions of forest and 'alala habitat remain, the Board is further requested to establish a representative portion of Pu'uwa'awa'a as a Natural Area Reserve. Under careful stewardship, a sample of the Pu'uwa'awa'a dryforest ecosystem could eventually be restored. Nearly 40% of Hawaii's known endemic bird species are extinct, and we are in danger of losing 30 of the 42 species that remain, including the 'alala.

The resolution was further amended by removing the Legislative Auditor's study.

Your Committee on Water, Land Use and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 155, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 155, HD 1.

Signed by all members of the Committee except Representatives Yoshimura and O'Kieffe.

SCRep. 1567

Water, Land Use and Hawaiian Affairs on H.C.R. No. 146

The purpose of this concurrent resolution is to:

- 1) Request the Board of Land and Natural Resources to take immediate action to amend the lease to F. Newell Bohnett of the State lands at Pu'uwa'awa'a;
- 2) Request the Department of Land and Natural Resources (DLNR) to report to the Legislature, twenty days before the opening of Session in 1992, why it has failed to enforce many of the lease terms;
- 3) Request the DLNR to prepare a plan for turning part of the unique habitats of Pu'uwa'awa'a into a Natural Area Reserve; and
- 4) Request the Legislative Auditor to determine how much money the State has lost by allowing the lessee to pay back rent, without interest, over the remainder of the lease term.

Your Committee received testimony from the Department of Land and Natural Resources. Testimony in strong support of the concurrent resolution was given by the Hawaii Audubon Society, Environment Hawai'i, the Conservation Council for Hawaii, both the Kona and Hawaii groups of the Sierra Club, the Environmental Center of the University of Hawaii, Hawaii's Thousand Friends, the Kona Hawaiian Civic Club, the Kona Conservation Group, and twenty individuals.

Late testimonies were received from the current lessee and his attorney.

From the amount of supporting testimony received and from the variety of people -- scientists, environmentalists, Hawaiian activists, residents from the Kailua-Kona area as well as throughout the State -- it was clear to your Committee that for many years the desecration of Pu'uwa'awa'a has been both widely known and of great concern to the people of Hawaii. Almost every witness asked that the lease be revoked.

It was painfully clear to your Committee that DLNR was over-accommodating in policing the current lessee's exploitation and destruction of Pu'uwa'awa'a. DLNR has failed to enforce terms of the lease, looked the other way while the current lessee caused rampant environmental destruction, charged him low lease rent, and allowed him to unfairly profit from his illegal koa logging.

The weight of testimony leads your Committee to conclude that by all appearances DLNR is unwilling to properly enforce and manage this lessee. Therefore, it is essential to terminate the lease of Pu'uwa'awa'a immediately before further destruction to the land occurs. Neither the current lessee nor DLNR seem to understand why Pu'uwa'awa'a means so much to the people of Hawai'i and why its desecration and the resulting loss of unique flora and fauna has outraged so many.

Although some species extinctions happen as part of the natural evolutionary process, the massive numbers of extinctions now occurring are the result of the actions of one species. Humans have overpopulated the Earth and overexploited its resources, destroying entire ecosystems in the process. Sadly, Hawaii is not spared from this wanton desecration.

Hawaii is blessed with more endemic species than anywhere else in the world. Almost 100% of native invertebrates are unique to the islands, as are 98% of the birds, and 93% of the flowering plants. Each species is valuable. Once it becomes extinct, it can never be replaced; its loss is tragic. Each time we destroy one, Hawaii becomes less a place of rare and distinctive beauty.

Ua mau ke ea o ka aina i ka pono -- "The life of the land is perpetuated in righteousness." Thus reads our State motto. In order to preserve the life of our land, we must live in harmony with it. We must regard ourselves as just another species coexisting with all others. Humans do not have an inherent right to displace other species. However, because we have great power to impact the land, just as any species does when its numbers reach a nonsustainable level, we must be conscious of the consequences of our actions and as stewards make sure that we do not cause the destruction of natural resources. This is the attitude of righteousness that will ensure our land is perpetuated.

The current lessee's actions and activities have tragically compromised our state motto. The life of the land of Pu'uwa'awa'a is being driven to extinction through callous disregard for the environment. In almost twenty years under the current lessee's tenure at Pu'uwa'awa'a, the following facts have been documented by many scientists:

- 1) The seriously endangered Hawaiian crow, the 'alala, has disappeared from Pu'uwa'awa'a, one of its last remaining habitats;
- 2) The dryland lama-kauwila forest of Pu'uwa'awa'a, the only one of its kind, has been partly destroyed;
- 3) The koa forests have been extensively cut;
- 4) At least two acres of the forest have been turned into a dump, which is currently in use;

as well as many other abuses.

These are inexcusable actions. The current lessee has indicated his indifference to the plight of the 'alala in a letter to the DLNR, in which he states that "They are still killing crows in Iowa because of the damage they do to crops... So why are we so overly concerned over their preservation in Hawai'i?" The 'alala is an entirely different species from an Iowa crow and a product of millions of years of evolution in isolation from mainland species.

Therefore, your Committee has amended the concurrent resolution by requesting the Board of Land and Natural Resources to terminate this lease of State lands at Pu'uwa'awa'a immediately. Because viable portions of forest and 'alala habitat remain, the Board is further requested to establish a representative portion of Pu'uwa'awa'a as a Natural Area Reserve. Under careful stewardship, a sample of the Pu'uwa'awa'a dryforest ecosystem could eventually be restored. Nearly 40% of Hawaii's known endemic bird species are extinct, and we are in danger of losing 30 of the 42 species that remain, including the 'alala.

The Legislative Auditor's study was removed from the original concurrent resolution.

Your Committee on Water, Land Use and Hawaiian Affairs 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, HD 1.

Signed by all members of the Committee except Representatives Yoshimura and O'Kieffe.

SCRep. 1568

Judiciary on H.C.R. No. 161

The purpose of this concurrent resolution is to request that the Legislative Auditor review the State's probate laws with the objective of streamlining the probate process.

Many bereaved families are often confronted with large amounts of paperwork, high legal fees, and long waiting periods caused by backlogs in the judicial process. This measure would attempt to assist the judges, attorneys, clerks, and the surviving family members in easing the probate process.

Testimony in support of this measure was submitted by a private citizen.

Your Committee on Judiciary concurs with the intent and purpose of H.C.R. No. 161 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee except Representatives Takamine and Yoshimura.

SCRep. 1569

Judiciary on H.R. No. 77

The purpose of this resolution is to request that the Judiciary review the judicial division boundaries of Oahu in order to provide all persons with equal, reasonable, and efficient access to the judicial system.

Currently, North Shore residents of the Koolauloa judicial district must travel to Kaneohe for court cases involving small claims, regular claims, criminal, and traffic issues. Moreover, because of where the police station of the Wahiawa police is located, the Wahiawa police must also travel to Kaneohe for court cases involving all arrests made and citations issued north of Wahiawa. Your Committee finds a review of the judicial division boundaries of Oahu to examine ways of providing a more equal, reasonable, and efficient access to the judicial systems for the North Shore residents, the Wahiawa police, and others similarly situated is timely.

Testimony in support of this measure was submitted by the Judiciary.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 77 and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine and Yoshimura.

SCRep. 1570 Judiciary on H.C.R. No. 65

The purpose of this concurrent resolution is to request that the Judiciary review the judicial division boundaries of Oahu in order to provide all persons with equal, reasonable, and efficient access to the judicial system.

Currently, North Shore residents of the Koolauloa judicial district must travel to Kaneohe for court cases involving small claims, regular claims, criminal, and traffic issues. Moreover, because of where the police station of the Wahiawa police is located, the Wahiawa police must also travel to Kaneohe for court cases involving all arrests made and citations issued north of Wahiawa. Your Committee finds a review of the judicial division boundaries of Oahu to examine ways of providing a more equal, reasonable, and efficient access to the judicial systems for the North Shore residents, the Wahiawa police, and others similarly situated is timely.

Testimony in support of this measure was submitted by the Judiciary.

Your Committee on Judiciary is in accord with the intent and purpose of H.C.R. No. 65 and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine and Yoshimura.

SCRep. 1571 Judiciary on H.R. No. 68

The purpose of this resolution is to request that the Legislative Reference Bureau study the feasibility of merging Hawaii's two trial court system.

This study would evaluate the Hawaii trial court system as it functions presently and whether Hawaii's trial court system meets the rationale and objectives of its origination. The study would include, but not be limited to, an examination of whether there is a duplication of judicial administrative functions and practices and whether there is a need to establish the same job qualification requirements for trial court judges regardless of court level.

Testimony in support of this measure was submitted by the Department of the Prosecuting Attorney of the City and County of Honolulu.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 68 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee except Representatives Takamine and Yoshimura.

SCRep. 1572 Judiciary on H.C.R. No. 56

The purpose of this concurrent resolution is to request that the Legislative Reference Bureau study the feasibility of merging Hawaii's two trial court system.

This study would evaluate the Hawaii trial court system as it functions presently and whether Hawaii's trial court system meets the rationale and objectives of its origination. The study would include, but not be limited to, an examination of whether there is a duplication of judicial administrative functions and practices and whether there is a need to establish the same job qualification requirements for trial court judges regardless of court level.

Testimony in support of this measure was submitted by the Department of the Prosecuting Attorney of the City and County of Honolulu.

Your Committee on Judiciary concurs with the intent and purpose of H.C.R. No. 56 and recommends that it be referred to the Committee on Legislative Management.

Signed by all members of the Committee except Representatives Takamine and Yoshimura.

SCRep. 1573 Judiciary on H.R. No. 350

The purpose of this resolution is to request that the Governor establish a task force of representatives from executive agencies to examine the feasibility of creating a central panel of hearings officers independent of the respective State agencies who are involved in disputes.

Supporting testimony was received from the Department of the Attorney General, the Department of Commerce and Consumer Affairs, the Department of Human Services, the University of Hawaii Professional Assembly and the Committee on Welfare Concerns.

Your Committee finds that hearings officers are employed by governmental agencies that are parties to the proceedings and have a direct interest in the outcome. The placement of all hearings officers into a separate State agency may address the concerns of those who perceive an impropriety under the current method of organization. A central panel of hearing officers could foster more public confidence in the fairness of administrative adjudication.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 350 and recommends its adoption.

Signed by all members of the Committee except Representative Takamine and Yoshimura.

SCRep. 1574 Judiciary on H.C.R. No. 331

The purpose of this resolution is to request that the Governor establish a task force of representatives from executive agencies to examine the feasibility of creating a central panel of hearings officers independent of the respective State agencies who are involved in disputes.

Supporting testimony was received from the Department of the Attorney General, the Department of Commerce and Consumer Affairs, the Department of Human Services, the University of Hawaii Professional Assembly and the Committee on Welfare Concerns.

Your Committee finds that hearings officers are employed by governmental agencies that are parties to the proceedings and have a direct interest in the outcome. The placement of all hearings officers into a separate State agency may address the concerns of those who perceive an impropriety under the current method of organization. A central panel of hearing officers could foster more public confidence in the fairness of administrative adjudication.

Your Committee on Judiciary concurs with the intent and purpose of H.C.R. No. 331 and recommends its adoption.

Signed by all members of the Committee except Representatives Takamine and Yoshimura.

SCRep. 1575 Judiciary on H.R. No. 365

The purpose of this resolution is to request the Department of the Attorney General to study innovative programs implemented in other states to collect delinquent child support payments.

In response to federal legislation, Chapter 576D, Hawaii Revised Statutes, established the State's child support enforcement program administered by the Child Support Enforcement Agency (CSEA) of the Department of the Attorney General.

According to a 1989 Legislative Auditor's report, the psychological development and adjustment of children was significantly associated with adequate, stable child support. Delays and nonpayments of child support seriously affect the health and welfare of children and cause distress and frustration to their families.

Any aid to the CSEA that will increase the effectiveness of their enforcement of child support would benefit the children and families involved. Other states have instituted vigorous and innovative new methods of collecting delinquent child support payments such as employing credit agencies, publicizing obligor lists, ordering property liens, and pursuing incarceration. The feasibility and applicability of new programs in improving Hawaii's child support payment enforcement needs to be studied.

Your Committee finds that an automated system which meets federal requirements for comprehensiveness and compatibility with other state systems would decrease delays in payment and enhance efforts at child enforcement through better communication. The automated system would also enable the CSEA to meet eligibility requirements for 90% federal funding. Therefore, your Committee has amended the resolution to include an explanation of the benefits of an automated system approved by the federal government and to request the Department of the Attorney General to seek, evaluate and assess automated systems.

Your Committee on Judiciary 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, HD 1.

Signed by all members of the Committee except Representatives Takamine and Yoshimura.

SCRep. 1576 Judiciary on H.C.R. No. 340

The purpose of this concurrent resolution is to request the Department of the Attorney General to study innovative programs implemented in other states to collect delinquent child support payments.

In response to federal legislation, Chapter 576D, Hawaii Revised Statutes, established the State's child support enforcement program administered by the Child Support Enforcement Agency (CSEA) of the Department of the Attorney General.

According to a 1989 Legislative Auditor's report, the psychological development and adjustment of children was significantly associated with adequate, stable child support. Delays and nonpayments of child support seriously affect the health and welfare of children and cause distress and frustration to their families.

Any aid to the CSEA that will increase the effectiveness of their enforcement of child support would benefit the children and families involved. Other states have instituted vigorous and innovative new methods of collecting delinquent child support payments such as employing credit agencies, publicizing obligor lists, ordering property liens, and pursuing incarceration. The feasibility and applicability of new programs in improving Hawaii's child support payment enforcement needs to be studied.

Your Committee finds that an automated system which meets federal requirements for comprehensiveness and compatibility with other state systems would decrease delays in payment and enhance efforts at child enforcement through better communication. The automated system would also enable the CSEA to meet eligibility requirements for 90% federal funding. Therefore, your Committee has amended the concurrent resolution to include an explanation of the benefits of an automated system approved by the federal government and to request the Department of the Attorney General to seek, evaluate and assess automated systems.

Your Committee on Judiciary concurs with the intent and purpose of H.C.R. No. 340, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 340, HD 1.

Signed by all members of the Committee except Representatives Takamine and Yoshimura.

SCRep. 1577 Health and Higher Education and the Arts on H.C.R. No. 313

The purpose of this concurrent resolution is to request the Hawaii State Legislature's support of the Hawaii Cancer Pain Initiative.

Testimony was presented in support of the measure from the University of Hawaii, Kapiolani Medical Center for Women and Children, and the Queen's Medical Center Cancer Institute. No testimony was presented in opposition of the measure.

Your Committees find that approximately 70% of all cancer patients experience intense pain during their bout with the disease. Pain among cancer patients is unlike other pain witnessed by health care providers. Exposing students to curriculum about cancer related pain will help to alleviate the suffering of cancer patients during an already trying time.

Your Committees on Health and Higher Education and the Arts concur with the intent and purpose of H.C.R. No. 313 and recommend its adoption.

Signed by all members of the Committees except Representative Horita.

SCRep. 1578 Health and Human Services on H.C.R. No. 89

The purpose of this concurrent resolution is to urge the Department of Health, working in conjunction with the Department of Human Services, to address the difficulties which providers of child care encounter in meeting licensing requirements relating to preparing and serving food and to prepare a report to the Legislature summarizing the progress made in alleviating those difficulties.

The Department of Health, the Office of Children and Youth, the Department of Human Services, and the Honolulu Community Action Program, Inc. testified in support of this concurrent resolution.

According to that testimony standards for restaurants and other commercial kitchens are currently being applied inappropriately. For example, at Head Start sites breakfast snacks and lunches are prepared which require little or no cooking. Even so, the standards now being applied require compartmentalized hot and cold water sinks in the classrooms.

Your Committees on Health and Human Services are in accord with the intent and purpose of H.C.R. No. 89 and recommend its adoption.

Signed by all members of the Committees except Representatives Arakaki and Isbell.

SCRep. 1579 Health on H.C.R. No. 291

The purpose of this concurrent resolution, as received, is to urge the State's first responder professional organizations to coordinate their funding requests for development and implementation of occupational exposure curricula and training.

Testimony was received in favor of the measure from the Department of Health, the Honolulu Police Department, the Honolulu Fire Department, the Governor's Task Force on Occupational Exposure, and the Governor's Committee on AIDS (GCA).

Several items were brought up during the question phase of the hearing which have been incorporated into HD1 of the concurrent resolution as follows:

- (1) In order to insure action on the concurrent resolution, the title and intent of the concurrent resolution have been amended to:

"REQUESTING THE GOVERNOR'S COMMITTEE ON AIDS TO STUDY AND REPORT ON THE STATE'S FIRST RESPONDER PROFESSIONAL ORGANIZATIONS' EFFORTS TO COORDINATE THEIR FUNDING REQUESTS FOR DEVELOPMENT AND IMPLEMENTATION OF OCCUPATIONAL EXPOSURE CURRICULA AND TRAINING.
- (2) The GCA report has been given direction to insure that specific items of concern will be addressed as follows:
 - (A) Suggest requests for state and county funding with the objective of developing uniform state-of-the-art educational programs on occupational exposure to HIV and HBV for their members as well as obtaining adequate funding for necessary safety equipment;
 - (B) How these organizations may be able to share their occupational exposure curricula with each other in order to ensure consistent and up-to-date worker education;
 - (C) What efforts are being taken to ensure the distribution of the occupational exposure employee "Bill of Rights" to every person related to health care or susceptible to occupational exposure;
 - (D) What is the current level of time and curricula given to these programs, by county; and
 - (E) Understanding that staff time and curricula development uses current budget allotments, what is the total amount of budget expenditures being allocated by the first responder organizations, by county.

Your Committee on Health 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, HD 1.

Signed by all members of the Committee except Representatives Chun, Peters and Tom.

SCRep. 1580 Health on H.C.R. No. 307

The purpose of this concurrent resolution is

- (1) to request the Governor to reestablish the commission on population stabilization that was created by the State Legislature in 1970,
- (2) to request the State to implement recommendations made by two earlier commissions that focused on issues relating to population growth, and
- (3) to urge the reestablished commission to explore new methods of stabilizing population growth, including the imposition of ceilings on the number of private passenger vehicles permitted in the State.

Zero Population Growth, the Hawaii Audubon Society, Citizen Action Hawaii, and several individuals presented testimony in support of this concurrent resolution. That testimony described in great detail the diverse ways in which the growth of Hawaii's population and the concomitant exploitation of its natural resources adversely affect its physical environment and ecosystems, and the quality of life of its residents.

The Office of State Planning, under whose auspices this concurrent resolution would place the commission on population stabilization, testified that it is concerned that the slowing of population growth, a process which it believes already to be occurring, will result in an aging population, labor shortages, and declining economic growth. It questioned the assumption that further slowing population growth by reestablishing the commission would address such problems.

Your Committee finds that the concerns expressed in this concurrent resolution are well founded and envisions the proposed commission as a working group that would provide an excellent forum for ongoing dialogue about population growth, its many implications, and the associated policy issues.

As amended by your Committee this concurrent resolution:

- (1) requests the Governor "to take steps to cope with population growth" and
- (2) requests the State to consider the recommendations made by the original commission.

Your Committee on Health concurs with the intent and purpose of H.C.R. No. 307, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 307, HD 1.

Signed by all members of the Committee except Representatives Chun, Peters and Tom.

SCRep. 1581 Higher Education and the Arts on H.R. No. 103

The purpose of this resolution is to request the University of Hawaii to name the UH-Hilo baseball field after George and Marion Hall.

George and Marion Hall have made significant contributions not only to the UH-Hilo community, but also to the Hilo community as well. George Hall was the first Athletic Director for UH-Hilo and carried out his duties for the position on a volunteer basis. He and his wife also contributed time and money for athletic scholarships and were charter members of the "Vulcan" Booster Club. Your Committee finds that naming the UH-Hilo baseball field after the Halls is a fitting and long standing tribute to two deserving people.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.R. No. 103 and recommends its adoption.

Signed by all members of the Committee except Representatives Fukunaga and Horita.

SCRep. 1582 Higher Education and the Arts on H.C.R. No. 93

The purpose of this concurrent resolution is to request the University of Hawaii to name the UH-Hilo baseball field after George and Marion Hall.

George and Marion Hall have made significant contributions not only to the UH-Hilo community, but also to the Hilo community as well. George Hall was the first Athletic Director for UH-Hilo and carried out his duties for the position on a volunteer basis. He and his wife also contributed time and money for athletic scholarships and were charter members of the "Vulcan" Booster Club. Your Committee finds that naming the UH-Hilo baseball field after the Halls is a fitting and long standing tribute to two deserving people.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of H.C.R. No. 93 and recommends its adoption.

Signed by all members of the Committee except Representative Fukunaga.

SCRep. 1583 Judiciary and Water, Land Use and Hawaiian Affairs on H.R. No. 114

The purpose of the resolution is to request the Department of Land and Natural Resources to dedicate 100 acres of State land to establish a West Hawaii Veterans' Memorial Park in Puu O'O North Kona.

Veterans of the United States armed services have cemeteries dedicated exclusively for them because of the services they have performed for the country. Presently, the main site for the interment of veterans on the island of Hawaii is in Hilo. People living in Kona who are relatives and friends of deceased veterans are forced to drive long hours to visit the graves of their loved ones.

Testimony supporting this resolution was submitted by the Department of Land and Natural Resources and the Office of Veterans Services. The Department of Land and Natural Resources recommended the dedication of the land be via a Governor's set aside executive order to the County of Hawaii and that the County of Hawaii manage and control the area to establish a West Hawaii Veterans' Memorial Park.

Your Committee finds that the establishment of a veterans' cemetery in North Kona will be a great convenience and comfort for people wishing to visit friends and relatives who have contributed their lives for their country. Your Committee has adopted the recommendations of the Department of Land and Natural Resources and has amended the resolution to reflect that the responsibility for manage and control of the land be on the County of Hawaii.

Your Committees on Judiciary and Water, Land Use and Hawaiian Affairs concur with the intent and purpose of H.R. No. 114, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 114, HD 1.

Signed by all members of the Committees except Representatives Bunda, Hirono, D. Ige, Stegmaier, Takamine, Yoshimura, O'Kieffe, Thielen and Ward.

SCRep. 1584 Judiciary and Water, Land Use and Hawaiian Affairs on H.C.R. No. 106

The purpose of the concurrent resolution is to request the Department of Land and Natural Resources to dedicate 100 acres of State land to establish a West Hawaii Veterans' Memorial Park in Puu O'O North Kona.

Veterans of the United States armed services have cemeteries dedicated exclusively for them because of the services they have performed for the country. Presently, the main site for the interment of veterans on the island of Hawaii is in Hilo. People living in Kona who are relatives and friends of deceased veterans are forced to drive long hours to visit the graves of their loved ones.

Testimony supporting this concurrent resolution was submitted by the Department of Land and Natural Resources and the Office of Veterans Services. The Department of Land and Natural Resources recommended the dedication of the land be via a Governor's set aside executive order to the County of Hawaii and that the County of Hawaii manage and control the area to establish a West Hawaii Veterans' Memorial Park.

Your Committee finds that the establishment of a veterans' cemetery in North Kona will be a great convenience and comfort for people wishing to visit friends and relatives who have contributed their lives for their country. Your Committee has adopted the recommendations of the Department of Land and Natural Resources and has amended the concurrent resolution to reflect that the responsibility for manage and control of the land be on the County of Hawaii.

Your Committees on Judiciary and Water, Land Use and Hawaiian Affairs 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, HD 1.

Signed by all members of the Committees except Representatives Bunda, Hirono, D. Ige, Stegmaier, Takamine, Yoshimura, O'Kieffe, Thielen and Ward.

SCRep. 1585 Judiciary and Transportation on H.C.R. No. 332

The purpose of this concurrent resolution is to:

- (1) Reject the federal mandate requiring states to revoke the driver's licenses of drug offenders; and
- (2) Provide written certification that the State Legislature is opposed to the enactment of a State mandatory driver's license revocation law.

The latest federal mandate requires that states revoke the driver's license of all convicted drug offenders or be subject to losing part of their federal highway funds. However, a state will not lose its federal highway funds if both the Governor and the State Legislature provide written certification that they are opposed to the enactment of a mandatory driver's license revocation law.

Testimony in support of this measure was submitted by the Department of Attorney General and the American Civil Liberties Union.

Your Committees on Judiciary and Transportation are in accord with the intent and purpose of H.C.R. No. 332 and recommend its adoption.

Signed by all members of the Committees except Representatives Hiraki, Hirono, Horita, Takamine, Tam, Yoshimura and Ward.

SCRep. 1586 Judiciary and Human Services on H.C.R. No. 165

The purpose of this concurrent resolution is to request a study of the effect of merging the child abuse and child protection laws, chapters 350 and 587, Hawaii Revised Statutes, into one comprehensive law.

Testimony was received from the Department of Human Services and several individuals.

Your Committee finds that children hold a special place in the law, as it is generally recognized that they constitute a particularly vulnerable class of people and therefore require additional protection from themselves and from adults. Your Committee also finds that the child abuse and child protection laws overlap in certain areas, and to the extent they overlap, confusion and inconsistencies are created that make the laws harder to administer.

Your Committees on Judiciary and Human Services concur with the intent and purpose of H.C.R. No. 165 and recommend that it be referred to the Committee on Legislative Management.

Signed by all members of the Committees except Representatives Chun, Duldulao, Hirono, Shon, Takamine, Tom, Yoshimura, Tatibouet, Thielen and Ward.

SCRep. 1587 Judiciary on H.C.R. No. 183

The purpose of this concurrent resolution is to request the Governor and the Legislature to honor and reaffirm their commitment to the principles in the Bill of Rights as part of the bicentennial celebration of the ratification of the Bill of Rights.

Testimony in support of this concurrent resolution was received from the American Civil Liberties Union (ACLU).

Your Committee finds that the purpose of the Bill of Rights is to protect certain individual rights even though the majority may not agree with them. Adoption of this concurrent resolution will help the public to focus attention on the Bill of Rights and to give serious thought to what it means to them, to our way of life, and to our future.

This concurrent resolution was amended by making technical nonsubstantive amendments for the purposes of style and clarity.

Your Committee on Judiciary concurs with the intent and purpose of H.C.R. No. 183, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 183, HD 1.

Signed by all members of the Committee except Representatives Bainum, Oshiro, Takamine, Yoshimura and Thielen.

SCRep. 1588 Judiciary on H.C.R. No. 85

The purpose of this concurrent resolution is to request that "shoeless" Joe Jackson be exonerated from conspiring to throw the 1919 World Series and that he be considered for admission into the National Baseball Hall of Fame.

Testimony in support of this measure was received from several individuals. Your Committee finds that the accusation that Jackson played to lose in the 1919 games is subject to considerable scrutiny because of his remarkable winning performance in the World Series. In the 1919 World Series, Jackson scored more hits than any player on either team as well as driving in six runs and scoring five, making his involvement in the "Black Sox scandal" highly questionable. Jackson was acquitted of all charges of conspiracy in the 1919 World Series by juries in both criminal and civil courts but he was still barred from ever playing professional baseball. Restoring Jackson as a member of good standing in baseball would be an honor to Jackson's career.

Your Committee on Judiciary concurs with the intent and purpose of H.C.R. No. 85 and recommends its adoption.

Signed by all members of the Committee except Representatives Bainum, Oshiro, Takamine, Yoshimura, Thielen and Ward.

SCRep. 1589 Judiciary and Intergovernmental Relations and International Affairs on H.C.R. No. 255

The purpose of this concurrent resolution is to urge state and county governments to publish public hearing notices on matters affecting the interests of neighbor island residents in appropriate neighbor island newspapers.

Supportive testimony was submitted by the Board of Water Supply.

Your Committees find that:

- (1) Public participation in government serves as the foundation of a Democratic society;
- (2) Residents of the neighbor islands are often unaware of public hearings or proposed governmental action that may directly affect their rights, communities, and counties; and
- (3) The publishing of public hearing notices in neighbor island newspapers would significantly promote public participation in government, enhance the awareness of neighbor island residents with regard to pertinent issues, and promote open government in the State of Hawaii.

Your Committees have amended this concurrent resolution by deleting references to the State Democratic Party. Technical, nonsubstantive amendments were also made for the purposes of clarity and style.

Your Committees on Judiciary and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.C.R. No. 255, as amended herein, and recommend that it be referred to the Committee on Finance in the form attached hereto as H.C.R. No. 255, HD 1.

Signed by all members of the Committees except Representatives Hashimoto, Horita, Takamine, Tam, Yoshimura and Thielen.

SCRep. 1590 Judiciary and Intergovernmental Relations and International Affairs on H.C.R. No. 150

The purpose of this concurrent resolution is to request Congress to amend the law prohibiting the duplication of veterans' benefits to enable disabled military retirees to receive service-connected disability compensation and longevity retired pay without a deduction from the latter.

Testimony in support of this measure was received from the Disabled American Veterans and the Office of Veterans Services.

Your Committee finds that military retirees are subject to a dollar-for-dollar offset of military retired pay when the retiree also receives service related disability compensation. A non-military retiree who receives disability compensation does not suffer any reduction of non-military retirement which results in an inequity to military retirees.

Your Committees on Judiciary and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.C.R. No. 150, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 150, HD 1.

Signed by all members of the Committees except Representatives Hashimoto, Horita, Takamine, Tam, Yoshimura and Thielen.

SCRep. 1591 Judiciary and Intergovernmental Relations and International Affairs on H.C.R. No. 70

The purpose of this concurrent resolution is to urge the President of the United States and the United States Congress to oppose the benefit-cutting proposals made to the Department of Veterans Affairs (DVA) as a cost-reduction measure.

The Secretary of Veterans Affairs appointed a Compensation Reform Committee (committee) to reduce costs within the DVA. The committee was instructed to use a report by the General Accounting Office as a guide to reduce costs. Without a public hearing, the committee prepared a report which concluded that a severe cutting of eligibility and restriction of current benefits would ultimately cut costs within the DVA. These cutbacks, however, would impose severe financial and other compensational injuries to the gallant men and women who served their country as well as their survivors.

Testimony in support of this measure was submitted by the Department of Defense and a private citizen.

Your Committees on Judiciary and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.C.R. No. 70 and recommend its adoption.

Signed by all members of the Committees except Representatives Hashimoto, Horita, Takamine, Tam, Yoshimura and Thielen.

SCRep. 1592 Consumer Protection and Commerce on H.C.R. No. 355

The purpose of this concurrent resolution is to urge the Hawaii Insurer's Council to provide motor vehicle insurance information to consumers, including developing, printing, and distributing informational brochures relating to motor vehicle insurance.

Supportive testimony was submitted by the Insurance Division of the Department of Commerce and Consumer Affairs (Insurance Division), the Hawaii Independent Insurance Agents Association (HIIA), and the Hawaii Insurers' Council (Insurers' Council).

Your Committee finds that:

- (1) There is a need for consumer education on insurance issues, especially with regard to no-fault insurance;
- (2) A cooperative effort by the Insurance Division, HIIA, and the Insurers' Council would significantly augment the provision of consumer information to the public;
- (3) Despite limitations with regard to fiscal and human resources, the Insurance Division, HIIA, and the Insurers' Council have indicated a willingness to further the objective of keeping consumers better informed; and
- (4) Brochures and other informational mechanisms should be issued under the auspices of the Insurance Division to ensure that the information is perceived by consumers to carry the full credibility and authority of the State.

In keeping with the aforementioned findings, your Committee has amended this concurrent resolution, including its title, by requesting that consumer information be provided under the direction of the Insurance Division of the Department of Commerce and Consumer Affairs, in conjunction with the Hawaii Insurers' Council and the Hawaii Independent Insurance Agents Association.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.C.R. No. 355, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 355, HD 1.

Signed by all members of the Committee.

SCRep. 1593 Consumer Protection and Commerce and Health on H.C.R. No. 274 (Majority)

The purpose of this concurrent resolution is to request the Legislative Auditor to assess the social and financial impact, pursuant to Section 23-51, Hawaii Revised Statutes (HRS), of requiring health insurance carriers to compensate policyholders for transportation costs incurred from neighbor islands to medical facilities and service providers on Oahu.

Specifically, the Legislative Auditor is requested to:

- (1) Study the policy considerations and rationale used by the health insurance industry in refusing to provide travel compensation to policyholders;
- (2) Determine the criteria to be used in resolving who would receive compensation for travel costs;
- (3) Assess the total costs on the health insurance industry for the provision of added benefits; and
- (4) Appraise the foreseen increases in premium rates to policyholders exacerbated from the provision of added benefits.

Testimony was submitted by the Department of Health, and the Hawaii Medical Service Association.

Your Committees find that:

- (1) A Blue Ribbon Panel on the Future of Health Care has recently been established by the Governor to assess the provision of health care services in Hawaii as well as determine the future health care needs of the

general public and that it is more appropriate for this Panel to assess the issues in this concurrent resolution than the Legislative Auditor; and

- (2) The issue of health insurance premiums and benefits with regard to interisland travel costs should be addressed by the Governor's task force.

Accordingly, your Committees have amended this concurrent resolution by requesting that the Governor's Blue Ribbon Panel on the Future of Health Care in Hawaii study the feasibility of requiring health insurance carriers to compensate policyholders for transportation costs. The title of the measure was also revised to reflect the new emphasis and objective, and reads as follows:

"HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR'S BLUE RIBBON PANEL ON THE FUTURE OF HEALTH CARE IN HAWAII TO STUDY THE FEASIBILITY OF REQUIRING HEALTH INSURANCE CARRIERS TO COMPENSATE POLICYHOLDERS FOR TRANSPORTATION COSTS."

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

Your Committees on Consumer Protection and Commerce and Health concur with the intent and purpose of H.C.R. No. 274, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 274, HD 1.

Signed by all members of the Committees.
(Representatives Tatibouet and Ward did not concur.)

SCRep. 1594 Consumer Protection and Commerce and Higher Education and the Arts on H.C.R. No. 353

The purpose of this concurrent resolution is to urge the cable television industry not to pass on additional franchise fees to subscribers in the form of higher rates if such fees are assessed to support local productions by Hawaii Public Television.

Your Committees heard testimony from Department of Commerce and Consumer Affairs (DCCA), Hawaii Cable Television Association, and Community Television Producers Association.

Federal law prohibits state regulation of rates charged by cable companies in most areas, and explicitly gives cable operators the right to pass on to consumers the amount of any franchise fees assessed on the operators and to line-item the amount of the fees on subscriber's bills, regardless of whether or not such a "pass on" is necessary. While there is legislation pending in Congress to return rate regulatory authority to the states, the State currently has no authority to limit or review rates charged to consumers to ensure that the rates are fair and reasonable. Your Committees were informed that DCCA's analysis of Hawaii's cable companies indicate that they are currently earning a fair rate of return, obviating the need to pass on any franchise fee increases to their subscribers. However, because there is no mechanism for the state to prevent a "pass on" to subscribers, your Committees believe it appropriate to request the companies to refrain from such a "pass on," in view of DCCA's analysis.

Your Committees have amended this concurrent resolution to reiterate legislative support for rate regulation by the state and to clarify that although DCCA may charge cable companies five per cent (5%) of their gross revenues, they currently only charge three and a half per cent (3.5%) of gross revenues at present, on the island of Oahu.

Your Committees on Consumer Protection and Commerce and Higher Education and the Arts are in accord with the intent and purpose of H.C.R. No. 353, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 353, HD 1.

Signed by all members of the Committees except Representative Horita.

SCRep. 1595 Consumer Protection and Commerce and Health on H.C.R. No. 49

The purpose of this concurrent resolution is to request that the Department of Commerce and Consumer Affairs, which is the licensing body for professional physical therapists, develop administrative rules and prepare amendments to Hawaii Revised Statutes to include physical therapy assistants.

Your Committees heard testimony from the Department of Commerce and Consumer Affairs (DCCA) and the Hawaii State Department of Health supporting the intent of this concurrent resolution, but expressing reservations about the form that regulations in this area should take. Supporting testimony was heard from Kapiolani Community College, Kapiolani Medical Center for Women and Children, the American Physical Therapy Association, and two physical therapy assistants.

Currently DCCA is adopting administrative rules regarding physical therapy assistants (PTAs) and, therefore, your Committees have amended this concurrent resolution to request that DCCA continue this process. In addition, your Committees note that the concurrent resolution requests licensing of PTAs under the Hawaii Revised Statutes, and licensure of a group heretofore unlicensed or unregulated cannot be done until there is a sunrise review by the Legislative Auditor. Accordingly, your Committees have amended the concurrent resolution to request such a review and made further amendments to make clear that the issue of whether or not licensure is appropriate has not been prejudged.

Your Committees on Consumer Protection and Commerce and Health concur with the intent and purpose of H.C.R. No. 49, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 49, HD 1.

Signed by all members of the Committees.

SCRep. 1596 Consumer Protection and Commerce and Health on H.C.R. No. 23

The purpose of this concurrent resolution is to request the Department of Health to review the State Health Insurance Program (SHIP).

Presently, the program in its first year has serviced over eleven thousand residents, but there is a need to streamline the program for applicants faced with a medical emergency.

Your Committees heard supporting testimony from the Department of Health.

Your Committees on Consumer Protection and Commerce and Health are in accord with the intent and purpose of H.C.R. No. 23, and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1597 Labor and Public Employment and Intergovernmental Relations and International Affairs on H.C.R. No. 62

The purpose of this concurrent resolution is to request all private and government bodies in the State to reevaluate any rules they may have that prohibit employees from working at home and to encourage them to adopt policies allowing employees to work from their homes.

Testimony in support of the intent of this measure was submitted by the Department of Labor and Industrial Relations, the Department of Personnel Services, the State Commission on Employment and Human Resources, and concerned citizens.

Your Committees recognize that there are individuals living in condominiums who operate home-based businesses or participate in teleworking programs to, among other things, help alleviate traffic congestion and reduce fuel consumption. Yet some of these individuals are warned by their landlords that they may be violating the terms of their lease because they choose to work from their homes.

Perhaps comments and recommendations from the Real Estate Commission, the Condominium Specialist at the Department of Commerce and Consumer Affairs, the Honolulu Board of Realtors, and the Hawaii Council of Association of Apartment Owners would be helpful in preventing potential impediments to teleworking in Hawaii.

At the same time, your Committees find that there are other problems associated with teleworking, such as feelings of loneliness or isolation, the misconception that teleworking is a panacea for childcare problems, the inability of labor unions to protect workers from possible managerial abuses, and the inability of managers to supervise and direct the work of employees who are working at home.

Although teleworking experiments in the State have proven successful, further study is needed before employers will be able to institute successful teleworking policies on a large scale. Therefore, your Committees have amended this measure to request the Legislative Reference Bureau, working in conjunction with the Department of Labor and Industrial Relations, the Department of Personnel Services, and the Mayors of each county, to conduct a study to identify any existing or potential barriers that may prohibit employees from working at home. This study should also recommend policies to address any existing or potential barriers that may discourage employers from offering employees the opportunity to participate in telecommuting programs.

Accordingly, the title of this measure has been amended to: "REQUESTING A STUDY TO ENCOURAGE PUBLIC AND PRIVATE EMPLOYERS TO ADOPT TELEWORK POLICIES ALLOWING EMPLOYEES TO WORK AT HOME."

In addition, this measure has been amended to transmit a certified copy to the Director of the Legislative Reference Bureau. Other technical, nonsubstantive amendments have also been made for the purposes of style and clarity.

It is the intent of your Committees that the Legislative Reference Bureau also consult with labor unions and other organizations that could assist in identifying impediments to teleworking, such as the Chamber of Commerce of Hawaii, the Hawaii Federation of Independent Businesses, and Small Business Hawaii. Your Committees would also recommend that in conducting this study, the Legislative Reference Bureau review public sector civil service rules as a starting point in identifying potential impediments to implementing telework policies.

Your Committees on Labor and Public Employment and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.C.R. No. 62, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 62, HD 1.

Signed by all members of the Committees.

SCRep. 1598 Labor and Public Employment on H.C.R. No. 248

The purpose of this concurrent resolution is to request the Public Employees Health Fund in consultation with the Department of Personnel Services to conduct a study on the financial and social costs of including State emergency hires under the Public Employees Health Fund.

Your Committee notes that in numerous cases, emergency and temporary hires are renewed from period to period until the necessary staffing situation is resolved. However, these special hires are not considered regular work force employees, therefore, they are unable to obtain health insurance coverage under the Hawaii Public Employees Health Fund.

Your Committee received testimony in support of this measure, including testimony from the Hawaii State Department of Health. Your Committee concurs with the Department that health insurance benefits should be made available to all of Hawaii's residents.

Your Committee has amended this concurrent resolution by deleting the substance and inserting the provisions of HCR No. 282.

To reflect this change, the title of this concurrent resolution has been changed to: "REQUESTING A STUDY ON THE FINANCIAL AND SOCIAL COSTS OF INCLUDING STATE AND COUNTY EMERGENCY AND SHORT TERM HIRES UNDER THE PUBLIC HEALTH INSURANCE PROGRAM."

Your Committee on Labor and Public Employment concurs with the intent and purpose of H.C.R. No. 248, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 248, HD 1.

Signed by all members of the Committee.

SCRep. 1599 Consumer Protection and Commerce on H.R. No. 384

The purpose of this resolution is to urge the Hawaii Insurer's Council to provide motor vehicle insurance information to consumers, including developing, printing, and distributing informational brochures relating to motor vehicle insurance.

Supportive testimony was submitted by the Insurance Division of the Department of Commerce and Consumer Affairs (Insurance Division), the Hawaii Independent Insurance Agents Association (HIIA), and the Hawaii Insurers' Council (Insurers' Council).

Your Committee finds that:

- (1) There is a need for consumer education on insurance issues, especially with regard to no-fault insurance;
- (2) A cooperative effort by the Insurance Division, HIIA, and the Insurers' Council would significantly augment the provision of consumer information to the public;
- (3) Despite limitations with regard to fiscal and human resources, the Insurance Division, HIIA, and the Insurers' Council have indicated a willingness to further the objective of keeping consumers better informed; and
- (4) Brochures and other informational mechanisms should be issued under the auspices of the Insurance Division to ensure that the information is perceived by consumers to carry the full credibility and authority of the State.

In keeping with the aforementioned findings, your Committee has amended this resolution, including its title, by requesting that consumer information be provided under the direction of the Insurance Division of the Department of Commerce and Consumer Affairs, in conjunction with the Hawaii Insurers' Council and the Hawaii Independent Insurance Agents Association.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of H.R. No. 384, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 384, HD 1.

Signed by all members of the Committee.

SCRep. 1600 Consumer Protection and Commerce and Health on H.R. No. 61

The purpose of this resolution is to request that the Department of Commerce and Consumer Affairs, which is the licensing body for professional physical therapists, develop administrative rules and prepare amendments to Hawaii Revised Statutes to include physical therapy assistants.

Your Committees heard testimony from the Department of Commerce and Consumer Affairs (DCCA) and the Hawaii State Department of Health supporting the intent of this resolution, but expressing reservations about the form that regulations in this area should take. Supporting testimony was heard from Kapiolani Community College, Kapiolani Medical Center for Women and Children, the American Physical Therapy Association, and two physical therapy assistants.

Currently, DCCA is adopting administrative rules regarding physical therapy assistants (PTAs) and, therefore, your Committees have amended this resolution to request that DCCA continue this process. In addition, your Committees note that the resolution requests licensing of PTAs under the Hawaii Revised Statutes, and licensure of a group heretofore unlicensed or unregulated cannot be done until there is a sunrise review by the Legislative Auditor. Accordingly, your

Committees have amended the resolution to request such a review and made further amendments to make clear that the issue of whether or not licensure is appropriate has not been prejudged.

Your Committees on Consumer Protection and Commerce and Health concur with the intent and purpose of H.R. No. 61, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 61, HD 1.

Signed by all members of the Committees.

SCRep. 1601 Consumer Protection and Commerce and Health on H.R. No. 31

The purpose of this resolution is to request the Department of Health to review the State Health Insurance Program (SHIP).

Presently, the program in its first year has serviced over eleven thousand residents, but there is a need to streamline the program for applicants faced with a medical emergency.

Your Committees heard supporting testimony from the Department of Health.

Your Committees on Consumer Protection and Commerce and Health are in accord with the intent and purpose of H.R. No. 31, and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1602 Consumer Protection and commerce and Higher Education and the Arts on H.R. No. 382

The purpose of this resolution is to urge the cable television industry not to pass on additional franchise fees to subscribers in the form of higher rates if such fees are assessed to support local productions by Hawaii Public Television.

Your Committees heard testimony from Department of Commerce and Consumer Affairs (DCCA), Hawaii Cable Television Association, and Community Television Producers Association.

Federal law prohibits state regulation of rates charged by cable companies in most areas, and explicitly gives cable operators the right to pass on to consumers the amount of any franchise fees assessed on the operators and to line-item the amount of the fees on subscriber's bills, regardless of whether or not such a "pass on" is necessary. While there is legislation pending in Congress to return rate regulatory authority to the states, the State currently has no authority to limit or review rates charged to consumers to ensure that the rates are fair and reasonable. Your Committees were informed that DCCA's analysis of Hawaii's cable companies indicate that they are currently earning a fair rate of return, obviating the need to pass on any franchise fee increases to their subscribers. However, because there is no mechanism for the state to prevent a "pass on" to subscribers, your Committees believe it appropriate to request the companies to refrain from such a "pass on," in view of DCCA's analysis.

Your Committees have amended this resolution to reiterate legislative support for rate regulation by the state and to clarify that although DCCA may charge cable companies five per cent (5%) of their gross revenues, they currently only charge three and a half per cent (3.5%) of gross revenues at present, on the island of Oahu.

Your Committees on Consumer Protection and Commerce and Higher Education and the Arts are in accord with the intent and purpose of H.R. No. 382, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 382, HD 1.

Signed by all members of the Committees except Representative Horita.

SCRep. 1603 Labor and Public Employment and Intergovernmental Relations and International Affairs on H.R. No. 74

The purpose of this resolution is to request all private and government bodies in the State to reevaluate any rules they may have that prohibit employees from working at home and to encourage them to adopt policies allowing employees to work from their homes.

Testimony in support of the intent of this measure was submitted by the Department of Labor and Industrial Relations, the Department of Personnel Services, the State Commission on Employment and Human Resources, and concerned citizens.

Your Committees recognize that there are individuals living in condominiums who operate home-based businesses or participate in teleworking programs to, among other things, help alleviate traffic congestion and reduce fuel consumption. Yet some of these individuals are warned by their landlords that they may be violating the terms of their lease because they choose to work from their homes.

Perhaps comments and recommendations from the Real Estate Commission, the Condominium Specialist at the Department of Commerce and Consumer Affairs, the Honolulu Board of Realtors, and the Hawaii Council of Association of Apartment Owners would be helpful in preventing potential impediments to teleworking in Hawaii.

At the same time, your Committees find that there are other problems associated with teleworking, such as feelings of loneliness or isolation, the misconception that teleworking is a panacea for childcare problems, the inability of labor

unions to protect workers from possible managerial abuses, and the inability of managers to supervise and direct the work of employees who are working at home.

Although teleworking experiments in the State have proven successful, further study is needed before employers will be able to institute successful teleworking policies on a large scale. Therefore, your Committees have amended this measure to request the Legislative Reference Bureau, working in conjunction with the Department of Labor and Industrial Relations, the Department of Personnel Services, and the Mayors of each county, to conduct a study to identify any existing or potential barriers that may prohibit employees from working at home. This study should also recommend policies to address any existing or potential barriers that may discourage employers from offering employees the opportunity to participate in telecommuting programs.

Accordingly, the title of this measure has been amended to: "REQUESTING A STUDY TO ENCOURAGE PUBLIC AND PRIVATE EMPLOYERS TO ADOPT TELEWORK POLICIES ALLOWING EMPLOYEES TO WORK AT HOME."

In addition, this measure has been amended to transmit a certified copy to the Director of the Legislative Reference Bureau. Other technical, nonsubstantive amendments have also been made for the purposes of style and clarity.

It is the intent of your Committees that the Legislative Reference Bureau also consult with labor unions and other organizations that could assist in identifying impediments to teleworking, such as the Chamber of Commerce of Hawaii, the Hawaii Federation of Independent Businesses, and Small Business Hawaii. Your Committees would also recommend that in conducting this study, the Legislative Reference Bureau review public sector civil service rules as a starting point in identifying potential impediments to implementing telework policies.

Your Committees on Labor and Public Employment and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.R. No. 74, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 74, HD 1.

Signed by all members of the Committees.

SCRep. 1604 Judiciary and Transportation on H.R. No. 351

The purpose of this resolution is to:

- (1) Reject the federal mandate requiring states to revoke the driver's licenses of drug offenders; and
- (2) Provide written certification that the State Legislature is opposed to the enactment of a State mandatory driver's license revocation law.

The latest federal mandate requires that states revoke the driver's license of all convicted drug offenders or be subject to losing part of their federal highway funds. However, a state will not lose its federal highway funds if both the Governor and the State Legislature provide written certification that they are opposed to the enactment of a mandatory driver's license revocation law.

Testimony in support of this measure was submitted by the Department of Attorney General and the American Civil Liberties Union.

Your Committees on Judiciary and Transportation are in accord with the intent and purpose of H.R. No. 351 and recommend its adoption.

Signed by all members of the Committees except Representatives Hiraki, Hirono, Horita, Takamine, Tam, Yoshimura and Ward.

SCRep. 1605 Health on H.R. No. 328

The purpose of this resolution is

- (1) to request the Governor to reestablish the commission on population stabilization that was created by the State Legislature in 1970,
- (2) to request the State to implement recommendations made by two earlier commissions that focused on issues relating to population growth, and
- (3) to urge the reestablished commission to explore new methods of stabilizing population growth, including the imposition of ceilings on the number of private passenger vehicles permitted in the state.

Zero Population Growth, the Hawaii Audubon Society, Citizen Action Hawaii, and several individuals presented testimony in support of this resolution. That testimony described in great detail the diverse ways in which the growth of Hawaii's population and the concomitant exploitation of its natural resources adversely affect its physical environment and ecosystems, and the quality of life of its residents.

The Office of State Planning, under whose auspices this resolution would place the commission on population stabilization, testified that it is concerned that the slowing of population growth, a process which it believes already to be

occurring, will result in an aging population, labor shortages, and declining economic growth. It questioned the assumption that further slowing population growth by reestablishing the commission would address such problems.

Your Committee finds that the concerns expressed in this resolution are well founded and envisions the proposed commission as a working group that would provide an excellent forum for ongoing dialogue about population growth, its many implications, and the associated policy issues.

As amended by your Committee this resolution:

- (1) requests the Governor "to take steps to cope with population growth" and
- (2) requests the State to consider the recommendations made by the original commission.

Your Committee on Health concurs with the intent and purpose of H.R. No. 328, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 328, HD 1.

Signed by all members of the Committee.

SCRep. 1606 Health on H.R. No. 311

The purpose of this resolution, as received, is to urge the State's first responder professional organizations to coordinate their funding requests for development and implementation of occupational exposure curricula and training.

Testimony was received in favor of the measure from the Department of Health, the Honolulu Police Department, the Honolulu Fire Department, the Governor's Task Force on Occupational Exposure, and the Governor's Committee on AIDS (GCA).

Several items were brought up during the question phase of the hearing which have been incorporated into HD1 of the resolution as follows:

- (1) In order to insure action on the resolution, the title and intent of the resolution have been amended to:

"REQUESTING THE GOVERNOR'S COMMITTEE ON AIDS TO STUDY AND REPORT ON THE STATE'S FIRST RESPONDER PROFESSIONAL ORGANIZATIONS' EFFORTS TO COORDINATE THEIR FUNDING REQUESTS FOR DEVELOPMENT AND IMPLEMENTATION OF OCCUPATIONAL EXPOSURE CURRICULA AND TRAINING.
- (2) The GCA report has been given direction to insure that specific items of concern will be addressed as follows:
 - (A) Suggest requests for state and county funding with the objective of developing uniform state-of-the-art educational programs on occupational exposure to HIV and HBV for their members as well as obtaining adequate funding for necessary safety equipment;
 - (B) How these organizations may be able to share their occupational exposure curricula with each other in order to ensure consistent and up-to-date worker education;
 - (C) What efforts are being taken to ensure the distribution of the occupational exposure employee "Bill of Rights" to every person related to health care or susceptible to occupational exposure;
 - (D) What is the current level of time and curricula given to these programs, by county; and
 - (E) Understanding that staff time and curricula development uses current budget allotments, what is the total amount of budget expenditures being allocated by the first responder organizations, by county.

Your Committee on Health 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, HD 1.

Signed by all members of the Committee.

SCRep. 1607 Health and Higher Education and the Arts on H.R. No. 330

The purpose of this resolution is to request the House of Representatives' support of the Hawaii Cancer Pain Initiative.

Testimony was presented in support of the measure from the University of Hawaii, Kapiolani Medical Center for Women and Children, and The Queen's Medical Center Cancer Institute. No testimony was presented in opposition of the measure.

Your Committees find that approximately 70% of all cancer patients experience intense pain during their bout with the disease. Pain among cancer patients is unlike other pain witnessed by health care providers. Exposing students to curriculum about cancer related pain will help to alleviate the suffering of cancer patients during an already trying time.

Your Committees on Health and Higher Education and the Arts concur with the intent and purpose of H.R. No. 330 and recommend its adoption.

Signed by all members of the Committees except Representative Horita.

SCRep. 1608 Health and Human Services on H.R. No. 100

The purpose of this resolution is to urge the Department of Health, working in conjunction with the Department of Human Services, to address the difficulties which providers of child care encounter in meeting licensing requirements relating to preparing and serving food and to prepare a report to the Legislature summarizing the progress made in alleviating those difficulties.

The Department of Health, the Office of Children and Youth, the Department of Human Services, and the Honolulu Community Action Program, Inc. testified in support of this resolution.

According to that testimony standards for restaurants and other commercial kitchens are currently being applied inappropriately. For example at Head Start sites breakfast snacks and lunches are prepared which require little or no cooking. Even so, the standards now being applied require compartmentalized hot and cold water sinks in the classrooms.

Your Committees on Health and Human Services are in accord with the intent and purpose of H.R. No. 100 and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1609 Health on S.B. No. 1359

The purpose of this bill is:

- (1) To allow basic life support personnel to perform certain tasks under the direction of an intensive care technician; and
- (2) To increase the number of members appointed to the State Emergency Medical Services Advisory Committee.

Testimony was received in favor of the bill from the Department of Health and the International Life Support Paramedic Ambulance Service. No testimony was given in opposition to the bill.

Your Committee finds that these additional treatments will allow life-saving treatment to more than one critical patient at a medical emergency, thus improving the service provided.

Your Committee on Health is in accord with the intent and purpose of S.B. No. 1359, SD 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 M. Ige and Peters.

SCRep. 1610 Consumer Protection and Commerce on S.B. No. 1649

The purpose of this bill is to increase the minimum experience requirements for licensed electricians.

Your Committee heard supporting testimony from the Board of Electricians and Plumbers and the International Brotherhood of Electrical Workers (IBEW).

Your Committee finds that present experience requirements for licensed electricians appear to be inadequate, given the increasing complexity and sophistication of current technology related to the electrical industry. Further, your Committee finds that this measure is consistent with national industry standards and will raise the quality of skill and workmanship of the electrical industry.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1649, SD 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 Yoshimura.

SCRep. 1611 Finance on S.B. No. 1346

The purpose of this bill is to provide for the statutory transfer of the Hawaii Youth Correctional Facilities to the Office of Youth Services.

Act 375, Session Laws of Hawaii 1989, created the Office of Youth Services and required that the Office of Youth Services assume on July 1, 1991, the responsibilities for juvenile corrections functions, including the Hawaii Youth Correctional Facilities. This bill effectuates that transfer.

Your Committee received testimony in support of this measure from the Office of Youth Services.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1346, SD 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1612 Finance on S.B. No. 1354

The purpose of this bill is to repeal the Workfare Program.

The Department of Human Services (DHS) submitted testimony in favor of this measure, noting that the JOBS program serves the same primary target group as the Workfare Program and allows for a federal match for many of the expenses that will be incurred in the delivery of these services. The DHS further testified that the repeal of the Workfare Program will provide a more efficient and effective program to meet the needs of Aid to Families with Dependent Children recipients who are striving to become financially self-sufficient.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1354 and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1613 Finance on S.B. No. 817

The purpose of this bill is to:

- (1) Transfer the Youth Development Project (Project) from the Department of Public Safety to the Office of Youth Services, Department of Human Services; and
- (2) Require an annual evaluation of the Project by the Center for Youth Research of the University of Hawaii.

Your Committee received testimony in support of this measure from the Office of Youth Services and the Center for Youth Research of the University of Hawaii.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 817, SD 2, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1614 Finance on H.R. No. 285

The purpose of this resolution is to:

- (1) Request the conversion of all general-fund positions from temporary to permanent status within the Department of Education (DOE);
- (2) Request that the DOE submit a listing of positions to be converted by position number, position title, and program area to the Legislature no later than twenty days prior to the convening of the Regular Session of 1992; and
- (3) Request that the DOE, in conjunction with the Hawaii State Teachers Association, the Hawaii Government Employees Association, the United Public Workers, the Governor, the Legislature, the Department of Budget and Finance, and the Department of Personnel Services, develop a mechanism to convert temporary positions to permanent positions.

Favorable testimony was received from the DOE and the Hawaii State Public Library System.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 285, HD 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1615 Finance on H.R. No. 258

The purpose of this resolution is to urge the Mayors and the Councils of each county to evaluate and revise the current real property tax system to provide tax relief for agroforestry and reforestation efforts which do not degrade or aggravate degradation of existing native forest ecosystems.

Favorable testimony was received from the Department of Land and Natural Resources and the Hawaii Society of American Foresters.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 258, HD 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1616 Finance on H.R. No. 228

The purpose of this resolution is to:

- (1) Request that the Department of Personnel Services (DPS) grant the same veteran employment preference to the members of the United States military who served on active duty in Operation Desert Shield and Desert Storm as previously granted to United States veterans of previous wars, conflicts, and campaigns; and
- (2) Request that DPS submit a report to the Legislature on its efforts to accommodate Persian Gulf veterans at least twenty days before the convening of the Regular Session of 1992.

Favorable testimony was received from the Department of Personnel Services.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 228 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1617 Finance on H.R. No. 173

The purpose of this resolution is to promote cooperation in Hawaii's education reform efforts. Specifically, this resolution requests that:

- (1) All agencies in the Executive and Judiciary branches of state government develop plans of action to detail ways in which they will address the objectives set forth as the Hawaii Goals for Education; and
- (2) The Office of State Planning work with these agencies to provide a strategic plan to coordinate the efforts of the agencies toward achieving the State's educational goals.

Your Committee received testimony in support of this measure from the Department of Education.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 173, HD 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1618 Finance on H.R. No. 261

The purpose of this resolution is to urge the various counties to re-evaluate their real property tax structures to establish a tax classification that will protect the natural vegetation of this State.

Favorable testimony was received from the Department of Land and Natural Resources and the Hawaii Society of American Foresters.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 261 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1619 Finance on H.R. No. 62

The purpose of this resolution is to:

- (1) Name the new gymnasium at Kauai High and Intermediate School in honor of the late United States Senator Spark M. Matsunaga; and
- (2) Allocate five percent of the construction cost of the gymnasium to construct an entryway in which a plaque, portrait, and any other memorabilia may be displayed.

Your Committee received testimony in support of this resolution from the Department of Education, the Kauai High and Intermediate School Principal, the Kauai High School Student Council, the Kauai Democratic Party, the late Senator's son, and numerous business members and citizens of the community of Hanapepe, Kauai, and surrounding areas.

Your Committee on Finance concurs with the intent and purpose of H.R. No. 62 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1620 Transportation and Intergovernmental Relations and International Affairs on S.C.R. No. 38

The purpose of this Concurrent Resolution is to request a joint study by the Department of Land and Natural Resources, in conjunction with the Department of Transportation, the City and County of Honolulu, and the Army Corps of Engineers, to address the flooding problem along Kamehameha Highway at Kaaawa, Oahu.

Your Committees find that flooding at Kaaawa and other lowlands situated along the Windward Oahu coastline is a recurring problem. Your Committees agree that this problem should be resolved expeditiously.

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

Your Committees on Transportation and Intergovernmental Relations and International Affairs concur with the intent and purpose of S.C.R. No. 38, SD 1, and recommend its adoption.

Signed by all members of the Committees except Representative Taniguchi.

SCRep. 1621 Transportation on S.C.R. No. 36

The purpose of this concurrent resolution is to encourage the Federal Aviation Administration (FAA) to adopt rules requiring Federal Aviation Regulations Part 135 certificates for all tour aircraft.

Your Committee finds that fixed wing and rotary aircraft used for sightseeing flights that begin and end at the same airport and are operated within a twenty-five mile radius of the airport are currently exempted from Part 135 certification requirements.

Your Committee received testimony from the Citizens Against Noise and a concerned citizen.

Your Committee has made technical non-substantive amendments for the purposes of style and consistency.

Your Committee on Transportation concurs with the intent and purpose of S.C.R. No. 36, SD 1, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 36, SD 1, HD 1.

Signed by all members of the Committee except Representative Taniguchi.

SCRep. 1622 Transportation on S.C.R. No. 112

The purpose of this concurrent resolution is to request the Department of Transportation to study the use of electronic video or camera systems to record violations in the High Occupancy Vehicle (HOV) lanes.

Your Committee finds that currently, the police department faces a dilemma since violators of the minimum occupancy requirements for high occupancy vehicle lanes must be pulled over to the side of the road to be issued a citation. Pulling violators to the shoulder of the road from the HOV lane can be hazardous, and often results in additional traffic congestion. Your Committee thus finds that a reasonable alternative for citing high occupancy vehicle lane violators is needed.

Your Committee received testimony from the Department of Transportation.

Your Committee has amended this concurrent resolution by requesting that the Legislative Reference Bureau conduct the study. The scope of the report has been redirected to assess the feasibility of issuing citations by mail for the enforcement of minimum vehicle occupancy requirements for high occupancy vehicle lanes. Your Committee has also amended the title of this concurrent resolution to reflect the amendments.

Your Committee on Transportation concurs with the intent and purpose of S.C.R. No. 112, SD 1, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 112, SD 1, HD 1.

Signed by all members of the Committee except Representative Taniguchi.

SCRep. 1623 Education on S.B. No. 408

The purpose of this bill is to establish a State policy that provides that parents and guardians of public school students have an affirmative responsibility to become actively and personally involved in the education of their children.

This measure would also allow the Board of Education to adopt policies and rules to carry out this policy; provided that the formulation of specific plans and activities relating to parental involvement will be the prerogative of the individual schools.

Your Committee received testimony in support of this measure from the Department of Education and the Education Task Force of the American Freedom Coalition of Hawaii.

Your Committee on Education is in accord with the intent and purpose of S.B. No. 408 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1624 Education on S.B. No. 1336

The purpose of this bill is to amend the laws of the State to reflect the name change of the "Hawaii School for the Deaf and Blind" to the "Statewide Center for Students with Hearing and Visual Impairments."

This is a housekeeping measure that will make the law consistent with changes made by the Board of Education in 1989 with regard to the scope of services available for students with hearing and visual impairments.

Testimony in support of this measure was submitted by the Department of Education.

Your Committee on Education is in accord with the intent and purpose of S.B. No. 1336 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1625 Finance on S.B. No. 2099

The purpose of this bill is to appropriate \$19,440 for one secretary position and \$60,000 for two passenger vans for the Department of Education's Storefront Alternative Learning Center.

Your Committee received testimony in support of this measure from the Department of Education and the lead teacher of the Storefront School.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2099, SD 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1626 Consumer Protection and Commerce and Judiciary on S.B. No. 1543

The purpose of this bill is to exempt all nonprofit organizations designated by the Director of Commerce and Consumer Affairs to oversee the operations of educational, governmental, and public service television programs from liability arising from cable access activities. This bill would not protect from liability the producers of these programs.

Testimony was submitted by the Department of Commerce and Consumer Affairs, Hawaii State Bar Association, and 'Olelo: The Corporation for Community Television.

Your Committees find that:

- (1) The denial of immunity to designated nonprofit cable access organizations would:
 - (A) Be detrimental to the organizations' ability to provide free and open cable television programming access to the community; and
 - (B) Force organizations to review and censor all programming it airs for the benefit of the public; and
- (2) This bill would provide nonprofit cable access organizations with the same immunity from liability furnished to cable operators under the federal Cable Communications Act of 1984.

Your Committees on Consumer Protection and Commerce and Judiciary are in accord with the intent and purpose of S.B. No. 1543, SD 2, and recommend that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committees.

SCRep. 1627 Consumer Protection and Commerce on S.B. No. 389

The purpose of this bill is to allow financial services loan companies licensed in Hawaii to establish branches in the Territory of Guam and the Commonwealth of the Northern Marianas.

Your Committee heard supporting testimony from the Department of Commerce and Consumer Affairs.

Currently, banks and savings and loan institutions licensed in Hawaii are permitted to establish out-of-state branches, some of which have been operating in Guam and the Commonwealth of the Northern Marianas for over twenty-five years. Your Committee finds that this bill will give financial services loan companies the statutory authority to operate branches in Guam and the Commonwealth of the Northern Marianas under the same controls and restrictions that apply in Hawaii, and will allow these companies to expand their operations in a market closely associated with Hawaii.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 389, SD 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. 1628**Consumer Protection and Commerce on S.B. No. 741**

The purpose of this bill is to limit the amount of money received by persons unable to work because of injury sustained on the job while operating an employer-owned motor vehicle, so that they do not receive more money than they had received while working. It is a narrow bill aimed at correcting a loophole whereby an individual, collecting both worker's compensation and no-fault benefits, can receive more than the individual's normal take home pay.

Your Committee heard testimony from the Department of Commerce and Consumer Affairs, the City and County of Honolulu, MTL Inc., Hawaii Transportation Association, and Hawaii Independent Insurance Agents Association.

The present law provides that in work-related injuries, the aggregate of the payments under the Worker's Compensation Law and no-fault loss of income benefits shall not exceed eighty per cent of the injured person's monthly earnings. However, most employees actually take home less than eighty per cent of their gross income, so the present law results in the injured worker receiving more money in wage replacement (which is tax free) than that individual earns while on the job.

As an example, an employee earning \$3,000 per month is injured in an on-the-job auto accident. This employee is entitled to worker's compensation and no-fault benefits. Under the current law, the employee would receive \$1,785 in worker's compensation benefits and \$615 in no-fault wage replacement benefits, for a total of \$2,400, or eighty per cent of the gross monthly wages. If the employee's normal take home pay is \$2,100, due to the injury, the employee would be "earning" \$300 more per month, thus creating a disincentive to return to work.

This bill remedies this situation by limiting the combined worker's compensation and no-fault benefits to no more than the employee's net monthly earnings. The bill in no way limits the worker's benefits under the Workers' Compensation Law.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 741 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1629**Consumer Protection and Commerce on S.B. No. 1368**

The purposes of this bill are to:

- (1) Repeal the powers and duties of the Department of Health in relation to regulation of radiologic technology as these regulatory functions will be carried out by the radiologic technology board;
- (2) Provide that the Director of Health or the Director's designated representative be an ex-officio voting member of the board;
- (3) Provide for consistent use of the terms "radiation therapy technology" and "radiologic technology"; and
- (4) Allow the use of the abbreviation C.R.T. for "certified radiation therapy technologist".

Your Committee heard supporting testimony from the Department of Health.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1368, SD 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 Yoshimura.

SCRep. 1630**Consumer Protection and Commerce on S.B. No. 1210**

The purpose of this bill is to add a new section to the insurance law to address redomestication of authorized insurance companies. This bill will permit foreign insurance companies authorized to do business in Hawaii to redomicile in Hawaii without having to apply for a certificate of authority as a new domestic insurer. The bill also applies to the circumstance where foreign insurance companies authorized to transact business in Hawaii redomicile from one state to another outside the State of Hawaii.

The Department of Commerce and Consumer Affairs testified in support of the bill, indicating that this provision will allow an insurance company to maintain its existing operation as long as the company has been able to meet the requirements for authorization. This bill will have the effect of encouraging foreign insurance companies to redomicile in Hawaii, as the Insurance Division will be able to process the redomestication much more expeditiously.

Your Committee on Consumer Protection and Commerce is in accord with the intent and purpose of S.B. No. 1210, SD 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 Yoshimura.

SCRep. 1631**Transportation on S.B. No. 1309**

The purpose of this bill is to amend Section 279A-7 of the Hawaii Revised Statutes to clarify the advisory role of the Statewide Transportation Council.

Your Committee finds that the role of the Statewide Transportation Council is to assist and advise the State Department of Transportation. However, Section 279A-7 makes the Council's role ambiguous by assigning to the Council the responsibilities of transportation planning and approving transportation projects for submission to the Legislature. These responsibilities, as currently set forth in Section 279A-7, encompass more than advisory duties.

Your Committee received testimony supporting the intent of this measure from the Department of Transportation.

Your Committee on Transportation is in accord with the intent and purpose of S.B. No. 1309 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1632 Finance on S.B. No. 1523

The purpose of this bill is to require that thirty percent of all geothermal royalties received by the State be paid to the county in which the mining operations are conducted.

The Department of Business, Economic Development, and Tourism, the Department of Land and Natural Resources, the Office of the Mayor of Hawaii County, the Hawaii County Council, and True Geothermal Energy Company presented testimony in favor of this measure. Testimony was also presented by the Office of State Planning.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1523, SD 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1633 Finance on S.B. No. 125

The purpose of this bill is to streamline the process involved in the filing of court documents in district and circuit courts by revising the filing fee schedule set forth in Sections 607-4 and 607-5, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Judiciary.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 125 and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1634 Finance on S.B. No. 1221

The purpose of this bill is to allow taxpayers who did not make a designation on their original tax returns with respect to the voluntary \$2 contribution to the Hawaii Election Campaign Fund and who subsequently decided that they wanted to make a \$2 contribution, to make a designation by filing an amended return within 20 months and 10 days after the due date for filing the original return. A designation once made, whether by original or amended return, may not be revoked.

This amendment will bring Hawaii's income tax law in closer conformity with the federal law.

Your Committee received testimony in support of this measure from the Department of Taxation. Testimony was also received from the Tax Foundation of Hawaii.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1221 and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1635 Housing on S.B. No. 1348

The purpose of this bill is to exempt from the Landlord-Tenant Code, residency or occupancy in a public housing complex or shelter directly controlled, owned, or managed by the Hawaii Housing Authority.

Your Committee received testimony in support of the bill from the Hawaii Housing Authority. Your Committee finds that the Landlord-Tenant Code is an unnecessary duplication of protection for tenants since the Hawaii Housing Authority is effectively governed by State and Federal law and administrative rules which provide adequate safeguards and procedures.

Your Committee on Housing is in accord with the intent and purpose of S.B. No. 1348 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1636 Ocean and Marine Resources on S.B. No. 18

The purpose of this bill is to ensure the public's right of transit along Hawaii's shorelines by clarifying Section 115-4, Hawaii Revised Statutes (HRS).

This measure deletes the phrase "under conditions of safety for the public" in Section 115-4, HRS, to prevent misguided property owners from interpreting this phrase as encouragement to create or maintain unsafe conditions in hopes of limiting the public's right of transit on beaches and shoreline areas. By deleting this phrase, your Committee seeks to ensure that Section 115-4, HRS, will not be interpreted as a qualifying factor to restrict the right of transit along the shoreline in this manner.

Some Committee members were concerned that the deletion of this phrase might be interpreted as a relinquishing of the guarantee of safe transit for the public.

In supporting this bill, it is your Committee's intent to guarantee public transit along the shoreline. It is not your Committee's intent to encourage the provision of public transit along the shoreline under unsafe conditions. Other provisions in Chapter 115, HRS, provide for a method to secure the right where cliffs or the natural topography are such that there is no reasonably safe transit available.

Your Committee heard testimony in support of this bill from the Department of Land and Natural Resources, the Department of Transportation, and the Environmental Center of the University of Hawaii.

Your Committee on Ocean and Marine Resources is in accord with the intent and purpose of S.B. No. 18 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 Bunda, Santiago and O'Kieffe.

SCRep. 1637 Energy and Environmental Protection on S.B. No. 1394

The purpose of this bill is to amend Section 196-3, Hawaii Revised Statutes, to reflect the name change of the department, whose director serves as the energy resources coordinator.

Section 196-3, Hawaii Revised Statutes, refers to the energy resources coordinator as being the Director of Planning and Economic Development. This bill makes the necessary revision to reflect the correct title of the department as being the Department of Business, Economic Development, and Tourism.

Your Committee on Energy and Environmental Protection is in accord with the intent and purpose of S.B. No. 1394 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 Bunda and Santiago.

SCRep. 1638 Judiciary and Human Services on H.R. No. 178

The purpose of this resolution is to request a study of the effect of merging the child abuse and child protection laws, chapters 350 and 587, Hawaii Revised Statutes, into one comprehensive law.

Testimony was received from the Department of Human Services and several individuals.

Your Committee finds that children hold a special place in the law, as it is generally recognized that they constitute a particularly vulnerable class of people and therefore require additional protection from themselves and from adults. Your Committee also finds that the child abuse and child protection laws overlap in certain areas, and to the extent they overlap, confusion and inconsistencies are created that make the laws harder to administer.

Your Committees on Judiciary and Human Services concur with the intent and purpose of H.R. No. 178 and recommend that it be referred to the Committee on Legislative Management.

Signed by all members of the Committees except Representatives Duldulao and Tatibouet.

SCRep. 1639 Judiciary and Intergovernmental Relations and International Affairs on H.R. No. 229

The purpose of this resolution is to request that the Legislative Reference Bureau conduct a study regarding the feasibility of:

- (1) Transferring the Traffic Violations Bureau and the responsibilities related to the enforcement of ordinances and statutes related to pet ownership to the various counties; and
- (2) Implementing a municipal court system.

If the Traffic Violations Bureau and the responsibilities related to the enforcement of ordinances and statutes related to pet ownership were transferred to the various counties, the counties would gain more control over the regulation of traffic

and pets as well as be credited with the monies collected from the fines resulting from traffic or pet ownership violations. The implementation of a municipal court system would provide the counties with complete control over these issues.

Your Committees on Judiciary and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.R. No. 229 and recommend that it be referred to the Committee on Legislative Management.

Signed by all members of the Committees except Representatives Peters, Tam and Yonamine.

SCRep. 1640 Judiciary and Intergovernmental Relations and International Affairs on H.R. No. 279

The purpose of this resolution is to urge state and county governments to publish public hearing notices on matters affecting the interests of neighbor island residents in appropriate neighbor island newspapers.

Supportive testimony was submitted by the Board of Water Supply.

Your Committees find that:

- (1) Public participation in government serves as the foundation of a Democratic society;
- (2) Residents of the neighbor islands are often unaware of public hearings or proposed governmental action that may directly affect their rights, communities, and Counties; and
- (3) The publishing of public hearing notices in neighbor island newspapers would significantly promote public participation in government, enhance the awareness of neighbor island residents with regard to pertinent issues, and promote open government in the State of Hawaii.

Your Committees have amended this resolution by deleting references to the State Democratic Party. Technical, nonsubstantive amendments were also made for the purposes of clarity and style.

Your Committees on Judiciary and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.R. No. 279, as amended herein, and recommend that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 279, HD 1.

Signed by all members of the Committees except Representative Tam.

SCRep. 1641 Transportation on S.C.R. No. 220

The purpose of this concurrent resolution is to request the Department of Transportation to revise its plans for Kahului Harbor to allow the Hawaiian and Na Kai Ewalu Canoe Clubs to remain in the Harbor at their present location. This concurrent resolution also requests that the Department of Transportation investigate other alternative sites for canoe paddling purposes.

Your Committee received testimony from the Department of Transportation.

Your Committee finds that the proposed Department of Transportation plans for Kahului Harbor includes the eviction of canoe clubs from the safe haven of the harbor. Your Committee further finds that these plans also prohibit future canoe regattas within the Kahului Harbor.

Your Committee on Transportation concurs with the intent and purpose of S.C.R. No. 220, SD 1 and recommends its adoption.

Signed by all members of the Committee except Representative Metcalf.

SCRep. 1642 Judiciary on H.R. No. 210

The purpose of this resolution is to:

- 1) Honor Grover Cleveland, the twenty-second and twenty-fourth President of the United States, for his efforts to prevent the annexation of the independent nation of Hawaii;
- 2) Request that his name be given to a government building, park, highway, or other appropriate major facility on the island of Oahu;
- 3) Request the Governor of the State of Hawaii to bestow President Cleveland's name on the facility during 1991.

Testimony in support of this resolution was received from the Office of Hawaiian Affairs.

Your Committee finds that Grover Cleveland has long been recognized by native hawaiians as the president that attempted to uphold the principles of justice and democracy following the overthrow of the kingdom of Hawaii in 1893. President Cleveland, after receiving a detailed report of the revolution, acted upon his principles and showed his concern for the rights of the Hawaiian people by withdrawing a treaty of annexation which was before the U.S. Senate. President Cleveland tried to undo the wrongs committed against the Hawaiian kingdom by the United States in the overthrow of the

monarchy. If not for his actions, there would be few officially acknowledged, well-documented, fair and equitable accounts of the overthrow of the monarchy in 1893.

This resolution was amended by deleting the reference to the censoring of President Cleveland's name. Technical nonsubstantive amendments have also been made.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 210, HD 1, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 210, HD 2.

Signed by all members of the Committee except Representative Peters.

SCRep. 1643 Judiciary on H.R. No. 367

The purpose of this resolution is to urge the State of Hawaii to inventory lands which it had condemned and to enact legislation to provide for the return of lands originally condemned by the government for public uses and which are no longer used for such public uses to the original landowners on equitable terms and compensation.

Testimony was received from the Department of Land and Natural Resources and Bishop Estate.

Your Committee understands that the State has the power to condemn and seize private property if it can justify that such land will be used for a specific public benefit. This right, known as the power of eminent domain, conflicts with another Constitutional freedom, the right of the individual to purchase and legally own private property free from government oppression.

In instances of eminent domain, the rights of the government subvert the rights of the individual, if the government can show good cause that the benefits to the public welfare would far outweigh the benefits if the land were to remain in the hands of private landowners.

Your Committee notes, however, that properties condemned for public use may no longer be utilized by the State government for the reasons which they were originally condemned. Your Committee is of the opinion that such properties should be returned to the original owners, provided that the process is fair and equitable to all parties involved.

It is your Committee's intent that this resolution would urge the State to inventory its condemned lands and to propose legislation that would strengthen the legal checks and balances which protect citizens from government oppression. It would also provide a means of compensation by landowners seeking to reacquire property lost to government acquisition.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 367 and recommends its adoption.

Signed by all members of the Committee except Representative Peters.

SCRep. 1644 Judiciary on H.R. No. 211

The purpose of this resolution is to request the Governor and the Legislature to honor and reaffirm their commitment to the principles in the Bill of Rights as part of the bicentennial celebration of the ratification of the Bill of Rights.

Testimony in support of this resolution was received from the American Civil Liberties Union (ACLU).

Your Committee finds that the purpose of the Bill of Rights is to protect certain individual rights even though the majority may not agree with them. Adoption of this resolution will help the public to focus attention on the Bill of Rights and to give serious thought to what it means to them, to our way of life, and to our future.

This resolution was amended by making technical nonsubstantive amendments for the purposes of style and clarity.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 211, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 211, HD 1.

Signed by all members of the Committee except Representative Peters.

SCRep. 1645 Judiciary on H.R. No. 95

The purpose of this resolution is to request that "shoeless" Joe Jackson be exonerated from conspiring to throw the 1919 World Series and that he be considered for admission into the National Baseball Hall of Fame.

Testimony in support of this measure was received from several individuals. Your Committee finds that the accusation that Jackson played to lose in the 1919 games is subject to considerable scrutiny because of his remarkable winning performance in the World Series. In the 1919 World Series, Jackson scored more hits than any player on either team as well as driving in six runs and scoring five, making his involvement in the "Black Sox scandal" highly questionable. Jackson was acquitted of all charges of conspiracy in the 1919 World Series by juries in both criminal and civil courts but he was still barred from ever playing professional baseball. Restoring Jackson as a member of good standing in baseball would be an honor to Jackson's career.

Your Committee on Judiciary concurs with the intent and purpose of H.R. No. 95 and recommends its adoption.

Signed by all members of the Committee except Representative Peters.

SCRep. 1646 Judiciary and Consumer Protection and Commerce on H.R. No. 387

The purpose of this resolution is to request the Attorney General to make a determination of the transferability rights of gasoline dealers under the State Franchise Investment law.

Supporting testimony was received from the Hawaii Automotive and Retail Gasoline Dealers Association.

Your Committee finds that there is confusion with respect to the preemptive extent of the federal law with respect to the state laws, and the lack of reference to the State laws.

In order to provide protection for prospective franchises, existing franchises and franchisors, and to afford adequate regulatory enforcement, your Committee has amended the resolution to include reference to the applicability as well as transferability rights afforded by each of the three laws: the Gasoline Dealers Law, the Franchise Investment Law, and the Federal "Petroleum Marketing Practices Act."

Your Committees on Judiciary and Consumer Protection and Commerce concur with the intent and purpose of H.R. No. 387, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 387, HD 1.

Signed by all members of the Committees.

SCRep. 1647 Judiciary and Legislative Management on H.R. No. 96

The purpose of this resolution is to study the feasibility of establishing a reciprocity system for the enforcement of traffic violations committed by out-of-state visitors.

Testimony in support of this resolution was received from the Department of the Attorney General, the Department of Transportation, the Office of the Prosecuting Attorney for Honolulu and Kauai, the Kauai Police Department, Budget Rent-A-Car, and Alamo Rent-A-Car.

Your Committee finds that there is a significant number of traffic violations committed by out-of-state visitors and the fines imposed on many of those violations are lost if the state is unable to track the out-of-state visitors who leave the state without paying the fine. States that have access to current driver's records of other states have been entering into reciprocal arrangements whereby a state will prohibit the issuance or renewal of a driver's license until an applicant with an outstanding traffic violation or summons for a traffic violation in another state has cleared that violation through the payment of a fine or other penalty. Such a system would permit the state to generate significant amounts of revenue by collecting fines from out-of-state visitors who otherwise would not pay them and who cannot be compelled to do so.

This resolution was amended by requesting the Judiciary to also determine how other states handle contested traffic violations, driving under the influence cases, and cases involving arrests. This resolution was further amended to request the Attorney General's law enforcement coalition task force to cooperate with this study and that a certified copy of this resolution be sent to them.

Your Committees on Judiciary and Legislative Management concur with the intent and purpose of H.R. No. 96, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 96, HD 1.

Signed by all members of the Committees except Representatives Apo and Peters.

SCRep. 1648 Judiciary and Intergovernmental Relations and International Affairs on H.R. No. 160

The purpose of this resolution is to request Congress to amend the law prohibiting the duplication of veterans' benefits to enable disabled military retirees to receive service-connected disability compensation and longevity retired pay without a deduction from the latter.

Testimony in support of this measure was received from the Disabled American Veterans and the Office of Veterans Services.

Your Committee finds that military retirees are subject to a dollar-for-dollar offset of military retired pay when the retiree also receives service related disability compensation. A non-military retiree who receives disability compensation does not suffer any reduction of non-military retirement which results in an inequity to military retirees.

Your Committees on Judiciary and Intergovernmental Relations and International Affairs 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, HD 1.

Signed by all members of the Committees except Representative Tam.

SCRep. 1649 Judiciary and Intergovernmental Relations and International Affairs on H.R. No. 82

The purpose of this resolution is to urge the President of the United States and the United States Congress to oppose the benefit-cutting proposals made to the Department of Veterans Affairs (DVA) as a cost-reduction measure.

The Secretary of Veterans Affairs appointed a Compensation Reform Committee (committee) to reduce costs within the DVA. The committee was instructed to use a report by the General Accounting Office as a guide to reduce costs. Without a public hearing, the committee prepared a report which concluded that a severe cutting of eligibility and restriction of current benefits would ultimately cut costs within the DVA. These cutbacks, however, would impose severe financial and other compensational injuries to the gallant men and women who served their country as well as their survivors.

Testimony in support of this measure was submitted by the Department of Defense and a private citizen.

Your Committees on Judiciary and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.R. No. 82 and recommend its adoption.

Signed by all members of the Committees except Representative Tam.

SCRep. 1650 Judiciary on S.B. No. 955

The purpose of this bill is to authorize the Governor, the Chief Justice, and the Mayors of the respective counties to extend through December 31, 1991, any deadlines for the filing of forms, applications, renewals, or other such documents, including any fees payable, which would otherwise be required by law to be filed by military personnel returning from service in Operation Desert Shield or Desert Storm prior to December 31, 1991. This bill will be effective August 7, 1990, the date that Operation Desert Shield commenced and troops were first called into duty in the Persian Gulf.

Testimony supporting this measure was received by your Committee from the Department of Defense, State of Hawaii.

Hawaii's military troops have made invaluable contributions toward the efforts to attain world peace. Operation Desert Shield and Desert Storm demanded the full concentration and attention of military personnel which distracted them from their normal obligations. Your Committee finds that this measure will be of great psychological value and convenience to those who are affected.

Your Committee intends to clarify that this measure is not to be interpreted as an act of forgiveness but a sincere effort to help affected people until such times as they are in a position to ably fulfill their obligations. This measure is also an appropriate expression of support and gratitude for the enormous sacrifices made by the men and women who served in the Persian Gulf during Desert Shield and Desert Storm.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 955, SD 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 Yoshimura and Ward.

SCRep. 1651 Judiciary on S.B. No. 800

The purpose of this bill is to:

- (1) Require all deputies of departments heads, regardless of their titles, to file financial disclosure statements for public inspection and review; and
- (2) Clarify who, within the Department of Attorney General, falls within this requirement.

Under current law, department heads and their first and second deputies are required to file financial disclosure statements. However, because some departments now have more than two deputies, the descriptive terms "first" and "second" are outdated. The purpose of this bill is to require all deputy department heads to file financial disclosure statements. Special clarifying language was added for the Department of the Attorney General, because all of its attorneys are designated as deputies.

Testimony in support of this measure was submitted by the State Ethics Commission.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 800, SD 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 Yoshimura.

SCRep. 1652 Judiciary on S.B. No. 597

The purpose of this bill is to include complaints as a means of commencing criminal prosecutions.

This amendment is a housekeeping measure that would conform certain provisions of the Hawaii Revised Statutes to what is currently practiced under the Hawaii Rules of Penal Procedure.

Testimony in support of this measure was submitted by the Judiciary.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 597, SD 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 Yoshimura.

SCRep. 1653 Judiciary on S.B. No. 369

The purpose of this bill is to amend several sections in the Hawaii Revised Statutes by deleting the terms "public record," "public records," "public document," "public documents," and "public document or record" and replacing these terms with "government record" or "government records," or like terms, as the context requires.

By replacing the term "public record" or the term "public document" with the term "government record," this measure will eliminate the legal problems and confusion that has resulted from the use of the obsolete terms "public record" or "public document."

Testimony in support of this measure was submitted by the Office of Information Practices.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 369, SD 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 Yoshimura and Ward.

SCRep. 1654 Judiciary on S.B. No. 2006

The purpose of this bill is to provide protection to the counties from liability for negligent acts allegedly committed by county lifeguards while providing lifeguard services at State beach parks.

This bill amends the definition of "employees of the State" in the State Tort Liability Act to include lifeguards employed by the counties of Hawaii. The counties will remain potentially liable for the negligent hiring and training of lifeguards, but the State will be liable for negligent lifeguard services. This bill also allows the Attorney General to defend a county in any civil action or proceeding brought against a county based on an allegedly negligent or wrongful act or omission of the county in providing lifeguard services.

Beaches are essential to the people of Hawaii. In addition to providing a relaxing atmosphere for the people, beaches attract tourists and provide an arena for local and international sporting events. It is imperative that our beaches be as safe as possible. This bill will help allay concerns of the counties, especially Kauai, Maui, and Hawaii, regarding legal representation for persons employed by a county as lifeguards providing services at designated State beach parks.

Your Committee received testimony in support of this bill from the Attorney General, the Department of Land and Natural Resources, the Department of Health, the Governor's Conference on Health Promotion and Disease Prevention, Honolulu Department of Parks and Recreation, the Kauai Office of the Mayor, the Kauai County Subarea Health Planning Council, the Kauai Water Safety Task Force, and the Kauai Medical Group, Inc.

Your Committee finds that the bill is an important inducement to the counties to provide the lifeguard services necessary to prevent and reduce injuries at our State beach parks.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 2006 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 Yoshimura.

SCRep. 1655 Judiciary on S.B. No. 1262

The purpose of this bill is to implement the periodic child support review and modification to the requirements of the Family Support Act of 1988 (Public Law 100-485).

The bill adds periodic review and modification activities to the duties of the Child Support Enforcement Agency (Agency) within the Department of the Attorney General. It also makes technical amendments to Chapter 576E, Hawaii Revised Statutes, to permit the Agency to use its administrative process for these modifications, rather than going to court.

The Family Support Act of 1988 requires State child support enforcement agencies to periodically review child support orders and modify them, if appropriate. Federal funding for Hawaii's Aid to Families with Dependent Children Program and the Child Support Enforcement Program requires compliance with the Family Support Act of 1988. This bill provides the legal mechanism for compliance.

Testimony in support of this measure was submitted by the Department of the Attorney General.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1262 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee.

SCRep. 1656 Judiciary on S.B. No. 1089

The purpose of this bill is to exempt sheriffs and deputy sheriffs from parking time and fee regulations.

Your Committee received supporting testimony from the Department of Public Safety and the Department of the Attorney General.

Your Committee finds that the Sheriff's Office is often called upon to execute warrants and perform evictions in areas where parking is critical and scarce. The office is also called upon to serve court orders in locations where the only available parking is metered or has time limitations. By exempting the Sheriff's Office from parking regulations, this bill will enable deputy sheriffs to carry out their duties more efficiently.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1089, SD 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. 1657 Legislative Management on S.C.R. No. 129

The purpose of this concurrent resolution is to request the Legislative Auditor to conduct a study of State programs designed to provide services to individuals with developmental disabilities who require services from multiple agencies.

Supporting testimony was received from the Department of Health and the State Planning Council on Developmental Disabilities. The Department of Education testified that they will cooperate even though they do not agree that the study is needed.

Your Committee finds that the substance of this concurrent resolution is comparable to H.C.R. 311, which was previously reported out of this Committee and adopted by the House. Your Committee has, therefore, incorporated the contents of H.C.R. 311 in this draft of the concurrent resolution.

Your Committee on Legislative Management concurs with the intent and purpose of S.C.R. No. 129, SD 1, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 129, SD 1, HD 1.

Signed by all members of the Committee.

SCRep. 1658 Legislative Management on S.C.R. No. 225

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to study the feasibility of implementing a statewide tax credit to persons who provide in-home care to elderly individuals.

The Department of Human Services, the Department of Taxation, the Commission on Employment and Human Resources of the Department of Labor and Industrial Relations, the State Planning Council on Disabilities, Hawaii Centers for Independent Living, and the Founders' Group, Kokua Council for Senior Citizens provided testimony on this concurrent resolution.

Your Committee concurs that in-home care to elderly family members is an integral part of the community-based long term care services. It has amended the concurrent resolution to include a comparison of the feasibility of a tax credit versus a direct subsidy to caregivers providing in-home care to elderly family members.

Your Committee on Legislative Management concurs with the intent and purpose of S.C.R. No. 225, SD 1, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 225, SD 1, HD 1.

Signed by all members of the Committee except Representative Kihano.

SCRep. 1659 Tourism and Transportation on S.C.R. No. 178

The purpose of this concurrent resolution is to request the Department of Transportation to report on the status and maintenance of the Nimitz Highway/Honolulu Gateway Beautification Project, including additional work to complete the project and provide for ongoing maintenance. The concurrent resolution also requests the department to encourage the participation of adjacent businesses and land owners in the project.

Your Committees find that a considerable number of visitors receive their first impression of Hawaii when they travel from the airport to Waikiki through the Nimitz Highway/Honolulu Gateway corridor, and that a landscaped and beautified travel environment will provide benefits to residents and visitors alike. Your Committees also find that the Department of Transportation did not actually report to the Department of Health on oil leaks.

Your Committees amended the concurrent resolution by:

- (1) Changing individual committees to the Legislature as a whole in paragraphs 9, and 14;
- (2) Deleting the reference to individual committees in the Legislature in paragraph 15; and
- (3) Deleting any reference to the Department of Transportation's report to the Department of Health on oil leaks;

- (4) Providing that certified copies be sent to the President of the Chamber of Commerce, the President of the Waikiki Improvement Association, and the President of the Kalihi Business Association; and
- (5) Making technical, non-substantive changes for the purposes of style and clarity.

Your Committees on Tourism and Transportation concur with the intent and purpose of S.C.R. No. 178, SD 1, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 178, SD 1, HD 1.

Signed by all members of the Committees except Representatives Bellinger, Lee, Metcalf, Okamura, Say, Tajiri, Tam, Taniguchi and Yonamine.

SCRep. 1660 Judiciary on S.C.R. No. 47

The purpose of this concurrent resolution is to request the Governor to set aside 100 acres of State land to establish a West Hawaii Veterans' Memorial Park in Puu O'O North Kona.

Veterans of the United States armed services have cemeteries dedicated exclusively for them because of the services they have performed for the country. Presently, the main site for the interment of veterans on the island of Hawaii is in Hilo. People living in Kona who are relatives and friends of deceased veterans are forced to drive long hours to visit the graves of their loved ones.

Testimony supporting this concurrent resolution was submitted by the Department of Land and Natural Resources and the State of Hawaii Department of Defense. The Department of Land and Natural Resources recommended that the County of Hawaii manage and control the area to establish a West Hawaii Veterans' Memorial Park.

Your Committee finds that the establishment of a veterans' cemetery in North Kona will be a great convenience and comfort for people wishing to visit friends and relatives who have given their lives for their country. Your Committee has adopted the recommendations of the Department of Land and Natural Resources and has amended the concurrent resolution to reflect that the responsibility for manage and control of the land be on the County of Hawaii.

Your Committee on Judiciary concurs with the intent and purpose of S.C.R. No. 47, SD 1, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 47, SD 1, HD 1.

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

SCRep. 1661 Water, Land Use and Hawaiian Affairs and Judiciary on S.B. No. 1434

The purpose of this bill is to award long-term leases on State lands to those residents of Kalapana who are of Hawaiian ancestry and who were dispossessed or displaced from their homes as a result of volcanic eruptions on the island of Hawaii.

Your Committees on Water, Land Use and Hawaiian Affairs and Judiciary are in accord with the intent and purpose of S.B. No. 1434, SD 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 Peters, Stegmaier, Yoshimura and O'Kieffe.

SCRep. 1662 Housing and Consumer Protection and Commerce on S.C.R. No. 187

The purpose of this concurrent resolution is to request the Hawaii Community Reinvestment Corporation to conduct a study on the feasibility of establishing a mortgage insurance program funded by the State or through other sources.

Testimony in favor of the intent of this measure was submitted by the Hawaii Housing Authority and the Hawaii Community Reinvestment Corporation.

Upon further consideration, your Committees have amended this measure as follows:

- (1) Requesting the Hawaii Community Reinvestment Corporation to conduct the study with the assistance and input of the Legislative Auditor, the Housing Finance and Development Corporation, the Hawaii Housing Authority, the Department of Budget and Finance, the Department of Commerce and Consumer Affairs, and private mortgage insurers;
- (2) Requesting the Hawaii Community Reinvestment Corporation to report its findings and recommendations at least twenty days before the convening of the Regular Session of 1992;
- (3) Requesting the Legislative Auditor, the Housing Finance and Development Corporation, the Hawaii Housing Authority, the Department of Budget and Finance, and the Department of Commerce and Consumer Affairs, to indicate their agreement or disagreement with the report and make recommendations with regard to the report by signed statement attached thereto; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and style.

At the same time, it is the intent of your Committees that the study include but not be limited to the following:

- (1) Examination of experiences of other states with similar mortgage insurance programs as well as those states which may have done similar studies such as this but did not institute a mortgage insurance program;
- (2) Assessment of Hawaii's potential exposure to financial loss under a state-funded mortgage insurance program;
- (3) Estimation of the starting costs and annual costs of such a program based on reasonable projections; and
- (4) Projection of the impact of such a program on the borrowing capacity of the State of Hawaii.

Your Committees on Housing and Consumer Protection and Commerce concur with the intent and purpose of S.C.R. No. 187, SD 1, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 187, SD 1, HD 1.

Signed by all members of the Committees.

SCRep. 1663 Judiciary on S.B. No. 1251

The purpose of this bill is to clarify that the Housing Finance and Development Corporation (HFDC) does not have the burden of proof in establishing the fair market value of any leased fee interest being acquired in eminent domain actions under Chapter 516, Hawaii Revised Statutes.

In this class of eminent domain proceedings, the HFDC does not have a direct interest in the amount of compensation and damages that the court may award. In leaving the burden of proof with the parties who have a direct interest, the costs to the defendant lessees, who ultimately bear all costs incurred by the HFDC in these actions, will be significantly reduced.

Testimony in support of this measure was submitted by the HFDC.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1251 and recommends that it pass Third Reading.

Signed by all members of the Committee except Representative Yoshimura.

SCRep. 1664 Judiciary on S.B. No. 1282

The purpose of this bill is to clarify that sixty-day notices of breach or default of property instruments executed with the Department of Land and Natural Resources (DLNR) refer only to leases or patents, and not to revocable licenses, agreements, permits, or other short-term agreements.

Under the current language of Section 170-20, Hawaii Revised Statutes, for any lease, patent, license, agreement, or other instrument that is issued pursuant to Chapter 171, Hawaii Revised Statutes, that is breached or that is in default, the Board of Land and Natural Resources must deliver a written notice making demand that the breaching party cure or remedy the breach or default within sixty days of receipt of the notice. This language could be interpreted as applicable to agreements of short duration (usually month-to-month permits) that should be revocable upon thirty days written notice like any other short-term agreement.

Testimony in support of this measure was submitted by DLNR.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1282 and recommends that it pass Third Reading.

Signed by all members of the Committee except Representative Yoshimura.

SCRep. 1665 Judiciary on S.B. No. 1850

The purpose of this bill is to exempt non-profit corporations such as the beach service associations dedicated to the Hawaii beachboy tradition or support groups of county zoos and botanic parks from public concession bid requirements.

Testimony in support of this measure was submitted by the Department of Parks and Recreation of the City and County of Honolulu and a private citizen.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1850, SD 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1666 Judiciary on S.B. No. 1306

The purpose of this bill is to make it an offense for any person to allow or to mislead others into allowing a person under the age of fifteen to operate a thrill craft.

Testimony in support of this bill was received from the Department of Transportation.

Your Committee finds that the law currently prohibits any person under the age of fifteen from operating a thrill craft. This bill will also address the responsibility of adults who permit or mislead others into permitting the violation of this law.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1306 and recommends that it pass Third Reading.

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

SCRep. 1667 Judiciary on S.B. No. 1310

The purpose of this bill is to authorize the Governor or the Director of Transportation as his designee to dispose of easements and access rights within and along State highways.

The designation of the Director of Transportation as the person to dispose of easements and access rights will expedite the disposition process and make it more efficient.

Testimony in support of this measure was submitted by the Department of Transportation.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1310, SD 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1668 Judiciary on S.B. No. 1334

The purpose of this bill is to repeal Section 298-10, Hawaii Revised Statutes, relating to school attendance for blind and deaf children.

Testimony supporting this measure was submitted by the Department of Education, which testified that guidelines for educating blind and deaf children are included in the federal Education For All Handicapped Children Act and in Chapter 36, Title 8, Hawaii Administrative Rules, "Provision of a Free and Appropriate Public Education for Exceptional Children Who Are Handicapped."

Your Committee finds that the federal law adequately provides for the education of deaf and blind children. This bill is a housekeeping measure that repeals an unnecessary State law.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1334 and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1669 Judiciary on S.B. No. 1335

The purpose of this bill is to authorize the Department of Education to disclose to other national or state teacher certification agencies pertinent information about school personnel who have had their teaching certificates revoked.

Testimony supporting this measure was submitted by the Department of Education, who expressed the need for Hawaii to participate in the nationwide program established by the National Association of State Directors of Teacher Education and Certification (NASDTEC) for the exchange of information about teaching personnel who have had their certificates revoked. The program will insure a high quality education for Hawaii students by facilitating the screening of teachers who apply for positions at Hawaii schools.

Your Committee finds that the program by NASDTEC compiles information on teaching personnel from cooperating states and distributes the information to the certifying agency of each participating state. Of the fifty states, Hawaii is one of five states not participating in the program.

Your Committee finds that problem teachers are a danger to students, families, and communities. They lower the educational quality of Hawaii, resulting in poor performance by Hawaii's students in comparison to other states. Your Committee finds that participation in a program that eliminates problem teachers will be a great benefit to the educational system.

Your Committee on Judiciary is in accord with the intent and purpose of S.B. No. 1335 and recommends that it pass Third Reading.

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

SCRep. 1670 Higher Education and the Arts on S.C.R. No. 136

The purpose of this concurrent resolution is to request the University of Hawaii College of Education to develop a concept paper for the establishment of a Center for Excellence in Education that will focus the efforts of the College of Education on critical statewide educational issues, including the provision of exemplary demonstration classrooms in support of teacher education outreach service to the schools in the State of Hawaii and the Pacific.

A Center for Excellence in Education could provide significant support to efforts to improve public education in Hawaii.

Testimony in support of this concurrent resolution was received from the University of Hawaii College of Education and the State Department of Education.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of S.C.R. No. 136 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1671 Higher Education and the Arts on S.C.R. No. 115

The purpose of this concurrent resolution is to urge the University of Hawai'i to provide up-to-date HIV and HBV education, with an emphasis on prevention and treatment of occupational exposure, to all students in the College of Health Sciences and Social Welfare, including the Allied Health Sciences Program.

Your Committee finds that students in the health care and social welfare professions need to be fully trained to protect not only themselves and their patients from exposure to HIV or HBV for the following reasons:

1. Hawai'i has ten times the national rate of Hepatitis B;
2. If they are exposed to HIV or HBV, they need to be fully informed as to the necessary procedures to follow and what treatments are available;
3. Health care and social welfare students are in direct contact with their patients or clients; therefore, the quality of patient care or their own health may be compromised if they either overestimate or underestimate the risks of exposure; and
4. Training will ensure that students not be discouraged from entering these fields due to ignorance or unfounded fear of this issue.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of S.C.R. No. 115 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1672 Higher Education and the Arts on S.C.R. No. 55

The purpose of this concurrent resolution is to urge the Curriculum Research and Development Group (CRDG) at the University of Hawaii College of Education to determine the need and feasibility of developing curriculum and instructional materials on Asia and the Pacific for use in classrooms and to assess the feasibility of developing them.

Given Hawai'i's unique geographic location and our deep and abiding ties with the people and nations of Asia and the Pacific Rim, it is imperative that our students develop a comprehensive understanding and knowledge of the area and its issues. In addition, Your Committee notes the importance of education extending beyond the boundaries of the United States to include the global community. Yet, standard textbooks published on the U.S. Mainland have limited information on the political, economic, and social issues of the Asia-Pacific region. However, the Curriculum Research and Development Group can capitalize on Hawai'i's geographic location and rich array of distinctive ethnic cultures to design and develop instructional materials for the schools as one of its major functions.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of S.C.R. No. 55, SD 1 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1673 Higher Education and the Arts on S.C.R. No. 16

The purpose of this concurrent resolution is to request the University of Hawaii College of Education, in consultation with the Department of Education and the State's Community Colleges, to conduct a comprehensive assessment of vocational education in Hawaii and to formulate an action plan to produce a pool of competent, well-trained vocational education teachers for the public schools.

The demand for people trained for vocational and technical occupations is rising in Hawaii, but support for vocational teacher training has declined. Strengthening vocational education, including helping vocational teachers, is important to the people of Hawaii.

Testimony in support of this concurrent resolution was received from the University of Hawaii College of Education and the Department of Education.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of S.C.R. No. 16, SD 1 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1674 Higher Education and the Arts and Education on S.C.R. No. 92

The purpose of this concurrent resolution is to request the University of Hawaii College of Education to examine the requirements of the Basic Special Education Training Program and, if appropriate, modify the requirements to allow a teacher who completes the Program to receive a Professional Teaching Certificate.

The College of Education's Basic Special Education Training Program offers teachers training in special education, but completion of the program does not qualify teachers for a Professional Teaching Certificate. The result is that for special education teachers to advance through the statutorily-set requirements for civil service classes, they must complete more coursework than regular teachers. This has a demoralizing effect on special education teachers, while the State is trying to encourage teacher candidates to pursue a career in special education because of a severe shortage of teachers in this field.

Your Committees find that to upgrade training and certification of special education teachers to better address the needs of the community, the University of Hawaii College of Education must examine hiring problems, as well as the working relationships between components that address special education concerns. Your Committees further find that the assessment and examination of special education involve all parties concerned, including but not limited to such organizations as the the Learning Disabilities Association of Hawaii.

Your Committees on Higher Education and the Arts and Education concur with the intent and purpose of S.C.R. No. 92, SD 1, and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1675 Legislative Management on S.C.R. No. 199

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to review the Hawaii Revised Statutes, identify all gender specific terms, and substitute gender neutral terms whenever possible.

Supporting testimony was submitted by the Hawaii State Commission on the Status of Women.

Your Committee finds that the increased use of gender neutral language in state and federal law, as well as in all major channels of communication, dispels biases and preconceptions that can close the door of opportunity for people of either sex.

Your Committee on Legislative Management concurs with the intent and purpose of S.C.R. No. 199 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1676 Legislative Management on S.C.R. No. 4

The purpose of this concurrent resolution is to request the Legislative Auditor to study and report on the coordination of mental health needs of children and adolescents between state agencies.

Supporting testimony was received from the Department of Education, the Department of Health, the State Planning Council on Developmental Disabilities, the State Advisory Council on Mental Health and Substance Abuse, the Mental Health Association in Hawaii, and the Mental Health Coalition.

Your Committee finds that coordinated services for the mental health needs of children and adolescents would streamline the delivery of mental health services and agrees that a study of other states' systems would be useful in developing a model for Hawaii. Also, your Committee finds that particular attention needs to be focused on the rural areas of the State.

This concurrent resolution was amended by adding a provision requesting the Legislative Auditor to identify the numbers of children and adolescents who are underserved and unserved in each service area.

Your Committee on Legislative Management concurs with the intent and purpose of S.C.R. No. 4, SD 1, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 4, SD 1, HD 1.

Signed by all members of the Committee except Representative Kihano.

SCRep. 1677 Legislative Management on S.C.R. No. 37

The purpose of this concurrent resolution is to develop a coordinated statewide program of transportation services for developmentally disabled persons.

Supporting testimony was received from the Department of Transportation, the State Planning Council on Developmental Disabilities, the Mental Health Association, the Commission on Persons with Disabilities, and a private citizen.

Your Committee finds that provision of transportation services for persons with disabilities is primarily the responsibility of the State, and that there is a particularly severe need for such services in the rural areas of the State.

Your Committee on Legislative Management concurs with the intent and purpose of S.C.R. No. 37, SD 1, and recommends its adoption.

Signed by all members of the Committee except Representative Kihano.

SCRep. 1678 Labor and Public Employment on S.C.R. No. 56

The purpose of this concurrent resolution is to request the Conference of Personnel Directors to:

- (1) Conduct a study on the pricing of Personnel Clerks and Technician positions within the State, and report its findings to the Legislature; and
- (2) Initiate any appropriate repricing action as a result of the study.

Your Committee finds that Personnel Clerks and Technicians play an important role in personnel administration in the State, which requires them to have a broad and comprehensive understanding of state and federal labor laws. During the past twenty years, there have been major changes in state and federal laws, and this has made the nature of their duties and responsibilities increasingly more difficult and complex.

Despite the fact that the complexity of the work of Personnel Clerk and Technician positions has increased, the Public Employees Compensation Appeals Board (PECAB) failed to reprice Personnel Clerk and Technician positions when PECAB repriced School Administrative Services Assistant and Secretary positions in January, 1990. This measure would address this oversight.

Your Committee received testimony in support of the intent of this measure from the Department of Personnel Services, the Department of Education, the Public Employees Management Association of Hawaii, the Hawaii Government Employees Association, and several personnel clerks and technicians.

Your Committee on Labor and Public Employment concurs with the intent and purpose of S.C.R. No. 56, SD 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1679 Labor and Public Employment on S.C.R. No. 141

The purpose of this concurrent resolution is to proclaim April 28 as "Workers Memorial Day" in Hawaii and to establish a worksite safety and health program and a safety and health committee.

Your Committee finds a "Workers Memorial Day" would appropriately recognize the right of every worker to safe and healthful working conditions and to also educate the community on the need to continuously and tirelessly advocate for on the job safety.

The "Workers Memorial Day" exemplifies the Hawaii State AFL-CIO's continued commitment in promoting worker safety. In testimony, the Hawaii State AFL-CIO, stated the "Workers Memorial Day" would accomplish the following:

- (1) Acknowledgement that workers have been killed, injured, or diseased on the job;
- (2) Education and implementation of stronger safety and health standards; and
- (3) Strengthening the enforcement of those standards.

Your Committee received favorable testimony from the Department of Labor and Industrial Relations, Hawaii State AFL-CIO, Boilermakers, Local 204, and Screen Actors Guild.

Your Committee on Labor and Public Employment concurs with the intent and purpose of S.C.R. No. 141 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1680 Judiciary and Transportation on S.C.R. No. 203

The purpose of this concurrent resolution is to request the Hawaii State Association of Counties to conduct a feasibility study on transferring the disposition of parking violations from the Judiciary to the various counties.

The counties currently receive the funds from the parking meters in their respective jurisdictions. The courts are currently responsible for administration of parking citations and the funds are collected by the State. Your Committee finds transferring the administration of parking citations to the counties will reduce the court's overburdened workload and provide more funds to the counties. The unification of parking enforcement under the counties may reduce costs and the counties' administrative disposition system may increase efficiency.

Your Committees on Judiciary and Transportation concur with the intent and purpose of S.C.R. No. 203, SD 1, and recommend its adoption.

Signed by all members of the Committees except Representatives Hashimoto, Takamine, Tam, Taniguchi and Yonamine.

SCRep. 1681 Judiciary on S.C.R. No. 217

The purpose of this concurrent resolution is to request the Department of the Attorney General to work with the county police departments in developing:

- (1) A mechanism for collecting data on the gender of victims and perpetrators, especially when the gender of the perpetrator is unknown or the gender of a known perpetrator is different than the gender of the victim; and
- (2) A format for the Attorney General to report the statistics annually to the Legislature and the public.

Currently, there is no adequate mechanism for statistical reporting of "hate" crimes directed specifically against women. This measure will help provide an objective and accurate standard for the collection and reporting of gender-related crimes.

Testimony in support of this measure was submitted by the Hawaii State Commission on the Status of Women and the Hawaii Women's Political Caucus.

Your Committee on Judiciary concurs with the intent and purpose of S.C.R. No. 217, SD 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Oshiro and Takamine.

SCRep. 1682 Judiciary on S.C.R. No. 210

The purpose of this concurrent resolution is to request that the Department of Public Safety to study alternatives to incarceration, including emergency release programs, that have been proven successful in other jurisdictions.

In recent years, Congress and state legislatures have been criminalizing previously non-criminal activities and extending prison sentences for a wide range of crimes. This trend has resulted in prison overcrowding, lack of medical and mental health services, poor sanitation, lack of rehabilitative programs, and ineffective prisoner classification. The cost of incarceration averages \$28,000 per year per inmate in Hawaii, and new prisons are very expensive to build.

In view of these and other conditions which adversely affect the ability of the State to carry out its mission relating to corrections, this measure is a practical means of resolving some of the problems currently found in the State's correctional system.

Testimony in support of this measure was submitted by the Department of Public Safety.

Your Committee on Judiciary concurs with the intent and purpose of S.C.R. No. 210 and recommends its adoption.

Signed by all members of the Committee except Representatives Oshiro and Takamine.

SCRep. 1683 Judiciary on S.C.R. No. 143

The purpose of this concurrent resolution is to express strong support for the passage of the Civil Rights Act of 1991.

Testimony in support of this measure was received from the Hawaii State Commission on the Status of Women.

Presently, under federal law, many employees who are victims of sexual harassment, or other forms of intentional sex discrimination, can only receive back pay and/or reinstatement to a job. Victims of sex discrimination cannot get any compensatory or punitive damages. Your Committee finds that this Act would provide for the first time that women who suffer sex discrimination on the job would be allowed to sue their employers for damages.

Your Committee on Judiciary concurs with the intent and purpose of S.C.R. No. 143 and recommends its adoption.

Signed by all members of the Committee except Representatives Oshiro and Takamine.

SCRep. 1684 Judiciary on S.C.R. No. 142

The purpose of this concurrent resolution is to request the Department of Public Safety to study the feasibility of obtaining an impounded aircraft from the drug enforcement administration for the purpose of moving prisoners between islands.

Testimony in support of this concurrent resolution was received from the Department of Public Safety.

Your Committee finds that due to the geographical problems of the State, air transportation is necessary to move not only inmates, but public safety personnel from island to island daily. This study would determine if there would be a sufficient cost savings by using a seized aircraft as an alternative to commercial air transportation. The Department of Public Safety would offer this air service to other State agencies which need to use inter-island travel since many State agencies have personnel traveling between islands daily. Therefore, there may be a cost savings to the State as a whole.

Your Committee on Judiciary concurs with the intent and purpose of S.C.R. No. 142 and recommends its adoption.

Signed by all members of the Committee except Representatives Oshiro and Takamine.

SCRep. 1685 Judiciary on S.C.R. No. 200

The purpose of this concurrent resolution is to request that the Governor establish a task force of representatives from executive agencies to examine the feasibility of creating a central panel of hearings officers independent of the respective State agencies who are involved in disputes.

Supporting testimony was received from the Department of Education.

Your Committee finds that hearings officers are employed by governmental agencies that are parties to the proceedings and have a direct interest in the outcome. The placement of all hearings officers into a separate State agency may address the concerns of those who perceive an impropriety under the current method of organization. A central panel of hearing officers could foster more public confidence in the fairness of administrative adjudication.

Your Committee on Judiciary concurs with the intent and purpose of S.C.R. No. 200, SD 1, and recommends its adoption.

Signed by all members of the Committee except Representatives Oshiro and Takamine.

SCRep. 1686 Consumer Protection and Commerce on S.C.R. No. 103

The purpose of this concurrent resolution is to discourage and resolve conflicts that arise between condominium owners and residents by urging all public and private agencies associated with the ownership and operation of condominiums to acknowledge certain basic condominium-occupant rights.

Testimony was heard in support of this measure by the Real Estate Commission.

Your Committee on Consumer Protection and Commerce concurs with the intent and purpose of S.C.R. No. 103, SD 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1687 Consumer Protection and Commerce and Legislative Management on S.C.R. No. 197

The purpose of this concurrent resolution, as received by these Committees, is to request the Legislative Auditor to study the operations and practices of mutual benefit societies, and all other organizations providing both health plans and health services to the public, including, but not limited to:

- (1) An assessment of whether mutual benefit societies and other health plan and service providers should be subject to governmental oversight or regulation;
- (2) The financial impacts of allowing mutual benefit societies and other health plan and service providers to furnish direct services to the general public;
- (3) An analysis of current regulatory practices and administrative procedures implemented to oversee the operations of mutual benefit societies and other health plan and service providers; and
- (4) An assessment of allegations with regarding potential conflicts of interest due to the dual role of mutual benefit societies and other health plan and service providers that furnish payments for services delivered.

Testimony was submitted by the Department of Commerce and Consumer Affairs (DCCA), the Hawaii Federation of Physicians and Dentists, the Hawaii Dental Association, the Department of Health, and the Hawaii Medical Service Association. The testifiers acknowledged that the requested study would be a major undertaking for which funds should be appropriated.

As no funds are being allocated for this study, your Committees considered alternatives to the broad parameters of the study to focus the review to one of more manageable proportions. Your Committees note that dual providers are regulated to different degrees with little apparent consistency as far as applicable statutory provisions. In other words, for example,

some dual providers are audited by DCCA, others are not; some are subject to different levels of governmental oversight, others are not. As a start, a review of these entities and the laws applicable to them would be helpful in determining whether or not laws should be enacted or amended with regard to them.

In view of the foregoing, your Committees have amended this bill by requesting the Legislative Reference Bureau to review all entities providing both insurance coverage and health care services in the State of Hawaii. This review should include:

- (1) A current list of dual providers operating in Hawaii;
- (2) A survey of all laws relating to the regulation of dual providers;
- (3) An evaluation of whether State regulation of dual providers are consistent on an industry-wide basis;
- (4) An assessment of whether or not additional regulations are necessary; and
- (5) An examination of issues related to potential conflicts of interest and anticompetitive practices.

Accordingly, your Committees have amended the title of this Concurrent Resolution to read:

"SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO REVIEW ENTITIES PROVIDING BOTH INSURANCE COVERAGE AND HEALTH CARE SERVICES IN THE STATE OF HAWAII."

In addition, technical, nonsubstantive revisions were made for the purposes of clarity and style.

Your Committees on Consumer Protection and Commerce and Legislative Management concur with the intent and purpose of S.C.R. No. 197, SD 1, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 197, SD 1, HD 1.

Signed by all members of the Committees.

SCRep. 1688 Consumer Protection and Commerce; Judiciary; and Legislative Management on S.C.R. No. 42

The purpose of this concurrent resolution is to fulfill requirements set forth by Section 26H-6, Hawaii Revised Statutes, by requesting the Legislative Auditor to conduct an after-the-fact sunrise analysis of the need to regulate judicial process servers.

Testimony in support of this measure was submitted by the Judiciary and the Department of Public Safety.

Your Committees find that:

- (1) Pursuant to Section 26H-6, Hawaii Revised Statutes, any new measure being considered for enactment that would, if enacted, subject to unregulated professions and vocations to licensing or other regulatory controls must be referred to the Legislative Auditor for an analysis of the need and impact of such a measure.
- (2) However, due to inadvertent error, Act 123, which required for the first time the licensing and regulation of process servers, was enacted in 1989 without an analysis by the Legislative Auditor. Act 123 has since been codified as Chapter 634D, Hawaii Revised Statutes.
- (3) Your Committees find that a sunrise analysis of Act 123 is necessary to insure compliance with Section 26H-6, Hawaii Revised Statutes, and to provide the necessary guidance for effective regulation and licensing of process servers.

Your Committees on Consumer Protection and Commerce and Judiciary and Legislative Management concur with the intent and purpose of S.C.R. No. 42 and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1689 Consumer Protection and Commerce and Intergovernmental Relations and International Affairs on S.C.R. No. 215

The purpose of this concurrent resolution is to reassert the Legislature's prerogative of developing laws and initiating public policies with regard to interstate banking regulation without interference from Congress and the federal government by urging Hawaii's congressional delegation to avoid preempting the State's right to enact legislation on interstate banking and interstate branching.

Testimony in support of this measure was submitted by the Commissioner of Financial Institutions.

Your Committees find that although the Federal government may need to address national concerns, it is the state that ultimately is best suited to assure the health of our financial institutions.

Your Committees on Consumer Protection and Commerce and Intergovernmental Relations and International Affairs concur with the intent and purpose of S.C.R. No. 215, SD 1, and recommend its adoption in the form.

Signed by all members of the Committees.

SCRep. 1690 Consumer Protection and Commerce and Intergovernmental Relations and International Affairs on S.C.R. No. 83

The purpose of this concurrent resolution is to urge the Departments of Liquor Control of the Counties of Hawaii, Kauai, and Maui, and the Liquor Commission of the City and County of Honolulu to investigate existing systemic, administrative, and operational problems relating to liquor regulation that may hinder the proper and efficient enforcement of alcohol-related laws, and submit a comprehensive package of legislation to the Legislature within forty-five days prior to the convening of the Regular Session of 1992.

Your Committees received favorable testimony from the Hawaii Hotel Association.

Your Committees on Consumer Protection and Commerce and Intergovernmental Relations and International Affairs concur with the intent and purpose of S.C.R. No. 83, SD 1, and recommend its adoption.

Signed by all members of the Committees except Representative Bainum.

SCRep. 1691 Energy and Environmental Protection on S.C.R. No. 43

The purpose of this concurrent resolution is to urge the United States Environmental Protection Agency to restore six well sites in Central Oahu that are contaminated with pesticides to the Superfund national priorities list.

Your Committee heard testimonies in support of this measure from the Department of Health, the Board of Water Supply, the Mililani, Waipio, Melemanu Neighborhood Board, and a community advocate with membership in many community organizations. The Board of Water Supply testified that this concurrent resolution may help to influence the Environmental Protection Agency in restoring these sites to the National List. The Department of Health reported that the listing of these sites would help ensure that they are properly investigated.

Your Committee finds that the restoration of these sites to the Superfund priorities list would make federal assistance available to:

- (1) Improve and maximize ongoing efforts to mitigate existing contamination;
- (2) Prevent future contamination through the removal of hazardous substances in the environment; and
- (3) Protect public health by making certain that safe drinking water is available.

Your Committee has amended this concurrent resolution by making nonsubstantive amendments for purposes of style and grammatical correctness.

Your Committee on Energy and Environmental Protection concurs with the intent and purpose of S.C.R. No. 43, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 43, HD 1.

Signed by all members of the Committee.

SCRep. 1692 Energy and Environmental Protection and Transportation on S.C.R. No. 175

The purpose of this concurrent resolution is to request the Department of Business, Economic Development, and Tourism to conduct a study to determine:

- (1) Types of alternative fuels currently available for motor vehicles;
- (2) The cost of converting and retrofitting existing State motor pool vehicles to use the alternative fuels;
- (3) The cost of purchasing new State motor pool vehicles that use alternative fuels;
- (4) Comparative costs of fossil and alternative fuels, including long-range projections, if possible, of significant changes in costs; and
- (5) Short- and long-range economic and other benefits and disadvantages of using alternative fuels for all or part of the State motor pool.

The Department of Business, Economic Development, and Tourism offered testimony in favor of this measure. It was suggested that the Department of Accounting and General Services be included as assisting the Department of Business, Economic Development, and Tourism since the results of the study are likely to be used by DAGS with respect to the State-owned vehicle fleet.

Your Committees recognize that Hawaii's overdependence on imported oil for conversion into gasoline may result in economic disaster should the sources of these fuels be disrupted. In addition, emissions from the use of fossil fuels in motor vehicles contribute excessively to air pollution.

Your Committees believe that uses of fuels other than gasoline will provide viable alternatives to the utilization of fossil fuels for motor vehicles. The State needs to ascertain the extent to which uses of alternative fuels will be advantageous economically and environmentally.

Your Committees have amended this concurrent resolution by amending the first "Be It Resolved" paragraph to read: **BE IT RESOLVED** by the Senate of the Sixteenth Legislature of the State of Hawaii, Regular Session of 1991, the House of Representatives concurring, that the Department of Business, Economic Development, and Tourism, with the assistance of the Department of Accounting and General Services, is requested to determine:

Your Committees have also amended this concurrent resolution by making nonsubstantive changes for purposes of style and clarity.

Your Committees on Energy and Environmental Protection and Transportation concur with the intent and purpose of S.C.R. No. 175, SD 1, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 175, SD 1, HD 1.

Signed by all members of the Committees.

SCRep. 1693**Energy and Environmental Protection and Transportation on S.C.R. No. 179**

The purpose of this concurrent resolution is to request the formation of a blue ribbon panel to review the Clean Air Act Amendments of 1990.

Your Committees heard supporting testimony from the Department of Health and the Department of Transportation. The Department of Health reported that the creation of a blue ribbon panel is very timely, since implementation of the provisions of this Act must begin soon.

Your Committees recognize the desire to concentrate on provisions of the Act as they relate to hazardous emissions from motor vehicles, since such emissions contribute to more than half of the air pollution in the urban areas of Hawaii. It is also recognized that federal guidelines relating to motor vehicles have already been developed or will be developed soon, while standards and guidelines for many other pollutants have not reached a point where they are ready for implementation by states.

Your Committees have amended this concurrent resolution by designating the Department of Health as being the lead agency for the blue ribbon panel.

Your Committees have further amended this concurrent resolution by amending the title, since the blue ribbon panel is being charged primarily with the Clean Air Act Amendments of 1990 as they relate to pollutants from motor vehicles, rather than the many other pollutants contained in the Act. The title has been amended to read: **SENATE CONCURRENT RESOLUTION REQUESTING THE CREATION OF A BLUE RIBBON PANEL TO REVIEW THE CLEAN AIR AMENDMENTS OF 1990 AS THEY RELATE TO HAZARDOUS EMISSIONS FROM MOTOR VEHICLES.**

Your Committees on Energy and Environmental Protection and Transportation concur with the intent and purpose of S.C.R. No. 179, SD 1, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 179, SD 1, HD 1.

Signed by all members of the Committees.

SCRep. 1694**Energy and Environmental Protection and Intergovernmental Relations and International Affairs on S.C.R. No. 41**

The purpose of this concurrent resolution is to urge the United States Congress to enact legislation which will provide tax credits to motorists to encourage the conversion of automobiles from the use of gasoline to the use of liquefied petroleum gas.

Testimony in support of this concurrent resolution was heard from the Gas Company which pointed out that a diverse range of fuels should be considered. It was also observed that tax credits would be an encouraging factor in conversion of vehicles for the use of liquefied petroleum, since tax credits would help to offset the cost of conversion.

Your Committees find that liquefied petroleum gas is a viable alternative to gasoline as a fuel for motor vehicles for all normal driving conditions. Liquefied petroleum has the added advantage of being kinder to the environment, since hazardous emissions from internal combustion engines using this fuel are less than those for gasoline propelled vehicles. The slight loss of power from the use of liquefied petroleum gas is offset by its other advantages.

Your Committees find that the initial cost of conversion of motor vehicles, enabling them to use liquefied petroleum rather than gasoline, or both fuels, will be costly, and believe that tax credits to encourage such conversion as recommended in this concurrent resolution are justified.

Your Committees on Energy and Environmental Protection and Intergovernmental Relations and International Affairs concur with the intent and purpose of S.C.R. No. 41 and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1695 Water, Land Use and Hawaiian Affairs on S.C.R. No. 48

The purpose of this concurrent resolution is to assist the residents in the Kalaoa area of the Big Island in obtaining a park for their community by requesting that the Governor set aside certain State lands for that purpose.

Your Committee finds that a community park would be of enormous benefit to the residents of the Kalaoa area, and steps should be taken to expedite the process.

The Department of Land and Natural Resources supported this measure provided that the State and the County of Hawaii can agree on designating a suitable site and that the County is willing to submit a satisfactory capital expenditure plan and site survey plan.

Your Committee on Water, Land Use and Hawaiian Affairs concurs with the intent and purpose of S.C.R. No. 48 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1696 Water, Land Use and Hawaiian Affairs and Intergovernmental Relations and International Affairs on S.C.R. No. 152

The purpose of this concurrent resolution is to assist the residents of West Hawaii in developing a regional sports-recreational complex by requesting the Board of Land and Natural Resources to recommend that the Governor set aside lands at Keahuolu, North Kona for that purpose.

The Board of Land and Natural Resources has authorized the acquisition of approximately 450 acres from the Queen Liliuokalani Trust for a variety of uses, including a regional sports-recreational complex. Moreover, both the County of Hawaii and the Department of Land and Natural Resources are agreeable to this use.

The Department of Land and Natural Resources testified in support of this bill, provided that the State and County of Hawaii can agree on designating a suitable site and that the County is willing to submit a satisfactory capital expenditure plan and site survey plan.

Your Committee also received testimony from a Kona resident in support of this measure.

Your Committees on Water, Land Use and Hawaiian Affairs and Intergovernmental Relations and International Affairs concur with the intent and purpose of S.C.R. No. 152 and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1697 Water, Land Use and Hawaiian Affairs and Planning and Economic Development on S.C.R. No. 192

The purpose of this concurrent resolution is to request the Office of State Planning (OSP) to conduct a comprehensive study on the cumulative impact of golf course development in the State. The study shall include the effects on the State's natural resources and the environment, social and economic impact on affected communities. In addition, the study shall propose policies for the formulation of consistent compensatory fees to be imposed on golf course developers by the State and local governments to mitigate any negative impacts attributable to golf course development. The OSP is requested to report its findings and recommendations to the Legislature no later than twenty days prior to the convening of the 1992 Session.

Your Committees received supporting testimony from the Office of State Planning and the Founder's Group Kokua Council for Senior Citizens.

One goal of the study is to determine the environmental carrying capacity of various areas with respect to golf courses. There are many adverse environmental effects resulting from golf courses. Pesticide runoff contaminates streams, aquifers, and the ocean. The vast quantities of water consumed for irrigation deplete water resources already being stretched to the limit by the State's exploding population. In cases where golf courses are carved out of undeveloped areas, they ruin Hawaii's natural beauty. The bulldozing of the forest between the Pali and Mt. Olomana for a golf course has detracted from one of the most spectacular views on Oahu, enjoyed by both residents and tourists.

Many local people like to golf but have difficulty obtaining tee times on the few overloaded municipal courses. The majority of golf courses are far too expensive for most Hawai'i residents. Some courses do not even sell memberships locally.

Since Hawaii's people must bear the environmental and recreational impacts of these courses, it is important to determine exactly how much money they really put into the State's economy. Questions the study should address are whether impact fees can make up for these consequences and, if they can, how high the fees should be.

With the mind-boggling prospect of forty potential new golf courses on O'ahu alone, this study is essential.

Your Committees on Water, Land Use and Hawaiian Affairs and Planning and Economic Development concur with the intent and purpose of S.C.R. No. 192, SD 1, and recommend its adoption.

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

SCRep. 1698 Water, Land Use and Hawaiian Affairs and Legislative Management on S.C.R. No. 222

The purpose of this concurrent resolution is to request the Legislative Reference Bureau (LRB) to study alternative means of compensation for the members of the Board of Trustees of the Office of Hawaiian Affairs. The LRB will report its findings and recommendations to the Legislature no later than twenty days prior to the convening of the 1992 Session.

Your Committees received supporting testimony from four trustees of the Office of Hawaiian Affairs.

This study makes sense for a number of reasons. Currently, the trustees receive \$100 per meeting they attend, which is hardly adequate compensation for their time and efforts on behalf of the Hawaiian people. It is difficult for them to earn income from a paid occupation because trusteeship is a full-time job. The lack of financial compensation is restricting the number and type of people who can run for the board of trustees.

Your Committees on Water, Land Use and Hawaiian Affairs and Legislative Management concur with the intent and purpose of S.C.R. No. 222 and recommend its adoption.

Signed by all members of the Committees except Representatives Hiraki, Kihano and O'Kieffe.

SCRep. 1699 Water, Land Use and Hawaiian Affairs and Legislative Management on S.C.R. No. 185

The purpose of this concurrent resolution is to support and amend the Governor's Action Plan, which creates a mechanism to allow Hawaiian Home Lands beneficiaries the opportunity to resolve individual controversies relating to the Hawaiian Home Lands trust and the ceded lands trust, which arose between August 21, 1959, and June 30, 1988.

Your Committees received testimony from the Office of State Planning, the Department of Hawaiian Home Lands (DHHL), Alu Like, the Office of Hawaiian Affairs, the State Council of Hawaiian Homestead Associations, an individual, the Native Hawaiian Legal Corporation, and Kia 'Aina, Ka Lahui Hawai'i.

While in general agreement with the content of the current document, your Committees have amended it by deleting the Legislative Auditor's audit of DHHL's Homestead Services Division. Since the Department has already hired a management consultant to assist the Division, an audit is not necessary at this time.

In addition, your Committees have made technical, nonsubstantive amendments for the purposes of style and clarity.

Your Committees on Water, Land Use and Hawaiian Affairs and Legislative Management concur with the intent and purpose of S.C.R. No. 185, SD 1, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 185, SD 1, HD 1.

Signed by all members of the Committees.

SCRep. 1700 Health and Intergovernmental Relations and International Affairs on S.C.R. No. 168

The purpose of this concurrent resolution is to request the Department of Health and Department of Land and Natural Resources to work with the City and County of Honolulu to study methods of decreasing the number of pigeons in public areas of East Oahu.

The Waikiki Improvement Association, the Hawaii Hotel Association, the Department of Land and Natural Resources, and the Department of Health provided testimony in support of this concurrent resolution.

Your Committees urge the State and the City and County to identify methods of deterring pigeons from gathering in areas where they are not wanted in addition to studying methods of eradication.

Your Committees on Health and Intergovernmental Relations and International Affairs concur with the intent and purpose of S.C.R. No. 168, SD 1, and recommends its adoption.

Signed by all members of the Committees except Representatives Hashimoto and M. Ige.

SCRep. 1701 Health and Intergovernmental Relations and International Affairs on H.R. No. 340 (Majority)

The purpose of this resolution is to urge the United States Congress to establish a comprehensive national health insurance program which is available to and affordable for all American citizens.

Testimony was presented in favor of the resolution from the Department of Health with suggested amendments, and the Kokua Council for Senior Citizens.

Your Committees have amended the resolution by:

- (1) Including a Whereas section stating Hawaii's leadership role in providing insurance coverage to its residents; and

- (2) Including a Be It Further Resolved section urging the U.S. Congress to recognize the role of individual states in solving health insurance problems and encouraging a national health policy to provide flexible implementation authority, giving the option for states to offer coverage above national standards.

Your Committees on Health and Intergovernmental Relations and International Affairs concur with the intent and purpose of H.R. No. 340, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 340, HD 1.

Signed by all members of the Committees except Representatives Chun, Hashimoto and M. Ige.
(Representative Tatibouet did not concur.)

SCRep. 1702 Intergovernmental Relations and International Affairs on S.C.R. No. 1

The purpose of this concurrent resolution, as received, is to request the Governor to initiate discussions relating to the establishment of cooperative associations among Pacific Island states.

Your Committee received testimony in support of this measure from the Office of International Relations, the East-West Center, a representative from the Governor's Office of Pohnpei, and a concerned citizen.

After careful deliberations, your Committee has amended this measure by:

- (1) Expanding the entities to be included in cooperative associations to all Pacific Island states, territories, and nations;
- (2) Changing the title of the concurrent resolution accordingly to read: "REQUESTING THE GOVERNOR TO INITIATE DISCUSSIONS RELATING TO THE ESTABLISHMENT OF COOPERATIVE ASSOCIATIONS AMONG PACIFIC ISLAND STATES, TERRITORIES, AND NATIONS";
- (3) Transmitting certified copies of this measure to the governmental leaders of thirteen Pacific Island entities;
- (4) Expanding the description of the Federated States of Micronesia;
- (5) Justifying the special relationship of Hawaii to Pohnpei by reiterating the non-involvement of Pohnpei in the Pacific Basin Development Council;
- (6) Setting the grounds for the expansion of relationships between Pacific Island entities and Hawaii by mentioning the proposed Joint Commercial Commission between the U.S. federal government and the nations of the Pacific; and
- (7) Expanding the scope of the regional cooperative forum to include the topics of trade and commerce, labor, and technology.

Your Committee on Intergovernmental Relations and International Affairs concurs with the intent and purpose of S.C.R. No. 1, SD 1, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 1, SD 1, HD 1.

Signed by all members of the Committee.

SCRep. 1703 Planning and Economic Development on S.C.R. No. 207

The purpose of this Senate Concurrent Resolution is to request the development of a comprehensive regional plan for the Hana district of the County of Maui.

Your Committee has amended this resolution to designate primary responsibility to the County of Maui, with assistance from the Office of State Planning, the University of Hawaii and representatives of the Hana community, to develop a comprehensive regional plan for the Hana district.

Your Committee has also amended this resolution to focus on the socio-economic factors facing the community and to emphasize that the sensitivities of the community in regards to maintaining and preserving the traditional life styles and natural beauty of Hana must be considered and included in this regional plan.

Your Committee notes that similar plans have been successfully developed in other parts of the State and wishes to specifically reference a recently completed plan by Professor Jon K. Matsuoka of the University of Hawaii entitled "Lanai, A Community on the Treshold of Change", April 1990, as one which illustrates the type of planning and community involvement that needs to be included in a comprehensive regional plan for the Hana district.

Your Committee has also made non-substantive amendments for the purpose of style and clarity.

Your Committee on Planning and Economic Development concurs with the intent and purpose of S.C.R. No. 207, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 207, HD 1.

Signed by all members of the Committee.

SCRep. 1704**Ocean and Marine Resources; Transportation; and Water, Land Use and Hawaiian Affairs on H.R. No. 161**

The purpose of this resolution is to authorize the Board of Land and Natural Resources or the Department of Transportation to develop through a private developer approximately 40 acres of submerged land and approximately 13 acres of fast land situated at Kawaihae Bay, South Kohala, Hawaii, for marina purposes pursuant to Sections 171-53 and 60, Hawaii Revised Statutes.

Your Committees heard testimony from the Department of Land and Natural Resources (DLNR) and the Department of Transportation (DOT) in support of this resolution. DLNR stated that a conservation district use application (CDUA) and an environmental impact statement (EIS) must be filed and approved by the Land Board before any lease disposition is considered.

Your Committees learned that adjacent to the proposed marina facility site is an area filled with archaeological and historical significance and have consequently amended this resolution to include provisions to protect these features.

Several members of your Committees expressed concern over the environmental impact of such a project, especially since parts of the planned marina are situated adjacent to the Pu'ukohola Heiau, a national historic site, whose boundaries include submerged lands bordering the proposed marina site, and felt it necessary to ensure that the submerged "shark's heiau" be protected from further siltation.

Therefore, your Committees have amended this resolution by:

- (1) Broadening the scope of the title by substituting the word "developer" for "development";
- (2) Condensing the language concerning the history of boating;
- (3) Deleted the statement made that are no significant archaeological sites;
- (4) Adding language to emphasize the importance of preserving the Hawaiian culture and tradition in this region;
- (5) Indicating that the significant areas be designated as historical preservation areas;
- (6) Requiring the developer or developers to restore and preserve Hale o ka puni, the shark's heiau, and to mitigate any further siltation; and
- (7) Specifying that the Pacific Area Office of the Department of the Interior, National Park Service receive copies of this resolution.

Your Committees on Ocean and Marine Resources and Transportation and Water, Land Use and Hawaiian Affairs concur with the intent and purpose of H.R. No. 161, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 161, HD 1.

Signed by all members of the Committees.

SCRep. 1705**Human Services and Intergovernmental Relations and International Affairs on S.C.R. No. 20**

The purpose of this concurrent resolution is to request the Governor to initiate the requisite grant request procedures from the United States Commission on National Service to establish a national service pilot program in Hawaii.

Your Committees did not receive opposing testimony and do recognize the supportive position provided by the Honolulu Community Action Program, Inc. and find that such a pilot program promotes and supports volunteer service to the community and thus is consistent with State goals.

Your Committees recommend that a report of the findings and recommendations be submitted to the Legislature not later than twenty days prior to the convening of the Regular Session of 1992.

Your Committees on Human Services and Intergovernmental Relations and International Affairs concur with the intent and purpose of S.C.R. No. 20 and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1706**Human Services and Health on S.C.R. No. 189**

The purpose of this concurrent resolution is to reaffirm the legislative intent of Act 307, Session Laws of Hawaii 1986, establishing a permanent Bilingual Health Education Aide Program.

Testimony has been received from the Department of Health, concurring that, in order to ensure equal access to health care services, non-English and limited English-speaking residents need the assistance of bilingual outreach workers.

In its testimony, the Department indicated that a report on the program's implementation will be submitted as part of its annual report for 1992 and supports adoption of this concurrent resolution in its present form.

Your Committees on Human Services and Health concur with the intent and purpose of S.C.R. No. 189, SD 1, and recommend its adoption.

Signed by all members of the Committees.

SCRep. 1707 Human Services and Health on S.C.R. No. 86

The purpose of this concurrent resolution is to request that the Department of Human Services and the Department of Health jointly increase their efforts to maximize federal participation in accessing expanded services through the Medicaid program and report on their progress in a joint interim hearing.

Your Committees have received testimony from the Department of Human Services, the Department of Health, the State Council on Developmental Disabilities, Hawaii Public Health Association, Hawaii Healthy Mothers, Healthy Babies Coalition, and the Committee on Welfare Concerns, all of which support the concurrent resolution.

Recognition of the need to continue aggressive efforts in behalf of the citizens of Hawaii is a theme stressed by both the legislative and administrative branches of the State government. The nationally known Medicaid consultants Lewin/ICF and Fox, Inc. conducted a study pursuant to concurrent resolutions passed in 1989 requesting the Legislative Auditor to respond to the directives articulated in those concurrent resolutions.

While some progress has been made in response to the recommendations in that study, areas such as expanded eligibility, rehabilitative services coverage for certain mental health services, gaps in providing services to indigent women and children, and the ultimate goal of maximization of federal participation have not yet been achieved.

Your Committees on Human Services and Health concur with the intent and purpose of S.C.R. No. 86 and recommend its adoption.

Signed by all members of the Committees except Representatives Bainum and Peters.

SCRep. 1708 Human Services on S.C.R. No. 221

The purpose of this concurrent resolution is to request the Hawaii Housing Authority to investigate the feasibility of allowing residents in public housing to provide child care in their dwelling units.

Your Committee received testimony in support of this concurrent resolution from the Hawaii Housing Authority, which will proceed with this effort in any event, and the Department of Health which has indicated its willingness to cooperate in such an investigation.

Families with limited resources are the hardest hit by the cost of child care, and provision of home-based child care in public housing facilities would constitute an affordable and accessible resource for residents in need of such services. Information derived from such a feasibility study could prove of substantial value in mitigating the shortage of home-based child care in the State, resolving issues of insurance and potential liability, and providing employment opportunities to public housing residents.

Your Committee on Human Services concurs with the intent and purpose of S.C.R. No. 221 and recommends its adoption.

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

SCRep. 1709 Human Services on S.C.R. No. 139

The purpose of this concurrent resolution is to request the Department of Public Safety to study the differences in wage scales of inmates and wards performing workline jobs and those performing work in the Correctional Industries Program.

Your Committee received testimony in support of such a study from the Department of Public Safety which recognizes that an examination of correctness, feasibility, and cost of increasing hourly wages for such individuals is warranted, given current correctional emphasis on the combination of rehabilitation and restitution.

Your Committee finds that a study may serve to benefit the individuals involved, the operation of the correctional system, and the taxpayers of the State and is therefore worthy of examination and consideration.

Your Committee finds that a study may serve to benefit the individuals involved, the operation of the correctional system, and the taxpayers of the State and is therefore worthy of examination and consideration.

Your Committee on Human Services concurs with the intent and purpose of S.C.R. No. 139, SD 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1710**Human Services on S.C.R. No. 116**

The purpose of this concurrent resolution is to request the Governor to designate the Office of Children and Youth as the lead agency for the planning, coordination, evaluation, and development of a statewide early childhood education and child care service delivery network.

Your Committee received testimony in support of such a measure from the Department of Human Services, the Office of Children and Youth, and the Department of Education, the latter agency expressing appreciation for the clarification in the amendment regarding scope and jurisdiction.

Your Committee finds that there is a need to designate a lead agency with the responsibility to correct fragmentation and duplication in services and develop an integrated and coordinated system of early childhood education and care.

Your Committee on Human Services concurs with the intent and purpose of S.C.R. No. 116, SD 1, and recommends its adoption.

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

SCRep. 1711**Human Services on H.R. No. 252**

The purpose of this resolution is to request the designation of the Governor's Office of Children and Youth as the lead agency for early childhood education and child care.

Your Committee has amended the resolution to add additional to clarify that as the lead agency for early childhood education and child care, the Office of Children and Youth shall address issues of planning and coordination which shall include but are not limited to the following:

1. the development of an integrated, comprehensive service delivery system for early childhood and child care services;
2. the identification of existing and potential funding and funding mechanism;
3. standards for programs and services;
4. standards for the education and certification of early childhood personnel.

Your Committee on Human Services concurs with the intent and purpose of H.R. No. 252, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 252, HD 1.

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

SCRep. 1712**Human Services on H.R. No. 169**

The purpose of this resolution is to request the Department of Human Services to implement a unified system of foster parent recruiting and training.

Your Committee has received favorable testimony from the Department of Human Services, the Office of Children and Youth, and the Judiciary of the State of Hawaii.

Your Committee has amended this resolution to change the date from 1991 to 1992 of the convening of the next Regular Session, which was inadvertently added.

Your Committee on Human Services concurs with the intent and purpose of H.R. No. 169, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 169, HD 1.

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

SCRep. 1713**Human Services on H.R. No. 298**

The purpose of this resolution is to request the Governor's homeless concerns advisory committee to identify ways of streamlining procedures of the State's social services programs to ease access to programs for the homeless.

Your Committee received favorable testimony from the Hawaii Housing Authority. One of the problems faced by homeless people identified by the Governor's Homeless Concerns Advisory Committee is the difficulty in navigating the various regulations which are in place to regulate the social service programs offered by the State.

Your Committee is in strong support of this resolution and has, therefore, amended it to reflect having a certified copy also sent to Homeless Aloha, Inc.

Your Committee on Human Services concurs with the intent and purpose of H.R. No. 298, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 298, HD 1.

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

SCRep. 1714 Human Services on H.R. No. 253

The purpose of this resolution is to request a study on the feasibility of establishing a one-stop service center to help needy individuals find and receive effective and efficient public assistance and human services.

Your Committee received favorable testimony from the Department of Human Services and the Office of Children and Youth. The Legislature is committed to achieving an exemplary human resource system that provides for those who are in need of assistance, services, and protection in meeting the problems of daily living and that promotes the preservation and maintenance of human health, dignity, and values.

Your Committee on Human Services concurs with the intent and purpose of H.R. No. 253 and recommends that it be referred to the Committee on Legislative Management.

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

SCRep. 1715 Human Services on H.R. No. 262

The purpose of this resolution is to request a feasibility study on the establishment of a State Coordinating Council on Sex Offender Treatment.

Your Committee has received favorable testimony from the Department of Human Services, the Judiciary of the State of Hawaii, the Department of Public Safety, and others.

Your Committee realizes the urgent need for a feasibility study, and has therefore amended the resolution to include sending a certified copy to the Director of the Legislative Reference Bureau.

Your Committee on Human Services concurs with the intent and purpose of H.R. No. 262, as amended herein, and recommends that it be referred to the Committee on Legislative Management in the form attached hereto as H.R. No. 262, HD 1.

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

SCRep. 1716 Human Services on H.R. No. 166

The purpose of this resolution is to urge the Legislature to recognize cash assistance or cash reimbursements for family support services as a benefit and not as taxable income.

The Department of Human Services, the State Planning Council on Developmental Disabilities, the Commission on Persons With Disabilities, and the Mental Health Association in Hawaii testified in support of the measure. In addition, your Committee received testimony from the Department of Taxation.

Your Committee realizes the importance of family support services and therefore has amended this resolution to include sending a copy to the Hawaii Congressional members.

Your Committee on Human Services concurs with the intent and purpose of H.R. No. 166, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 166, HD 1.

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

SCRep. 1717 Education on S.C.R. No. 137

The purpose of this concurrent resolution is to:

- (1) Urge the Department of Education (DOE) to consult with representatives of the Kamehameha Schools for the purpose of exploring the possibilities of private operation of elementary schools with large enrollments of Hawaiian students; and
- (2) Request the DOE to submit a report of its discussions, conclusions, and recommendations to the Legislature.

Your Committee has amended this concurrent resolution by deleting its provisions, inserting the contents of H.C.R. No. 261, HD 1, and revising the measure's title to read as follows: "REQUESTING A FINANCIAL AND MANAGEMENT AUDIT OF THE PUBLIC SCHOOL SYSTEM AND THE HAWAII PUBLIC LIBRARY SYSTEM REPAIR AND MAINTENANCE PROGRAMS." As amended, this concurrent resolution requests the Legislative Auditor to perform a financial and management audit of the public school and library systems' repair and maintenance programs.

Your Committee on Education concurs with the intent and purpose of S.C.R. No. 137, SD 1, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 137, SD 1, HD 1.

Signed by all members of the Committee.

SCRep. 1718**Education on S.C.R. No. 99**

The purpose of this concurrent resolution is to request the Board of Education to develop an instructional unit to adequately teach students the basic principles of civil and human rights and their relationship to the history of Asian Americans, including the internment of Japanese Americans during World War II.

Upon further consideration, your Committee has amended the concurrent resolution by deleting its provisions, inserting the contents of H.C.R. No. 269, HD 1, and revising the measure's title to read as follows: "REQUESTING A FINANCIAL AND MANAGEMENT AUDIT OF THE PUBLIC SCHOOL SYSTEM AND HAWAII STATE PUBLIC LIBRARY SYSTEM CAPITAL IMPROVEMENT PROGRAMS." As amended, this concurrent resolution requests the Legislative Auditor to conduct a financial and management audit of the public school system and public library system capital improvement programs for the biennium periods from July 1, 1987 to June 30, 1991.

Your Committee on Education concurs with the intent and purpose of S.C.R. No. 99, SD 1, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 99, SD 1, HD 1.

Signed by all members of the Committee.

SCRep. 1719**Education on S.C.R. No. 27**

The purpose of this concurrent resolution is to:

- (1) Request the Department of Education (DOE) to establish a Navy Jr. R.O.T.C. Program at Campbell High School; and
- (2) Require the DOE to report the progress made in establishing such a program to the Legislature.

Testimony in support of this measure was submitted by the DOE.

Upon further consideration, your Committee has amended this measure to:

- (1) Request the federal government to endorse the R.O.T.C. Program; and
- (2) Request the DOE to provide the resources for the program.

Your Committee on Education concurs with the intent and purpose of S.C.R. No. 27, SD 1, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 27, SD 1, HD 1.

Signed by all members of the Committee.

SCRep. 1720**Education on S.C.R. No. 70**

The purpose of this Concurrent Resolution is to request that the Department of Education evaluate the need to separate multilevel schools in its Hawaii District.

The present K-12 structure was established over the years in response to community needs and demographics, which have also changed over a period of time.

The Department of Education presented testimony supporting the intent of this measure, citing that the needs of parents, students and teachers have increased dramatically and that program expansion within the educational system has further compounded the problem.

Your Committee on Education concurs with the intent and purpose of S.C.R. No. 70 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1721**Education on S.C.R. No. 98**

The purpose of this Concurrent Resolution is to request the Department of Education to conduct a study on school vice principal staffing needs based on increased responsibilities, student discipline problems, the special education population, transiency rate and special programs, especially for intermediate and high schools.

The Department of Education and the Hawaii Government Employees Association testified in support of this Concurrent Resolution.

Your Committee on Education concurs with the intent and purpose of S.C.R. No. 98 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1722**Higher Education and the Arts on S.C.R. No. 31**

The purpose of this concurrent resolution is to request the University of Hawaii to begin developing baccalaureate degree programs in the marine sciences.

A recent study by Sea Grant found that most marine-related jobs available in Hawaii require a bachelor's degree in a marine science plus technical expertise and field experience. In addition, the Department of Business, Economic Development and Tourism recently reported that Hawaii's ocean industries are among the fastest growing sectors of the State's economy.

Testimony in support of this concurrent resolution was received from the University of Hawaii.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of S.C.R. No. 31 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1723 Higher Education and the Arts on S.C.R. No. 188

The purpose of this concurrent resolution is to request the Honolulu Community College to conduct an evaluation and assessment of the need to offer three and four year educational program options at the community college level.

The Board of Regents, in their recently adopted master plan for the University, identified the need for the community colleges to explore and sponsor education and training programs that may be longer than two years in duration. Your Committee finds that this measure is consistent with the direction of the master plan, and in addition, addresses the rapid changes in technology that are occurring throughout the nation.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of S.C.R. No. 188, SD 1, and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1724 Higher Education and the Arts on S.C.R. No. 157

The purpose of this concurrent resolution is to request the University of Hawai'i to immediately begin the implementation of its Master Plan.

The Board of Regents testified that the Master Plan, "A Statewide System and Beyond," was adopted in January of this year, and that the University is moving forward to implement the plan. An implementation plan was developed and subsequently adopted on March 15, 1991 that identifies initial priority areas, including:

1. Acting as a system: Development of policy statements and the implementation of plans to promote and strengthen system behavior and presentation;
2. Improvement of undergraduate education;
3. Distance education and expanded access: Strengthening of the University of Hawai'i's commitment to outreach education and the needs associated with outreach;
4. Improvement of the quality of teachers and public education in Hawai'i; and
5. West Oahu and West Hawai'i planning and development: Including site selection and academic development planning.

Your Committee notes that the implementation of the Master Plan will have significant fiscal impact both in operating and capital improvement funds. The BOR is requested to develop decision support tools and computer models that will allow the legislature to examine and understand the fiscal impact of various alternatives in implementing the Master Plan.

Your Committee on Higher Education and the Arts concurs with the intent and purpose of S.C.R. No. 157 and recommends its adoption.

Signed by all members of the Committee.

SCRep. 1725 Human Services on H.R. No. 287

The purpose of this resolution is to request all State departments that employ social workers, the Judiciary and the Department of Personnel Services to examine the feasibility of developing and implementing a separate social worker series as it applies to their respective departments.

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

Your Committee on Human Services concurs with the intent and purpose of H.R. No. 287, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 287, HD 1.

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

SCRep. 1726 Judiciary and Legislative Management on H.R. No. 96

The purpose of this resolution is to study the feasibility of establishing a reciprocity system for the enforcement of traffic violations committed by out-of-state visitors.

Testimony in support of this resolution was received from the Department of the Attorney General, the Department of Transportation, the Office of the Prosecuting Attorney for Honolulu and Kauai, the Kauai Police Department, Budget Rent-A-Car, and Alamo Rent-A-Car.

Your Committee finds that there is a significant number of traffic violations committed by out-of-state visitors and the fines imposed on many of those violations are lost if the state is unable to track the out-of-state visitors who leave the state without paying the fine. States that have access to current driver's records of other states have been entering into reciprocal arrangements whereby a state will prohibit the issuance or renewal of a driver's license until an applicant with an outstanding traffic violation or summons for a traffic violation in another state has cleared that violation through the payment of a fine or other penalty. Such a system would permit the state to generate significant amounts of revenue by collecting fines from out-of-state visitors who otherwise would not pay them and who cannot be compelled to do so.

This resolution was amended by requesting the Legislative Reference Bureau to also determine how other states handle contested traffic violations, driving under the influence cases, and cases involving arrests. This resolution was further amended to request the Attorney General's law enforcement coalition task force to cooperate with this study and that a certified copy of this resolution be sent to them.

Your Committees on Judiciary and Legislative Management concur with the intent and purpose of H.R. No. 96, HD 1, as amended herein, and recommend its adoption in the form attached hereto as H.R. No. 96, HD 2.

Signed by all members of the Committees except Representatives Apo and Yoshimura.

SCRep. 1727 Judiciary and Legislative Management on S.C.R. No. 216

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to study and report on the feasibility of establishing a Hawaii State Coordinating Council on Sex Offender Treatment.

The Hawaii Sex Offender Treatment Team, a consortium consisting of the Hawaii Paroling Authority, the Departments of Corrections, Health, and Human Services, and the Judiciary, was established by interdepartmental agreement in 1987 to oversee and coordinate the planning and implementation of statewide adult sex offender treatment services. In 1989 the team submitted to the Legislature the "Hawaii Master Plan on Adult Sex Offender Treatment: an Integrated Model," and subsequently the Legislature has provided some funding to begin implementing the Master Plan.

However, the Team lacks adequate resources to fully implement the Master Plan on a statewide basis, ensure long-range quality control of integrated adult sex offender treatment services, and provide needed training, research, and evaluation. Creation of the Hawaii State Coordinating Council on Sex Offender Treatment might be the most effective means of achieving these objectives.

In view of the gravity of the situation and the overwhelming concern about the high level of recidivism of untreated sex offenders, your Committee urges that the measure is passed and the study is promptly completed in order to implement the Master Plan expeditiously.

Testimony in support of this measure was submitted by the Judiciary, the Department of Health, the Department of Public Safety, the Hawaii Paroling Authority, and Hawaii Sex Offender Treatment Team.

Your Committees on Judiciary and Legislative Management concur with the intent and purpose of S.C.R. No. 216 and recommend its adoption.

Signed by all members of the Committees except Representatives Cachola, Kihano, Peters, Takamine, Yoshimura and Ward.

SCRep. 1728 Finance on S.B. No. 1337

The purpose of this bill is to appropriate \$323,797 for FY 1991-1992 and \$342,575 for FY 1992-1993 to fund adjustments made by the Educational Officer Classification/Compensation Appeals Board (Appeals Board) for certain educational officers.

Section 297-31.3, Hawaii Revised Statutes, establishes the procedure for educational officer classification appeals, provides that decisions of the Appeals Board are binding on the parties, and authorizes the Appeals Board to make any necessary adjustments to affected classes where appeals have been filed. In December 1990, the Appeals Board made a decision to reprice certain classes of principals and state specialist classes. This measure appropriates the funds to effectuate those adjustments made by the Appeals Board.

The Department of Education and the Hawaii Governmental Employees Association, Local 152 submitted testimony in support of this measure.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 1337, SD 2, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1729 Finance on S.B. No. 431

The purpose of this bill is to authorize the issuance of special purpose revenue bonds in a total amount not to exceed \$6,000,000 to assist ETV Hawaii/Elephant Television, Inc., to construct a television and film industry production and training facility on Maui.

This bill also requires the Department of Business, Economic Development, and Tourism to perform a technical and economic analysis of ETV Hawaii/Elephant Television and to report its findings and recommendations to the Department of Budget and Finance.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 431, SD 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1730 Finance on S.B. No. 163

The purpose of this bill is to authorize the issuance of special purpose revenue bonds in a total amount not to exceed \$7,000,000 to assist the Wailuku River Hydroelectric Power Company, Inc. in establishing a 10 megawatt hydroelectric power plant and related facilities on the Wailuku River and Kalohehewa Stream on the Island of Hawaii. The electricity will be sold to the Hawaii Electric Light Company, Inc., which supplies power to the public.

Representatives from the Department of Business, Economic Development, and Tourism and the Wailuku River Hydroelectric Power Company, Inc. testified in support of this measure.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 163 and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1731 Finance on S.B. No. 2122

The purpose of this bill is to:

- (1) Appropriate funds to support and begin implementation of the Social and Employment Service Incubator Project (Project) for West Oahu; and
- (2) Change the composition of the Board for the Project by deleting the Director of the Office of State Planning from the Board and adding the Comptroller or the Comptroller's designee.

Testimony in support of this measure was received from the Department of Labor and Industrial Relations, the Department of Human Services, the Office of Hawaiian Affairs, Alu Like, Inc., the Honolulu Community Action Program, Inc., the West Oahu Employment Corporation, the Waianae Coast Coalition for Human Services, Haseko (Hawaii) Inc., the Social and Employment Services Incubator, the Leeward Oahu District office of the Department of Education, the Waipahu Neighborhood Board #22, the Office of the Chancellor for Community Colleges at the University of Hawaii, and others.

Your Committee on Finance is in accord with the intent and purpose of S.B. No. 2122, SD 1, and recommends that it pass Third Reading.

Signed by all members of the Committee.

SCRep. 1732 Legislative Management on S.C.R. No. 201

The purpose of this concurrent resolution is to request the Office of the Legislative Auditor to conduct a management and financial audit of the Legal Aid Society of Hawaii.

Your Committee concurs that an audit of the Legal Aid Society of Hawaii (LASH), a private organization established to provide pro bono legal services to qualified low-income individuals, and an organization which receives a major portion of its funding from the State, should review the Society's operations to insure that State funds are being used efficiently.

Testimony was submitted by the Legal Aid Society of Hawaii.

From testimony received, your Committee understands that several other studies will be conducted during the year and urges the Auditor's Office to coordinate its timing so that multiple studies do not occur at the same time and unduly disrupt the operations of the office.

Your Committee on Legislative Management concurs with the intent and purpose of S.C.R. No. 201, SD 1, and recommends its adoption.

Signed by all members of the Committee except Representative Apo.

SCRep. 1733 Legislative Management on H.R. No. 68

The purpose of this resolution is to request that the Legislative Reference Bureau study the feasibility of merging Hawaii's two trial court systems.

This study would evaluate the Hawaii trial court system as it functions presently to determine whether Hawaii's trial court system meets the rationale and objectives of its origination. The study would include, but not be limited to, an examination of whether there is a duplication of judicial administrative functions and whether there is a need to establish the same job qualification requirements for trial court judges regardless of court level.

Supporting testimony was submitted by the Judiciary, State of Hawaii.

Your Committee agrees with the Judiciary that the study should include input from members of the judiciary, members of the bar, lay people and legislators, and we urge the Legislative Reference Bureau to solicit input from each of these groups.

Your Committee on Legislative Management concurs with the intent and purpose of H.R. No. 68, and recommends its adoption.

Signed by all members of the Committee except Representative Apo.

SCRep. 1734 Water, Land Use and Hawaiian Affairs on H.R. No. 12

The purpose of this resolution, per Section 171-50, Hawaii Revised Statutes, is to review and not disapprove the land exchange between the Board of Land and Natural Resources and North Kona Development Group of the following parcels:

- (1) Awake'e, North Kona, Hawaii will be conveyed to the State of Hawaii by the North Kona Development Group; and
- (2) Manini'owali, Kukio 2nd, North Kona, Hawaii will be conveyed to the North Kona Development Group by the State of Hawaii.

Your Committee received testimony from the Department of Land and Natural Resources (DLNR), the law firm of Takeyama and Sullivan, Group 70 Limited on behalf of the North Kona Development Corporation (NKDC), the Kona-Kohala Chamber of Commerce, a professor of Geography and Planning from the University of Hawaii at Hilo, and two individuals.

DLNR, NKDC, and the prior developer, Kahala Capital, have been working on this exchange for several years. The exchange had not been approved previously because of concerns about environmental impacts, preservation of historic sites, public access to the shoreline, and the type of resort the developer planned to pursue after the exchange.

Too many developments have already been built on the Kona Coast. These resorts have detracted from the area's rugged beauty, deprived the public of much-loved beaches such as Hapuna, and raised serious questions regarding water resources. However, the parcel at Awake'e, when combined with the adjacent beachfront land already owned by the State, will realize the State's goal of preserving some of the Kona Coast as a beach park. Your Committee felt that the State might never again have the opportunity to gain Awake'e if this exchange were disapproved.

Your Committee raised the previously mentioned concerns during questioning of NKDC's representatives. NKDC promised the members that public access to the shoreline would be retained and many of the historic sites preserved. NKDC further stated that they were aware of the other concerns.

Another problem is that there are nine acres of individually held parcels in the middle of State land at Kua Bay. Because some of the owners of these parcels have damaged fragile ecosystems on their land, it is especially important that the State take over stewardship. DLNR has been negotiating to buy the nine acres, but some of the owners are asking exorbitant prices for their land. The negotiations appear to be stalled for now.

Your Committee approved the exchange with the following three conditions:

- (1) Public access to the beach must be preserved and clearly marked as public access; it should not be designed so as to be intimidating to the public, as is the case with the Mauna Kea Beach Development;
- (2) Whether or not the North Kona Development Group develops the parcel gained in this exchange, it still must spend \$2,500,000 in developments for the public beach park, including a paved access road and restrooms; all park developments must be environmentally sensitive, altering the area as little as possible and requiring minimal water usage; and
- (3) The Department of Land and Natural Resources must take reasonable steps, including condemnation if necessary, to expedite the State's purchase of the nine acres of privately-held parcels at Kua Bay.

Your Committee on Water, Land Use and Hawaiian Affairs concurs with the intent and purpose of H.R. No. 12, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.R. No. 12, HD 1.

Signed by all members of the Committee.