

While no compensation for the commissioners is authorized, the members are given a per diem and travel expenses.

The reference to chapter 378 was amended to read "part I of chapter 378" to make it clear that the commission's jurisdiction is limited to unlawful discrimination practices. In addition Section 378-6 which was deleted in the original bill was retained as recommended by the department of labor and industrial relations.

Your Committees also made several other amendments to strengthen the enforcement of civil rights by the commission.

As the commission's ability to enforce civil rights in the State cannot be accomplished without adequate funding and staffing, your Committees believe that such funding and staffing must be provided for in this bill. Accordingly, Section 7 has been amended to provide for \$441,000 for fiscal year 1989-1990, and \$1,404,520 for fiscal year 1990-1991.

In order to assure a smooth transition between current enforcement jurisdiction by the department of labor and industrial relations and department of commerce and consumer affairs to the civil rights commission, your Committees have amended Section 9 of the bill to provide guidance for the establishment of the commission and transition plans.

Your Committees on Judiciary and Labor and Public Employment is in accord with the intent and purpose of H.B. No. 1315, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1315, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committees except Representatives Baker, Kotani, Okamura, Tajiri, Tom, Yoshimura and Marumoto.

**SCRep. 373      Judiciary on H.B. No. 552**

The purpose of this bill is to increase the number of associate judges of the intermediate court of appeals (I.C.A.) from two to four.

Your Committee has received favorable testimony from the Judiciary indicating that increasing the number of judges at the I.C.A. from three to five will allow that court to sit in panels of three of the five judges, enabling the I.C.A. to better handle the increased number of appeals filed.

Your Committee on Judiciary is in accord with the intent and purpose of H.B. No. 552 and recommends that it pass Second Reading and be referred to the Committee on Finance.

Signed by all members of the Committee.

**SCRep. 374      Judiciary on H.B. No. 554**

The purpose of this bill is to provide for the establishment of an intensive supervision program for illegal drug offenders within the judiciary.

Your Committee has heard testimony indicating that a majority of persons arrested for non-drug offenses are found to be illegal drug users as well. Testimony received further indicated that intensive supervision programs in other states have resulted in reduced incidence of crime by targeting high risk offenders for supervision.

Your Committee on Judiciary is in accord with the intent and purpose of H.B. No. 554 and recommends that it pass Second Reading and be referred to the Committee on Finance.

Signed by all members of the Committee except Representative Yoshimura.

**SCRep. 375      Judiciary on H.B. No. 555**

The purpose of this bill is to exempt from civil service classification: (1) one additional law clerk each to the civil administrative judge of the first circuit court, the civil motions judge of the first circuit court, the criminal motions judge of the first circuit court and two law clerks for the administrative judge of the district court of the first circuit; (2) one secretary or clerk for the administrative judge of the district court of the first circuit; and (3) make clear that the administrative director of the courts and the deputy administrative director of the courts are considered to be a "department head", and "deputy" respectfully, and that their personal secretaries are therefore exempt from civil service classification.

Your Committee on Judiciary is in accord with the intent and purpose of H.B. No. 555 and recommends that it pass Second Reading and be referred to the Committee on Finance.

Signed by all members of the Committee.

**SCRep. 376      Labor and Public Employment on H.B. No. 1362**

The purpose of this bill is to allow public employers to provide government records necessary for the exclusive collective bargaining representatives to perform their functions.

Your Committee supports efforts which will allow the exclusive bargaining representatives to properly represent the public employees. The exclusive representatives need access to certain information concerning government positions and employees contained in government personnel and payroll records in order to carry out their fiduciary functions.

At the same time, your Committee upholds the constitutional rights of privacy of individuals and does not intend to infringe upon those rights.

Upon further consideration, your Committee has amended the bill to establish safeguards for the dissemination and use of the information by subjecting the bargaining representative to the same restrictions on the disclosure of records as the originating agency. Your Committee further has amended the bill to ensure that the information sought by the representatives is relevant to their function by deleting certain information such as social security numbers and employee identification numbers from being revealed. A new subsection has also been added to require that the information which can be accessed by the representatives be in a form conducive to electronic data processing. Other amendments to the bill have been made for purposes of style and clarity.

Your Committee on Labor and Public Employment is in accord with the intent and purpose of H.B. No. 1362, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1362, H.D. 1, and be referred to the Committee on Judiciary.

Signed by all members of the Committee.

**SCRep. 377                      Labor and Public Employment on H.B. No. 1306**

The purpose of this bill is to make investigators of the narcotics enforcement division of the Department of the Attorney General, who begin employment after June 30, 1984, class A (contributory) members of the Employees' Retirement System. The bill also authorizes them to receive the same retirement benefit allowances which police officers receive.

Your Committee has amended this bill to include a definition of "narcotics enforcement officers." Narcotics enforcement officers perform many of the same tasks carried out by police officers. They are exposed to many of the same occupational hazards police officers confront. Thus, narcotics enforcement officers should be treated like police officers for purposes of pension and retirement benefits.

Your Committee notes that since police officers contribute a greater percentage of their pay into the Retirement System versus general employees in order to receive increased retirement allowance benefits, contributions from narcotics enforcement officers should be increased to equal the percentage contributed by police officers into the Retirement System. Thus, your Committee has amended this bill to provide for increased contributions from narcotics enforcement officers.

The bill in its present form could be read to allow a class C narcotics enforcement officer who first entered service after June 30, 1984 the choice between becoming a class A member or remaining a class C member. Your Committee believes that all class C narcotics enforcement officers who first enter service after June 30, 1984 are to become class A members. At the same time, officers who were class A members prior to July 1, 1984 and elected to become class C members of the Retirement System as provided by section 88-271 should not be allowed to become class A members again, and thus should remain class C members. Your Committee has amended this bill to reflect its resolution of the aforementioned issues.

Further, all investigators in the Department of the Attorney General are subjected to the same kinds of occupational hazards as police officers, and therefore deserve the same kind of retirement protection. Therefore, your Committee has amended this bill to make all class C investigators of the Department of Attorney General (except those who were class A members before July 1, 1984 and chose to become class C members pursuant to section 88-271) class A, contributory members of the Retirement System.

Your Committee on Labor and Public Employment is in accord with the intent and purpose of H.B. No. 1306, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1306, H.D. 1, and be referred to the Committee on Finance.

Signed by all members of the Committee.

**SCRep. 378                      Labor and Public Employment on H.B. No. 75**

The purpose of this bill is to enforce by legislation the right of the people to privacy and to be secure in their persons against unreasonable searches, seizures, and invasions of privacy, as provided in Sections 6 and 7 of Article I of the Hawaii Constitution by establishing limitations on employer actions in testing for drugs and in conducting searches of the employees.

The bill amends Chapter 378, HRS, on Employment Practices by adding a new part entitled "Employee Privacy". The operative provisions of the bill prohibits employers from requiring drug testing or body searches as a condition of continued employment or as a prerequisite for employment with the company. The bill allows drug testing if the drug test is to be conducted on a specific employee that the employer reasonably believes may be mentally impaired on the job; that the impairment presents, or may present a clear and present danger to others; and the employer provides the employee or applicant the opportunity to have the test sample evaluated by an independent laboratory.

An employee may be subjected to a search by the employer if the employer has reasonable grounds to believe that a specific employee is in possession of unlawful substances on the employer's premises, or that a crime is being committed,