

- (2) Subject to a departmental finding that grandfathered sources are causing or contributing to air quality or health problems, amends air pollution control law to establish a ten-year pilot program to improve the environmental quality of the Campbell Industrial Park area by requiring the reduction of air pollutant emissions from grandfathered sources, and requiring grandfathered sources to assess the need for the upgrade of their emission control equipment to meet 1997 best achievable control technology standards at the time of permit renewal, to be phased in over a ten-year period and allow the sources to amortize the costs of compliance over that period; and
- (3) Amends the hazardous waste statute and the used oil transport, recycling, and disposal statute by consolidating used oil and used oil fuel regulation under a new part of the hazardous waste statute; repeals used oil statute; and amends section 128D-6, Hawaii Revised Statutes, to be consistent with hazardous waste statute.

Your Committee agrees with the testimony of the Director of Health that the implementation of the pilot program should await the findings and conclusions of the Department's ongoing study of the ambient air quality of the Campbell Industrial Park area. Your Committee is sensitive to the concerns of economic hardship that could be experienced by parties affected by this bill. However, your Committee feels that its obligation to protect the general public from the obvious health hazards of accidental releases from major sources and from the degradation of air quality outweigh such economic concerns.

As affirmed by the record of votes of the members of your Committee on Ecology and Environmental Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 388, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 388, H.D. 1, S.D. 2.

Signed by the Chairman on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Chumbley, Ikeda).

SCRep. 2639 (Joint) Agriculture, Labor, and Employment and Ways and Means on H.B. No. 3520

The purpose of this bill is to make an emergency appropriation for the payment of unemployment insurance benefits under Chapter 383, Hawaii Revised Statutes, to former state employees for all departments in the Executive branch, the Judiciary, and the Legislature.

Your Committees find that the entire amount that was appropriated through Act 218, Session Laws of Hawaii 1995, for the 1995-1996 fiscal year has been expended. The sum of \$4.5 million is requested to provide for these benefits. Due to the lack of sufficient funding, the financing of benefits is currently being funded through private employer tax moneys from the Unemployment Insurance Trust Fund (Fund), which is improper and adversely impacts the solvency of the Fund.

Your Committees find that an emergency appropriation is needed in the sum of \$4.5 million to provide the unemployment benefits to former state employees.

Your Committees have amended the bill by inserting language to clarify the need for the additional appropriation and by making several technical, nonsubstantive amendments for the purpose of conforming the bill to recommended drafting procedures.

Your Committees note that this emergency appropriation should not be viewed by executive departments as a remedy to the situation but as a symptom of a serious problem that requires immediate attention. Executive departments need to be more accountable for unemployment insurance costs. Additionally, the Department of Human Resources Development should develop either a program or policy to monitor and curtail unemployment insurance spending.

As affirmed by the records of votes of the members of your Committees on Agriculture, Labor, and Employment and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 3520, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 3520, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chairmen on behalf of the Committees.
Ayes, 7. Noes, none. Excused, 5 (Bunda, Fernandes Salling, Fukunaga, Liu, Anderson).

SCRep. 2640 Agriculture, Labor, and Employment on H.B. No. 696

The purpose of this bill is to amend the definition of "employee" under the wage and hour law to include seamen.

Your Committee has amended the bill by inserting qualifying language for "seaman". Although your Committee is aware of the concerns about the implementation of this bill, your Committee is moving the bill forward with the understanding that the concerns will be remedied in conference. Your Committee has also changed the effective date to June 30, 1997.

As affirmed by the record of votes of the members of your Committee on Agriculture, Labor, and Employment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 696, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 696, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chairman on behalf of the Committee.
Ayes, 3. Noes, none. Excused, none.

SCRep. 2641 Judiciary on H.B. No. 1866

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The purpose of this bill is to amend the sunshine law to specify permitted interaction of board members and to establish a process that permits an emergency meeting of a board to address situations caused by unanticipated events.

Your Committee heard testimony in support of this bill from the Attorney General, the Board of Regents of the University of Hawaii, the Department of Commerce and Consumer Affairs, the Board of Land and Natural Resources, the Department of Human Resources Development, the Hawaii Hurricane Relief Fund, and individuals who serve as members of State boards.

Your Committee heard testimony in opposition to this bill from the Honolulu Community-Media Council, the League of Women Voters, Common Cause Hawaii, the Society of Professional Journalists and Honolulu Information Service.

The sunshine law presently prohibits any discussion of board matters outside of a duly noticed public meeting. Your Committee believes that the intent of each person who is appointed to a board is to comply with the letter and spirit of the sunshine law. Your Committee is also aware that there are instances when it is appropriate for interactions to occur between members of a board or between members of a board and the governor or the head of a department, or, when unanticipated events necessitate the prompt convening of a board meeting and that these discussions or meetings, per se, do not undermine the essence of open government.

Upon further consideration, your Committee amended this bill to change the number of board members who may gather information among themselves privately from three to two and by adding a definition of "unanticipated event".

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1866, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1866, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chairman on behalf of the Committee.

Ayes, 5. Noes, none. Excused, 2 (Chumbley, McCartney).

SCRep. 2642 Judiciary on H.B. No. 2869

The purpose of this bill is to permit the service of process under the Uniform Parentage Act, by registered or certified mail, return receipt requested, when the parties live in different circuits within this State. Service will only be effectuated if the return receipt is signed by the addressee.

Your Committee received testimony from representatives of the Attorney General and the Office of the Corporation Counsel for the City and County of Honolulu, the County of Kauai, and the County of Hawaii.

Your Committee finds that allowing service of process by certified or registered mail in cases under the Uniform Parentage Act, when parties live in different circuits within the State, is a reasonable and efficient effectuation of service as long as the return receipt is signed by the addressee. This means of service is utilized when parties to a case under the Uniform Parentage Act live outside the State of Hawaii. Therefore, service of process as presented in this bill is more than reasonable.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2869, H.D. 1, and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chairman on behalf of the Committee.

Ayes, 5. Noes, none. Excused, 2 (McCartney, Anderson).

SCRep. 2643 Judiciary on H.B. No. 2956

The purpose of this bill is to grant immunity from civil liability to volunteers acting in good faith and within the scope of the volunteers' functions.

Your Committee acknowledges the invaluable contribution made by volunteers of nonprofit organizations. Nevertheless, your Committee finds that, although a perception lingers that use of volunteers increases the threat of lawsuits, a study by the Legislative Reference Bureau concluded that this does not appear to be the reality experienced by Hawaii's nonprofits. (Volunteerism -- A Risky Business? Legislative Reference Bureau, 1996.) The Bureau also found little basis for the assumption that nonprofit organizations find it difficult or expensive to obtain liability insurance.

Your Committee further finds, however, that certain volunteers serving on certain quasi-governmental boards or councils may not be protected under state or county laws.

Accordingly, upon further consideration, your Committee has amended this bill by deleting its existing provisions and inserting language to protect members of any county neighborhood commission or board or student-centered school board or school community-based management council from liability for civil damages for decision taken at official meetings conducted in accordance with applicable laws, rules, or procedures.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2956, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2956, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.