STAND. COM. REP. NO. 2214

Honolulu, Hawaii

FO10. 17

, 2006

RE:

S.B. No. 2642

S.D. 1

Honorable Robert Bunda President of the Senate Twenty-Third State Legislature Regular Session of 2006 State of Hawaii

Sir:

Your Committee on Labor, to which was referred S.B. No. 2642 entitled:

"A BILL FOR AN ACT REGARDING PERSONNEL ADMINISTRATION,"

begs leave to report as follows:

The purpose of this measure is to allow the Department of Human Resources Development (DHRD) to delegate to the appointing authority the appointment of non-residents and non-citizens when necessary to provide services essential to the public interest.

Testimony in support of this measure was submitted by DHRD and the Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO. Testimony in opposition to this measure was submitted by the Department of Education (DOE). Comments on this measure were submitted by the Department of the Attorney General.

Your Committee finds that, under the current law, the appointing authorities are able to approve the appointment of non-residents and non-citizens when services essential to the public interest require highly specialized, technical, and scientific skills or knowledge in critical-to-fill and labor shortage positions. Your Committees further find that it is prudent to restore the appointment authority, or the delegation of this authority, to the head of personnel for the hiring jurisdiction in order to establish and promote consistency in the State's hiring practices. This change will also help to ensure that the authority is properly utilized to safeguard against the

unwarranted and unjustifiable hiring of non-residents, including hiring based on the practice of cronyism.

Accordingly, your Committee has amended this measure by:

- Authorizing a director, as defined in section 76-11, Hawaii Revised Statutes (HRS), rather than DHRD, the authority over appointments under section 78-1(d), HRS, to account for the separate authority of the DOE established under Act 51, Session Laws of Hawaii 2004;
- (2) Clarifying that the director, as defined in section 76-11, HRS, can appoint or delegate to the appointing authority the authority to appoint non-residents and non-citizens, under section 78-1(d), HRS; and
- (3) Changing the effective date of the Act to July 1, 2006, to ensure that the DOE's authority as a separate jurisdiction, as established under Act 51, SLH 2004, is unfettered.

As affirmed by the record of votes of the members of your Committee on Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2642, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2642, S.D. 1, and be referred to the Committee on Judiciary and Hawaiian Affairs.

Respectfully submitted on behalf of the members of the Committee on Labor,

BRIAN KANNO, Chair

The Senate Twenty-Third Legislature State of Hawaii

Record of Votes of the Committee on Labor (Bills and Resolutions)

Measure:* SB 2642	Committee Referral: LBR, JHW		Date:	Date: 410/06	
The committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is to:					
Pass, unamended Pass, with amendments Hold Recommit (2312) (2311) (2310) (2313)					
Members		Ayes	Ayes(WR)	Nays	Excused
KANNO, Brian (C)		✓			
IHARA, Jr., Les (VC)					
TANIGUCHI, Brian T.		V	T		
SLOM, Sam		V		· · · · · · · · · · · · · · · · · · ·	
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TOTAL		3	·		1
Recommendation: Adopted Not Adopted					
Chair's or Designee's Signature:					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

^{*}Do <u>not</u> list more than one measure per Record of Votes.