

STAND. COM. REP. NO. 601

Honolulu, Hawaii

MAR 06 2009

RE: S.B. No. 21
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committees on Judiciary and Government Operations and Labor and Ways and Means, to which was referred S.B. No. 21 entitled:

"A BILL FOR AN ACT RELATING TO GOVERNMENT,"

beg leave to report as follows:

The purpose of this measure is to clarify the law with respect to jury service.

Upon further consideration, your Committees have amended this measure by deleting its contents and inserting provisions of a proposed Senate Draft 1 which was posted on the Legislature's website. As amended, this measure provides temporary exemptions from statutes relating to procurement, rulemaking, and employment in order to allow the State to expedite the implementation or expansion of programs, services, and benefits authorized by the American Recovery and Reinvestment Act of 2009.

Your Committees received testimony in support of the amended measure from the Governor's Office, State Attorney General, State Procurement Office, Department of Taxation, Department of Budget and Finance, Department of Transportation, Department of Labor and Industrial Relations, Department of Commerce and Consumer Affairs, Department of Health, Department of Human Resources Development, Department of Human Services, Laborers' International Union of North America, Subcontractors Association of Hawaii, Hawaii Disability Rights Center, and one individual. Written testimony



presented to your Committees may be reviewed on the Legislature's website.

The American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, envisioned by President Obama as money going "out the door immediately," will require expedited procedures to allow the State to take full advantage of funding from the federal stimulus plan to address, at the earliest practicable time, the programs, services, and benefits needed by the people of Hawaii.

Your Committees find that in these times of economic turmoil, this measure would be instrumental in bringing, as soon as possible, additional financial assistance and other social services to Hawaii residents who have been affected by the current economic circumstances as well as improving and expanding benefits to the neediest individuals and families in Hawaii.

Your Committees are concerned about the history of procurement problems in the executive departments and agencies. Time and time again, information has come to the attention of the Legislature about varying degrees and types of noncompliance with the Hawaii Public Procurement Code.

Your Committees have amended the proposed measure by:

- (1) Deleting, with respect to procurements under this measure, the exemption from section 103-55.5, Hawaii Revised Statutes, relating to wages and hours of employees on public works contracts and the exemption from civil service requirements;
- (2) Adding language for administrative sanctions for fraud, misrepresentation, or abuse in the expenditure of public moneys, and defining those terms; and providing that criminal penalties, if any, still apply;
- (3) Repealing the measure on June 30, 2009; and
- (4) Making technical, nonsubstantive amendments for purposes of clarity and style.

As affirmed by the records of votes of the members of your Committees on Judiciary and Government Operations and Labor and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 21, as



amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 21, S.D. 1, and be placed on the calendar for Third Reading.

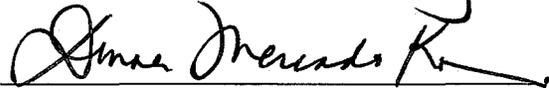
Respectfully submitted on behalf of the members of the Committees on Judiciary and Government Operations and Labor and Ways and Means,



DWIGHT Y. TAKAMINE, Chair



BRIAN T. TANIGUCHI, Chair



DONNA MERCADO KIM, Chair



The Senate
 Twenty-Fifth Legislature
 State of Hawaii

Record of Votes
Committee on Judiciary and Government Operations
JGO

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 21, SB 2 ²	JGO / LBR / NAM	3/5/2009		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
TAKAMINE, Dwight Y. (VC)	✓			
BUNDA, Robert ✓				✓
GABBARD, Mike	✓			
NISHIHARA, Clarence K.	✓			
SLOM, Sam		✓		
TOTAL	4	1	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> 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				

*Only one measure per Record of Votes

The Senate
 Twenty-Fifth Legislature
 State of Hawaii

Record of Votes
Committee on Labor
LBR

Bill / Resolution No.:* SB215A¹⁰⁰⁰	Committee Referral: JGO/LBR/WAM	Date: 3-5-09		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TAKAMINE, Dwight Y. (C)	✓			
TANIGUCHI, Brian T. (VC)	✓			
BUNDA, Robert				✓
HEE, Clayton				✓
SLOM, Sam		✓		
TOTAL	2	1	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> 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				

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The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* SB 21 SB 1000	Committee Referral: JGO/LBR/WAM	Date: MAR 5, 2009		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KIM, Donna Mercado (C)	/			
TSUTSUI, Shan S. (VC)	/			
CHUN OAKLAND, Suzanne	/			
ENGLISH, J. Kalani	/			
FUKUNAGA, Carol	/			
GALUTERIA, Brickwood	/			
HEE, Clayton				/
HOOSER, Gary L.	/			
KIDANI, Michelle N.	/			
KOKUBUN, Russell S.				/
TOKUDA, Jill N.	/			
HEMMINGS, Fred				/
TOTAL	9	0	0	3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> 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				

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