



STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809-0339

February 12, 2009

MEMORANDUM

TO: Honorable Suzanne Chun Oakland, Chair
Senate Committee on Human Services

FROM: Lillian B. Koller, Director

SUBJECT: **S. B. 1210 – RELATING TO PUBLIC PROCUREMENT**

Hearing: Thursday, February 12, 2009, 1:45 p.m.
Conference Room 016, State Capitol

PURPOSE: The purpose of S.B. 1210 is to establish a preference for bidders to government contracts who pledge to hire individuals with disabilities and certain temporary assistance for needy families recipients.

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports the intent of this measure as long as its implementation does not impact nor replace the priorities set forth in the Executive Biennium Budget for Fiscal Years 2009-2010.

We offer the following comments for clarity.

1. The federally funded program is called Temporary Assistance for Needy Families (TANF), not temporary assistance to needy families as stated in this bill.

2. In order to establish a registry as stated on page 2, line 6, item c, there may be a need to establish an automated method to identify "individuals with disabilities" and "recipients of temporary assistance for needy families who are seeking employment" in order to readily have the most up-to-date listing. This will probably require funding which may have an adverse impact on the priorities in the Executive Biennium Budget for Fiscal Years 2009-2010. Additionally, TANF funds could only be used in establishing a registry for recipients of temporary assistance. TANF funding could not be used in establishing a registry for individuals with disabilities if such individuals are not TANF eligibles or recipients.
3. The bill suggests statutory changes only to chapter 103D, HRS, procurements; however, there are also chapter 103F, HRS, procurements for services in the health and human services area. These types of procurements may be able to utilize "persons with disabilities" and "recipients of temporary assistance for needy families who are seeking employment" in their service delivery as well.

Thank you for the opportunity to provide comments on this bill.



STATE OF HAWAII
STATE COUNCIL
ON DEVELOPMENTAL DISABILITIES
919 ALA MOANA BOULEVARD, ROOM 113
HONOLULU, HAWAII 96814
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543
February 12, 2009

The Honorable Suzanne Chun Oakland, Chair
Senate Committee on Human Services
Twenty-Fifth Legislature
State Capitol
State of Hawaii
Honolulu, Hawaii 96813

Dear Senator Chun Oakland and Members of the Committee:

SUBJECT: SB 1210 – RELATING TO PUBLIC PROCUREMENT

The position and views expressed in this testimony do not represent nor reflect the position and views of the Departments of Health (DOH) or Human Services.

The State Council on Developmental Disabilities (DD) **SUPPORTS THE INTENT OF SB 1210**. The purpose of the bill is to establish a preference for bidders to government contracts that pledge to hire individuals with disabilities and certain Temporary Assistance for Needy Families (TANF) recipients.

The Council supports efforts to provide opportunities for individuals with disabilities and TANF recipients to obtain employment through State Government contracts for goods, services, or construction.

The intent of this bill is in line with the Council's efforts to increase employment for individuals through opportunities within the State Government, and is in keeping with the national initiative by the U.S. Department of Labor's Office of Disability Employment Policy to promote an "Employment First" policy that provides for and expands opportunities for individuals with disabilities to pursue integrated employment first, including employment with the Federal Government.

The Council would like to comment that clarification on the implementation of the measure is needed in the following areas: (1) what constitutes a "pledge" to hire; (2) whether this "pledge" will be defined in writing and included as part of the Request for Proposal and contract; and (3) what the implications are should the bidder not hire an individual or should the bidder not be able to employ an individual for the duration of the contract.

The Honorable Suzanne Chun Oakland
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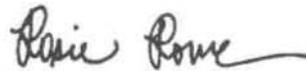
The Council defers to the State Procurement Office and the Office of the Attorney General regarding the legality of the measure, and to DHS regarding the cost of establishing a registry of individuals that a bidder may use to fulfill the pledge to hire individuals with disabilities and/or TANF recipients.

Thank you for your consideration and the opportunity to present testimony supporting the intent of SB 1210.

Sincerely,



Waynette K.Y. Cabral
Executive Administrator



Rosie Rowe
Chair



State Rehabilitation Council

Vocational Rehabilitation and Services for the Blind Division
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Kapolei, Hawaii 96707

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Testimony of Rene' Berthiaume, Hawaii State Rehabilitation Council

To the Senate Committees on Human Services

February 12, 2009

S.B. 1210

RELATING TO EMPLOYMENT OPPORTUNITIES FOR PERSONS WITH DISABILITIES

Chair Chun Oakland and committee members, thank you for the opportunity to testify on S.B. 1210.

The State Rehabilitation Council supports S.B. 1210 as a way of providing much needed employment opportunities for persons with disabilities. Hawaii along with the rest of the nation is undergoing very hard economic times and high unemployment rates. The unemployment rate for persons with disabilities is at 62%, a huge disparity. Persons with disabilities often struggle to access the competitive employment that allows them to achieve personal and economic self sufficiency. This legislation could go a long way in achieving the goal of meaningful, competitive employment.

A similar Federal bill, S. 1570, is working its way through Congress. This new bipartisan legislation co-sponsored by U.S. Senator Pat Roberts and U.S. Senator Edward Kennedy, would create employment opportunities on Federal contracts and subcontracts, the same as S.B. 1210 would for the State and County contracts. The passage of S.B. 1210 would help to achieve the goal of a successful employment outcome in competitive employment for persons with disabilities.

Once S.1570 passes Congress and becomes Federal law, states would be required to meet or exceed that legislation under A.D.A. Currently, to the best of my knowledge, no other states have similar legislation pending. Hawaii could be the first state in the nation to approve such legislation even before the Federal government. Hawaii has had a long history of leading the nation in passage of progressive and innovative legislation. Let's continue that trend with the passage of SB1210.

Thank you for your consideration. Feel free to contact me anytime for further information or input.

Mahalo,

TESTIMONY TO THE TWENTY-FIFTH STATE LEGISLATURE, 2009 SESSION

To: Senate Committee on Human Services

From: Hawaii Disability Rights Center

Re: Senate Bill 1210
Relating to Public Procurement

Hearing: Thursday , February 12, 2009, 1:45 PM
Conference Room 016, State Capitol

Members of the Committee on Human Services:

Thank you for the opportunity to provide testimony supporting Senate Bill 1210, Relating to Public Procurement.

The Hawaii Disability Rights Center, formerly known as the Protection and Advocacy Agency of Hawaii (P&A) is the agency mandated by federal law and designated by Executive Order to protect and advocate for the human, civil and legal rights of Hawaii's estimated 180,000 people with disabilities.

We support this bill. Statistics at home in Hawaii and around the country demonstrate that the unemployment rate among individuals with disabilities is substantially higher than that of the general population. While there may be many factors accounting for this, it is also true that the ADA has made great strides and many barriers to reasonable accommodations and modifications in the workplace have been and can be eliminated. It is an important policy to provide incentives to businesses to hire such individuals. In addition to maximizing their potential, the benefit to society of an increase in the number of economically productive citizens is clear. For those reasons, we support this bill.

Thank you for the opportunity to provide testimony in support of this bill.

Senator Suzanne Chun Oakland, Chair
Committee on Human Services
SB1210
February 12, 2009
1:45pm conference room 016

My name is Daintry Bartoldus and I am a MSW student at the University of Hawaii. I am testifying to support the intent of Senate Bill 1210.

According to the American Association on Intellectual and Developmental Disabilities annual State of the States report, nationwide supported employment for individuals with developmental disabilities has dropped from 24% to 21%. The state of Hawaii ranks in the bottom states with an **employment rate of less than 9%** for individuals with developmental disabilities. With the economy downfall and the budget cuts, it will not be surprising to see the employment rate of individuals with developmental disabilities match the unemployment rate of the State of Hawaii.

By providing incentives to businesses to hire such individuals it provides a greater opportunity for employment to an individual with a developmental disability. Which will benefit society by increasing the number if economically productive citizens.

In closing, I feel the Bill should have stronger language as to what will happen if an employer bids on a contract and fails to hire such individuals. In addition, to be effective, I feel the Bill should state an employer **MUST** give the contract to a bidder who hires at least 25% of their workforce with individuals who have a developmental disability or TANF, given their bid is no higher than 10% of the lowest bid. It can cost a company additional start up costs to hire individuals with developmental disabilities due to their need for 1:1 supervision. So they may not come in with the lowest bid therefore not getting the contract.

Thank you for this opportunity to testify.
Daintry Bartoldus

FAX-1-800-987-6657 OR (808) 936-9365

TESTIMONY - THE SENATE - 25TH LEGISLATURE

REGULAR SESSION OF 2009 2/12/09 1:45 PM
CONF. RM. 016 STATE CAPITOL 415 BERETANIA ST
HONOLULU, HI TRUCE END

NAME: MARGARET LEVY-DORANDS, CNA

POSITION: BOARD MEMBER

ORGANIZATION: STATEWIDE INDEPENDENT LIVING COUNCIL

DATE: 2/12/09

TIME: 1:45 PM

COMMITTEE DIRECTION: COMMITTEE ON HUMAN SERVICES
SEN. CHUN OAKLAND, SEN. IHARA

- 1. MEASURE # SB 1210 - I AM AGAIN THIS MEASURE
- 2 " " SB 1189 - "
- 3 " " SB 915 - "
- 4 " " SB 918 - "
- 5 " " SB 1330 - "
- 6 " " SB 924 - "
- 7 " " SB 1177 - "
- 8 " " SB 913 - "
- 9 " " SB 916 - "

I AM FOR THE FOLLOWING MEASURES

- 10. MEASURE # SB 1016 - I AM FOR THIS MEASURE
- 11. " " SB 133 - "
- 12. " " SB 801 - "
- 13 " " SB 1006 - "
- 14 " " SB 1014 - "

THANK YOU
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