

STAND. COM. REP. NO. 1273

Honolulu, Hawaii

March 16, 2007

RE: S.B. No. 96
S.D. 3

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Sir:

Your Committees on Education and Labor & Public Employment,
to which was referred S.B. No. 96, S.D. 3, entitled:

"A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION,"

beg leave to report as follows:

The purpose of this bill is to ensure the safety and welfare
of children enrolled in the public school system and users of the
public library system by:

- (1) Providing for a program of controlled substance testing
based on reasonable suspicion of Department of Education
(DOE) employees, including teacher trainees and Hawaii
State Public Library System employees, who work in close
proximity to children, as follows:
 - (A) Requiring DOE to develop procedures for controlled
substance testing;
 - (B) Requiring the employer to place employees who
refuse the test on administrative leave for 30
days;
 - (C) Authorizing the employer to impose certain
sanctions on employees whose test results are
positive and who, as a result of their use of
controlled substances, negatively influence
children; and

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- (D) Requiring DOE to provide for substance abuse assessment, treatment, and counseling, and referral to the employee assistance program, if DOE retains an employee whose test results are positive;
- (2) Expanding the category of individuals subject to criminal history record checks as a condition of DOE employment by authorizing DOE to conduct criminal history record checks on any employee, provider, subcontractor, or trainee from an institution of higher education who enters or intends to enter into a contract with or is currently contracted by DOE to provide services in close proximity to children;
- (3) Authorizing DOE to pass on the cost of a criminal history record check to the individuals subject to the checks; and
- (4) Appropriating funds to DOE for the costs of conducting criminal history record checks.

DOE and the University of Hawaii supported the intent of this bill. The American Civil Liberties Union of Hawaii, Drug Policy Action Group, and Drug Policy Forum of Hawaii opposed this measure. The Governor's Policy Office, Hawaii Association of Independent Schools, and Hawaii State Teachers Association offered comments.

As affirmed by the records of votes of the members of your Committees on Education and Labor & Public Employment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 96, S.D. 3, and recommend that it pass Second Reading and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committees on Education and
Labor & Public Employment,



ALEX M. SONSON, Chair



ROY TAKUMI, Chair



State of Hawaii
House of Representatives
The Twenty-fourth Legislature

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Record of Votes of the Committee on Education

Bill/Resolution No.: SB 96 SD 3	Date: 3/14/07
Committee Referral: EDN/LAB, JUD, FIN	<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended <input type="checkbox"/> Hold	
<input type="checkbox"/> Pass, with amendments <input type="checkbox"/> Pass, with amendments, for recommittal for further consideration	

EDN Members	Ayes	Ayes (WR)	Nays	Excused
1. TAKUMI, Roy M. (C)	✓			
2. BERG, Lyla B., Ph.D. (VC)	✓			
3. BERTRAM, Joe, III			✓	
4. CABANILLA, Rida T.R.				✓
5. CHANG, Jerry L.	✓			
6. NISHIMOTO, Scott Y.	✓			AB
7. SAIKI, Scott K.	✓			
8. SHIMABUKURO, Maile S. L.		✓		
9. TAKAI, K. Mark		✓		
10. TAKAMINE, Dwight Y.	✓			
11. WAKAI, Glenn		✓		
12. CHING, Corinne W.L.		✓		
13. FINNEGAN, Lynn		✓		
TOTAL	6	5	1	1

The recommendation is: Adopted
 Not Adopted

If joint referral, _____ did not support recommendation.
 committee acronym(s)

Lyla B. Berg

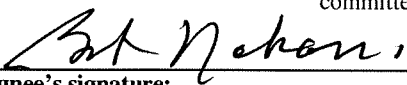
Vice Chair's or designee's signature: _____

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State of Hawaii
House of Representatives
The Twenty-fourth Legislature

HSCR 1273

Record of Votes of the Committee on Labor & Public Employment

Bill/Resolution No.: SB 96 SD3		Date: 3-14-07		
Committee Referral: EDN/LAB, JUD, FIN		<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.		
The recommendation is to: <input checked="checked" type="checkbox"/> Pass, unamended <input type="checkbox"/> Pass, with amendments <input type="checkbox"/> Hold <input type="checkbox"/> Pass, with amendments, for recommitment for further consideration				
LAB Members	Ayes	Ayes (WR)	Nays	Excused
1. SONSON, Alex M. (C)	✓			
2. NAKASONE, Bob (VC)	✓			
3. EVANS, Cindy	✓	✓		
4. HAR, Sharon E.		✓		
5. LEE, Marilyn B.	✓			
6. LUKE, Sylvia				✓
7. McKELVEY, Angus L.K.				✓
8. NISHIMOTO, Scott Y.	✓			
9. SOUKI, Joseph M.				✓
10. TAKAMINE, Dwight Y.	✓			
11. TAKUMI, Roy M.	✓			
12. MEYER, Colleen Rose				✓
13. PINE, Kymberly Marcos	✓			
TOTAL	7	2		4
The recommendation is: <input checked="checked" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: <div style="text-align:center;"></div>				
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