

STAND. COM. REP. NO. 439

Honolulu, Hawaii
FEB 19 2021

RE: S.B. No. 1220
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committees on Higher Education and Labor, Culture and the Arts, to which was referred S.B. No. 1220 entitled:

"A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS,"

beg leave to report as follows:

The purpose and intent of this measure is to allow the University of Hawaii to conduct criminal history record checks on current or prospective employees and contractors whose positions or duties are related to the security of the campus facilities and persons.

Your Committees received testimony in support of this measure from the Department of Human Resources Development, University of Hawai'i System, and one individual.

Your Committees find that the University has University Security Officers (USOs) on duty to ensure the safety and security of the facilities and persons on its campuses. There are approximately one hundred sixty USO positions throughout the ten campuses, and the University anticipates processing approximately fifteen recruitments a year. Your Committees also find that as civil service employees, the recruitment of USOs was historically performed by the Department of Human Resources Development (DHRD). However, since the position is unique to the University, the University and DHRD have entered into a delegation agreement,



effective September 2016, under which the University performs all tasks associated with recruiting, selecting, and hiring a USO, except for conducting criminal background checks of applicants. Since existing law does not allow the University to perform background checks, the DHRD cannot delegate the task to the University. This limitation on the University's authority affects the efficient hiring of USOs, which in turn, impacts the University's ability to ensure the safety of its campuses.

This measure will ensure a strong presence of USOs on the University campuses by enabling the DHRD to delegate the background checks of USOs to the University. The University will be able to perform all aspects of the USO recruitment process and fill these vacancies more efficiently. According to the University, the background checks will be conducted in a manner similar to DHRD's current process, which includes submittal of fingerprints to the Hawaii Criminal Justice Data Center and the Federal Bureau of Investigation. Should outside vendors be used to conduct the criminal background checks, the estimated cost would be between \$40.00 and \$90.00 per background check.

Your Committees have amended this measure by:

- (1) Replacing "current or prospective employees or contractors" with "current and prospective employees and contractors" in the newly created paragraph in section 846-2.7(b), Hawaii Revised Statutes, for the University of Hawaii; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Higher Education and Labor, Culture and the Arts that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1220, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1220, S.D. 1, and be referred to your Committee on Judiciary.



Respectfully submitted on
behalf of the members of the
Committees on Higher Education
and Labor, Culture and the
Arts,


BRIAN T. TANIGUCHI, Chair


DONNA MERCADO KIM, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Higher Education
HRE

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 1220	HRE/LCA, JDC	2/16/21		
<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)	✓			
KIDANI, Michelle N. (VC)	✓			
KEITH-AGARAN, Gilbert S.C.	✓			
WAKAI, Glenn	✓			
FEVELLA, Kurt	✓			
TOTAL	5	0	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center;"><i>Michelle N. Kidani</i></div>				
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
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Labor, Culture and the Arts
LCA

Bill / Resolution No.:* <i>SB 1220</i>	Committee Referral: <i>HRE/LCA, JDC</i>	Date: <i>2/16/2021</i>		
<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)	✓			
IHARA, Jr., Les (VC)	✓			
CHANG, Stanley	✓			
KEOHOKALOLE, Jarrett				✓
FEVELLA, Kurt	✓			
TOTAL	<i>4</i>	<i>0</i>	<i>0</i>	<i>1</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>[Handwritten Signature]</i>				
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