

Honolulu, Hawaii

April 27, 2006

RE: H.B. No. 2367  
H.D. 1  
S.D. 1  
C.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Third State Legislature  
Regular Session of 2006  
State of Hawaii

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

Sir:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 2367, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS FOR SERVICE PROVIDERS OF THE OFFICE OF YOUTH SERVICES,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this bill is to protect Hawaii's children by:

- (1) Requiring employees, prospective employees, and volunteers who seek employment with contracted providers or subcontractors of the Office of Youth Services (OYS) of the Department of Human Services, which would place them in close proximity to youth, to be subject to criminal history record checks;



- (2) Requiring OYS to develop a system for obtaining verifiable information for the criminal history records;
- (3) Allowing OYS to require a contracted provider or subcontractor to refuse employment to an applicant, terminate an employee, or terminate the services of a volunteer under certain circumstances; and
- (4) Exempting OYS from section 831-3.1, Hawaii Revised Statutes (HRS), which controls the government's use of prior convictions to make employment decisions, and from the administrative procedures of Chapter 91, HRS, when conducting its investigation, notifications, or hearings on criminal history record checks.

Your Committee on Conference has amended this measure by:

- (1) Clarifying that all volunteers, rather than just volunteers who are seeking employment, with contracted providers or subcontractors in positions that place them in close proximity to youth when providing services on behalf of OYS shall be required to agree to criminal history record checks; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.


As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 2367, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 2367, H.D. 1, S.D. 1, C.D. 1.

Respectfully submitted on behalf  
of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE

  
SUZANNE CHUN OAKLAND, Chair

  
KIRK CALDWELL, Co-Chair





COLLEEN HANABUSA, Co-Chair



ALEX M. SONSON, Co-Chair



SYLVIA LUKE, Co-Chair



Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: HB 2367, HD 1, SD 1	Date/Time: 4/25/06 10:20 a.m.
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The recommendation of the House and Senate managers is to pass with amendments (CD).



The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
CHUN OAKLAND, Suzanne, Chr.	✓				CALDWELL, Kirk, Co-Chr.	✓			
HANABUSA, Colleen, Co-Chr.	✓				SONSON, Alex M., Co-Chr.	✓			
WHALEN, Paul				✓	LUKE, Sylvia, Co-Chr.	✓			
					MEYER, Colleen Rose	✓			
<b>TOTAL</b>	2	0	0	1	<b>TOTAL</b>	4	0	0	0

A = Aye      WR = Aye with Reservations      N = Nay      E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature: 
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