

Honolulu, Hawaii

April 24, 2008

RE: S.B. No. 3051
S.D. 2
H.D. 1
C.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 3051, S.D. 2, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY BACKGROUND CHECKS FOR SOCIAL SERVICES PROGRAMS,"

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 measure is to authorize the Department of Human Services (Department) or its designee to conduct criminal history record checks for certain individuals who provide services to vulnerable adults and children.

This measure also:

- (1) Adds the retired and senior volunteer program to the list of Department programs for which criminal background record checks are conducted; and



- (2) Expands the list of individuals whose backgrounds may be looked into to include volunteers and other adults regularly present at the programs identified in Hawaii Revised Statutes section 346-97.

Your Committee has amended this measure by:

- (1) Adopting the language of S.B. No. 3051, Senate Draft 2, House Draft 1, which permits the Department to designate a third party to conduct certain criminal record checks;
- (2) Changing its effective date to July 1, 2008;
- (3) Expanding the amendments made to Hawaii Revised Statutes section 346-97 to:
 - (a) Include subsection (c) to allow individuals subject to a Department background check to provide consent to the Department or its designee;
 - (b) Include subsection (d) to mandate that the Department or its designee shall obtain criminal history record information on specified individuals for two years, and shall conduct criminal history name inquiries annually or biennially thereafter;
- (4) Expanding the amendments made to Hawaii Revised Statutes section 346-335 to:
 - (a) Clarify that an applicant for programs set forth in Hawaii Revised Statutes section 346-97 shall be subject to criminal history record checks and adult abuse perpetrator checks, and shall provide consent for such checks to the Department or its designee; and
 - (b) Include subsection (e) to provide that the Department or its designee shall conduct name inquiries into criminal history records and the adult protective service file for two years, and then annually or biennially thereafter depending on the licensure status of the employing home and community-based case management agency;
- (5) Amending the amendments made to Hawaii Revised Statutes section 846-2.7 subsection (b)(19) to amend the term



"dependent adult" to read "vulnerable adult"; and subsection (b) (23) to allow the Department to conduct criminal history record checks on contracted and subcontracted service providers and their current and prospective employees that provide home and community-based services under any other applicable section of the Social Security Act in addition to Section 1915(c)); and

- (6) Making technical, nonsubstantive amendments for the purposes of clarity 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 S.B. No. 3051, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 3051, S.D. 2, H.D. 1, C.D. 1.

Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



MAILE SHIMABUKURO, Co-Chair



BLAKE K. OSHIRO, Co-Chair



KARL RHOADS, Co-Chair



SUZANNE CHUN OAKLAND, Chair



BRIAN T. TANIGUCHI, Co-Chair



Hawaii State Legislature
 Record of Votes of a
 Conference Committee

Bill / Concurrent Resolution No.: SB 3051, SD 2, HD 1	Date/Time: 4/25/08 9am
---	-------------------------------

The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure

The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.

Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
CHUN OAKLAND, Suzanne, Chr.	✓				SHIMABUKURO, Maile S. L., Co-Chr.	✓			
TANIGUCHI, Brian T., Co-Chr.	✓				OSHIRO, Blake K., Co-Chr.	✓			
HEMMINGS, Fred	✓				RHOADS, Karl, Co-Chr.	✓			
					AWANA, Karen Leinani				✓
					WARD, Gene, Ph.D.				✓
TOTAL	3	0	0	0	TOTAL	3	0	0	2

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
---	--

Senate Lead Chair's or Designee's Signature: <i>Suzanne Chun Oakland</i>	House Lead Chair's or Designee's Signature: <i>[Signature]</i>
---	---

Distribution: **Original** **Yellow** **Pink** **Goldenrod**
 File with Conference Committee House Clerk's Office Senate Clerk's Office Drafting Agency