

STAND. COM. REP. NO.

974

Honolulu, Hawaii

MAR 02 2007

RE: S.B. No. 470

S.D. 2

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 470, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EMPLOYMENT,"

begs leave to report as follows:

The purpose of this measure is to provide for drug testing of
public school employees, teachers, public library employees, and
all elected officials of the State, counties, Board of Education,
and Office of Hawaiian Affairs based on reasonable suspicion.

Your Committee finds that drug abuse is pervasive within our
community and affects many occupations. Your Committee is very
concerned about the welfare of our young people and the future of
our State. Your Committee finds that teachers are role models for
their students and should provide an example to emulate.
Likewise, elected officials, because of their public profile and
visibility should present a role model as leaders of the State.
They also make decisions that impact the State and every citizen
in the future.

Your Committee recognizes that many of the positions covered
by this bill do not fall in the category of occupations that would
allow for random drug testing by the State Constitution. Thus,
your Committee finds that a reasonable approach to drug testing is
the reasonable suspicion standard where testing may occur where
there exist facts to suspect one is under the influence of drugs.

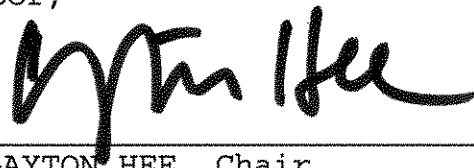


Your Committee received testimony from representatives of the Department of Education, Hawaii State Teachers Association, Hawaii Government Employees Association, and the Drug Policy Forum in opposition to the bill. However, upon further questioning, the representative from the Department of Education concurred that the schools should be drug free and the basic objection was that the Department is currently negotiating reasonable suspicion drug testing. In addition, all those in opposition concurred that there is a need for drug testing. Your Committee finds that the children of this State need to be the focus for the necessity of this bill.

Your Committee amended the bill by changing the effective date to July, 2059. The bill was also amended to provide that this Act will take effect if the Hawaii State Teachers Association and the State do not reach an agreement on drug testing in their contract negotiations.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 470, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 470, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,



CLAYTON HEE, Chair



The Senate
Twenty-Fourth Legislature
State of Hawaii

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 470 SPA	JDL	3/1/07		
<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
HEE, Clayton (C)	/			
KOKUBUN, Russell S. (VC)	/			
INOUYE, Lorraine R.				/
NISHIHARA, Clarence K.				/
GABBARD, Mike	/			
TOTAL	3			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">Russell S. Kohl</div>				
Distribution: Original Yellow Pink File with Committee Report Clerk's Office Drafting Agency				

*Only one measure per Record of Votes