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LATE TESTIMONY

No. _____

TESTIMONY ON HOUSE BILL 3141 RELATING TO STATE AND COUNTY CONTRACTS FOR SERVICES

by

Clayton A. Frank, Director
Department of Public Safety

Committee on Labor & Public Employment
Representative Alex M. Sonson, Chair
Representative Bob Nakasone, Vice Chair

Tuesday, January 29, 2008, 8:30 A.M.
State Capitol, Conference Room 309

Representative Sonson and Members of the Committee:

The Department of Public Safety strongly supports House Bill 3141, relating to State and County Contracts for Services. The purpose of this measure is to provide flexibility and reliability to the hiring and contracting processes by exempting from civil service law, positions or contracts for personal services lasting up to one year with non-government entities.

In 2001, the Legislature found that it was important for the State and county governments to be authorized to deliver services by the most efficient means possible. As a result, the Legislature empowered the State and county governments to contract with non-government entities to provide services to the government. This contracting authority allowed the State and county governments to inject substantial resources into local businesses.

In June 2007, the law that conferred broad authority upon the State and the counties to contract expired. This law was part II of Act 90, Session Laws of Hawaii 2001. As a result, there is now uncertainty regarding the authority of the State and the counties to contract with Hawaii businesses, nonprofit organizations, and mutual benefit societies to obtain services that are critical for the efficient, cost effective, and uninterrupted delivery of services by the State and County governments. These services include but are not limited to the following services to inmates and parolees: nursing, dental, substance abuse, sex offender treatment and reentry program services. Also, affected are the Department's refuse collection and disposal services, as well as the wastewater treatment plant operation and maintenance services at the facilities.

Consequently, these contracts may be subject to legal challenge, and in order to avoid the risk of costly litigation and to ensure that government services are provided, this measure seeks to amend the State's and the counties' procurement and civil service laws to maintain the current relationship between the State and the counties and their respective contractors who provide vital services to the government.

In summary, we strongly support House Bill 3141, and thank you for the opportunity to testify.