

STAND. COM. REP. NO.

2084

Honolulu, Hawaii

FEB - 9 2010

RE: S.B. No. 2372

S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Madam:

Your Committee on Commerce and Consumer Protection, to which was referred S.B. No. 2372 entitled:

"A BILL FOR AN ACT RELATING TO SUNRISE REVIEWS,"

begs leave to report as follows:

The purpose of this measure is to allow the Legislature, under specified conditions, to waive the requirement that the Auditor perform a sunrise review before new regulatory measures may be enacted by the Legislature.

Your Committee received testimony in support of this measure from the American Cancer Society Hawai'i Pacific, Inc. and the Hawaii Athletic Trainers' Association. Testimony with comments on this measure was received from the Professional and Vocational Licensing Division of the Department of Commerce and Consumer Affairs. Written testimony presented to the Committee may be reviewed on the Legislature's website.

Your Committee finds that this measure provides reasonable and appropriate legislative flexibility to address critical public health, safety, and welfare needs in the State. Your Committee notes that the Auditor generally performs exemplary work, but there have been instances where the Auditor has failed to provide required reviews in a timely fashion or where the need to wait for a review has unnecessarily delayed the implementation of needed regulation. Your Committee notes that the services of many health professionals as well as new and emerging medical technologies and procedures are not eligible for reimbursement from health insurers



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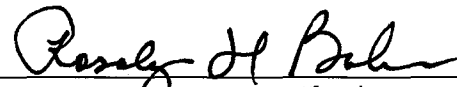
without regulatory measures such as licensing or certification in place. Your Committee finds that, under these circumstances, the requirement of an Auditor's review creates an unnecessary barrier to the availability of important services for the people of Hawaii.

Your Committee notes that the Auditor's sunrise review required under the existing law encompasses only regulatory measures that have already been proposed through legislation. Your Committee finds that the legislative process provides ample opportunity for information gathering and analysis, especially in light of the extensive availability of information in the electronic age. Your Committee finds that in this context, an Auditor's review is not uniquely necessary for the Legislature to make informed and well-considered decisions. Finally, your Committee finds that this measure helps to protect Hawaii's regulatory infrastructure from unpredictable interference by outside circumstances such as the State's current economic crisis which has forced state employee layoffs, office closures, and major reductions in services.

Your Committee has amended this measure by making minor technical changes for the purposes of grammatical clarity and style.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2372, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2372, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Commerce and
Consumer Protection,



ROSALYN H. BAKER, Chair



