

STAND. COM. REP. NO.

26

Honolulu, Hawaii

FEB 08 2011

RE: S.B. No. 43
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Public Safety, Government Operations, and
Military Affairs, to which was referred S.B. No. 43 entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC SAFETY,"

begs leave to report as follows:

The purpose and intent of this measure is to require that
contracts made directly between the State and a nongovernmental
entity or through interstate compacts that provide for the
incarceration or detention of state prisoners or detainees in a
privately owned prison or out-of-state detention facility require
the state and contractor to provide access to the same information
as required under the state Uniform Information Practices Act.

Your Committee received testimony in support of this measure
from two state agencies, one employee union, six community groups,
and eight individuals. Your Committee received testimony in
opposition to this measure from one state department.

Your Committee finds that this measure is necessary because
the State has contracted with a private entity to provide an
essential public service that protects the public safety. In
doing so, your Committee believes that the State should have
access to the records of the contractor, which testimony indicates
has been difficult to discuss in the past.

The intent of this measure is to bring into the realm of
public information and scrutiny the records held by private
entities housing Hawaii inmates pursuant to contracts with the



State. However, those records are only as good as they are legitimate and authentic. This measure is not intended to apply to corporate information of the contractor that may place the contractor at a disadvantage with competitors.

Your Committee has amended this measure to require that the State's contract with the contractor contains a provision to provide access to the State to review all records of the contractor relating to daily prison operations and prison finances of the contractor as these records relate to Hawaii prisoners and detainees held by that prison or facility.

As affirmed by the record of votes of the members of your Committee on Public Safety, Government Operations, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 43, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 43, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety,
Government Operations, and
Military Affairs,



WILL ESPERO, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Public Safety, Government Operations, and
Military Affairs
PGM

Bill / Resolution No.:* SB 43	Committee Referral: PGM, JDL	Date: 1-27-11
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The committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312 Pass, with amendments 2311 Hold 2310 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
ESPERO, Will (C)	✓			
KIDANI, Michelle N. (VC)	✓			
BAKER, Rosalyn H.	✓			
RYAN, Pohai	✓			
SLOM, Sam	✓			
TOTAL	5			

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:
Michelle N. Kidani

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*Only one measure per Record of Votes