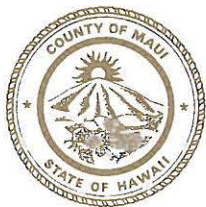


ALAN M. ARAKAWA
MAYOR



200 South High Street
Wailuku, Hawai'i 96793-2155
Telephone (808) 270-7855
Fax (808) 270-7870
e-mail: mayors.office@mauicounty.gov

OFFICE OF THE MAYOR

Ke'ena O Ka Meia
COUNTY OF MAUI – Kalana O Maui

TESTIMONY OF ALAN ARAKAWA, MAYOR COUNTY OF MAUI

BEFORE THE SENATE COMMITTEE ON JUDICIARY & LABOR

Tuesday, March 17, 2015
9:00 a.m.
Conference Room 016

HB 141 - RELATING TO QUALIFIED COMMUNITY REHABILITATION PROGRAMS

Honorable Sen. Gilbert S.C. Keith-Agaran, Chair
Honorable Sen. Maile S.L. Shimabukuro, Vice Chair
Honorable Members of the Senate Committee on Judiciary and Labor

Thank you for this opportunity to testify in **SUPPORT of HB 141.**

The purpose of this measure is to clarify that the \$850,000 maximum limit for the civil service exemption for contracts for building, custodial, and grounds maintenance services with qualified community rehabilitation programs applies to the maximum amount "per contract".

I have reviewed the correspondence dated February 19, 2014, from the Department of the Attorney General, State of Hawaii, that opines that the \$850,000 limit prescribed in section 76-77 (16), Hawaii Revised Statutes, is a per contract, not aggregate, limit. The AG found nothing in the legislative history that contradicts their conclusion, and states that a plain reading of the statute supports their conclusion. Accordingly, it appears that it has always been intended that the amount of \$850,000 be interpreted as "per contract" and not an aggregate amount.

This measure is important for Maui County organizations such as Ka Lima O Maui, which assists persons with disabilities through employment related programs. Ka Lima O Maui employs 55 persons with disabilities - many of whom are too often overlooked or not considered for employment. Such employment provides those with disabilities self-respect, independence, and the opportunity to become contributing members of our community.

For these reasons, I support HB 141.

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Subject: Submitted testimony for HB141 on Mar 17, 2015 09:00AM
Date: Monday, March 16, 2015 7:52:31 AM

HB141

Submitted on: 3/16/2015

Testimony for JDL on Mar 17, 2015 09:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Al Lardizabal	United Public Workers	Oppose	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

Anthony P. Takitani
Gilbert S.C. Keith-Agaran
David M. Jorgensen

24 North Church Street, Suite 409
WAILUKU, MAUI, HI 96793-2222
(808) 242-4049 • FAX (808) 244-4021
dave@tonylaw.com

Joseph L. Wildman
Eve M. Green
Of Counsel

TAKITANI, AGARAN & JORGENSEN

A Law Partnership

March 16, 2015

Chair Gilbert S.C. Keith-Agaran
Vice-Chair Maile S.L. Shimabukuro
Committee on Judiciary and Labor
Hawaii State Capitol, Room 016
Honolulu, HI 96813

Re: Committee on Labor and Judiciary on HB 141, March 17, 2015, 9:00 a.m.

Dear Chair Keith-Agaran and Vice-Chair Shimabukuro:

I'm submitting this testimony on behalf of Ka Lima O Maui, a wonderful non-profit organization on Maui whose mission is "Enhancing Lives through Self-Reliance" for persons with disabilities through employment related programs, and I'm writing in support of HB 141 that clarifies the language in exemption # 16 of HRS 76-77 to make it clear that contracts at a cost of no more than \$850,000 **per contract** for personal services, building, custodial, and grounds maintenance services with qualified community rehabilitation programs are exempt from the civil service laws.

Some have claimed that the cap in exemption #16 is an aggregate cap for **all** contracts instead of per contract. **However, in 2008 when the cap of \$850,000 was put into law, Ka Lima O Maui already had \$1 million in contracts with the County of Maui** and, therefore, it could not have been the intent of the legislature. Otherwise, Ka Lima O Maui would have been out of compliance from the inception of the law. Rather, all parties involved always intended for the amount of \$850,000 to be interpreted as per contract. It's also important to note that the State Attorney General issued an opinion last year that the exemption should be read as "per contract".

Ka Lima O Maui's grounds and custodial service contracts with the County of Maui currently total approximately \$1.2 million and employ over 55 persons with disabilities. The contracts allow us to deliver services such as assessments, evaluation and training and ultimately employment for a population that is often times overlooked. Employment opportunities provide dignity, self-respect, independence and the chance to become contributing members of our community.

Please help us by supporting HB 141 so we can continue to put paychecks in deserving hands. Thank you for your consideration and support.

Sincerely,



DAVID M. JORGENSEN



"Enhancing Lives Through Self-Reliance"

March 13, 2015

Chair Keith-Agaran
Judiciary and Labor Committee
Hawaii State Capitol, Room 221
Honolulu, HI 96813
Fax: (808) 586-7348

Re: Committee on Judiciary and Labor Hearing for HB 141 on Tuesday March 17, 2015 at 9:00am.

Dear Chair Keith-Agaran:

I am writing in support of HB 141 that clarifies the language in exemption # 16 of HRS 76-77. The bill amends the exemption from the civil service laws for contracts for personal services, building, custodial, and grounds maintenance services, with qualified community rehabilitation programs at a cost of no more than \$850,000 **by specifying that the \$850,000 maximum applies per contract.**

This effort is to provide additional clarity to the amount of \$850,000 that has been incorrectly interpreted in the past as an aggregate amount instead of an amount per contract. **It is important to note that in 2008 when the cap amount of \$850,000 was put into law, Ka Lima O Maui already had \$1 million in contracts with the County of Maui.** All parties involved always intended for the amount of \$850,000 to be interpreted as per contract and not as a total amount. Otherwise, Ka Lima would have been out of compliance from the inception of the law.

In addition, the State of Hawaii Attorney General provided a favorable opinion on the interpretation of the language agreeing that it should be read as "per contract". I have attached a copy of his opinion. He also recommended passage of a bill to further clarify the issue.

The future of these contracts is crucial to the mission of our organization; "Enhancing Lives through Self-Reliance" for persons with disabilities through employment related programs. Our grounds and custodial service contracts, that currently total \$1.4 million, employ 55 persons with disabilities. The contracts allow us to deliver services such as assessments, evaluation and training and ultimately employment for a population that is often times overlooked. Employment opportunities provide dignity, self-respect, independence and the chance to become contributing members of our community.

J. Walter Cameron Center, 95 Mahalani Street, Suite 19B - Wailuku, Hawaii 96793
Tel: (808) 244-5502 / 244-5503 - Fax: (808) 244-2077
info@kalimaomaui.org



"Enhancing Lives Through Self-Reliance"

Please help us by passing HB 141 in its current version so we can continue to put paychecks in deserving hands. Thank you for your consideration and support.

Sincerely,

A handwritten signature in cursive script that reads "Chantal Ratte".

Chantal Ratte
Executive Director, Ka Lima O Maui



"Enhancing Lives Through Self-Reliance"

March 13, 2015

Chair Gilbert Keith-Agaran
Judiciary and Labor Committee
Hawaii State Capitol, Room 221
Honolulu, HI 96813

Fax #: (808) 586-7348

Re: Judiciary and Labor Committee Hearing for HB 141 on Tuesday March 17, 2015 at 9:00am.

Dear Chair Keith-Agaran:

Please support HB141 to help me keep my job at Ka Lima O Maui. Ka Lima has given me job skills and training to hold a job. These contracts are very important to me and my peers. Because of this job, I now earn my own money and that gives me independence and confidence. I work hard to keep everything clean in the parks.

By supporting this bill, you are helping persons with disabilities keep their job.

Sincerely,

BRANDON DECAMBRA

Brandon Decambra



"Enhancing Lives Through Self-Reliance"

March 13, 2015

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Judiciary and Labor Committee
Hawaii State Capitol, Room 221
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Sincerely,

Conrad Domingo

Conrad DOMINGO



"Enhancing Lives Through Self-Reliance"

March 13, 2015

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Sincerely,

Crystal Nunes

Crystal Nunes.



"Enhancing Lives Through Self-Reliance"

March 13, 2015

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Judiciary and Labor Committee
Hawaii State Capitol, Room 221
Honolulu, HI 96813

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Sincerely,

Hokulani J. Bailey

Hokulani J. Bailey



"Enhancing Lives Through Self-Reliance"

March 13, 2015

Chair Gilbert Keith-Agaran
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Hawaii State Capitol, Room 221
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Sincerely,

Jason Sugahara

Jason Sugahara



"Enhancing Lives Through Self-Reliance"

March 13, 2015

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Hawaii State Capitol, Room 221
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Sincerely,

Ka h a l e M e d e i r o s

Kanale Medeiros



"Enhancing Lives Through Self-Reliance"

March 13, 2015

Chair Gilbert Keith-Agaran
Judiciary and Labor Committee
Hawaii State Capitol, Room 221
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Sincerely,

Keoni Wilson

Keoni Wilson.



"Enhancing Lives Through Self-Reliance"

March 13, 2015

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Hawaii State Capitol, Room 221
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Sincerely,

Romeo Visitacion

Romeo Visitacion.



"Enhancing Lives Through Self-Reliance"

March 13, 2015

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Judiciary and Labor Committee
Hawaii State Capitol, Room 221
Honolulu, HI 96813

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Sincerely,

Sam Cabalo

Sam Cabalo



"Enhancing Lives Through Self-Reliance"

March 13, 2015

Chair Gilbert Keith-Agaran
Judiciary and Labor Committee
Hawaii State Capitol, Room 221
Honolulu, HI 96813

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Sincerely,

Sharon Kimoto

Sharon Kimoto



"Enhancing Lives Through Self-Reliance"

March 13, 2015

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Sincerely,

A handwritten signature in black ink, appearing to read "Shaun Labant", written over a horizontal line.

Shaun Labant.



"Enhancing Lives Through Self-Reliance"

March 13, 2015

Chair Gilbert Keith-Agaran
Judiciary and Labor Committee
Hawaii State Capitol, Room 221
Honolulu, HI 96813

Fax #: (808) 586-7348

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By supporting this bill, you are helping persons with disabilities keep their job.

Sincerely,

William Kaahanui

William Kaahanui

March 12, 2015

Chair Keith-Agaran
Judiciary and Labor Committee
Hawaii State Capitol, Room 221
Honolulu, HI 96813

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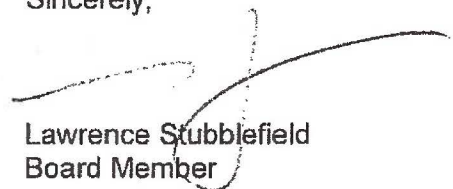
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In addition, the State of Hawaii Attorney General provided a favorable opinion on the interpretation of the language agreeing that it should be read as "per contract". I believe you have attached a copy of his opinion. He also recommended passage of a bill to further clarify the issue.

The future of these contracts is crucial to the mission of our organization; "Enhancing Lives through Self-Reliance" for persons with disabilities through employment related programs. Our grounds and custodial service contracts, that currently total \$1.4 million, employ 55 persons with disabilities. The contracts allow us to deliver services such as assessments, evaluation and training and ultimately employment for a population that is often times overlooked. Employment opportunities provide dignity, self-respect, independence and the chance to become contributing members of our community.

Please help us by passing HB 141 in its current version so we can continue to put paychecks in deserving hands. Thank you for your consideration and support.

Sincerely,



Lawrence Stubblefield
Board Member