



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-NINTH LEGISLATURE, 2017**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 470, H.D. 1, RELATING TO PUBLIC LIBRARIES.

**BEFORE THE:**

HOUSE COMMITTEE ON FINANCE

**DATE:** Tuesday, February 28, 2017                      **TIME:** 3:00 p.m.

**LOCATION:** State Capitol, Room 308

**TESTIFIER(S):** Douglas S. Chin, Attorney General, or  
Melissa J. Kolonie, Deputy Attorney General

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Chair Luke and Members of the Committee:

The Department of the Attorney General provides the following comments.

The purpose of this bill is to authorize the board of education to contract for private groundskeeping services for public library properties.

Section 1 of article XVI of the Hawaii State Constitution provides that, "[t]he employment of persons in the civil service, as defined by law, of or under the State, shall be governed by the merit principle." Section 76-16, Hawaii Revised Statutes (HRS), states in pertinent part:

(b) The civil service to which this chapter applies shall comprise all positions in the State now existing or hereafter established and embrace all personal services performed for the State, except the following:

. . .

(17) Positions specifically exempted from this part by any other law; provided that:

(A) Any exemption created after July 1, 2014, shall expire three years after its enactment unless affirmatively extended by an act of the legislature. . . .

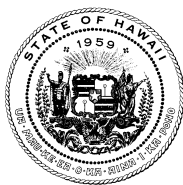
If the Legislature intends to exempt groundskeeping services at public library properties from civil service requirements for three years, the maximum amount of time

allowable under section 76-16(b)(17), HRS, we recommend adding the following provision to page 3, line 8, to meet the requirement set forth by section 76-16(b)(17), HRS:

“(8) Make arrangements or contracts with any person, firm, association, partnership, or corporation, whether operated on a for-profit or not-for-profit basis, for groundskeeping services at public library properties.  
Groundskeeping services at public library properties are specifically exempt from section 76-16, which shall expire three years from the enactment of this provision.”

Alternatively, if the Legislature intends to exempt groundskeeping services at public library properties indefinitely, we recommend adding a provision specifically exempting groundskeeping services at public library properties under section 76-16(b), HRS.

We respectfully request that if this Committee passes this bill, it do so with the recommended amendments.



DAVID Y. IGE  
GOVERNOR

STACIE A. ALDRICH  
STATE LIBRARIAN

STATE OF HAWAII  
HAWAII STATE PUBLIC LIBRARY SYSTEM  
OFFICE OF THE STATE LIBRARIAN  
44 MERCHANT STREET  
HONOLULU, HAWAII 96813

**COMMITTEE ON FINANCE**  
**Tuesday, February 28, 2017**  
**3:00 p.m.**  
**Conference Room 308**  
**State Capitol**

**By**  
**Stacey A. Aldrich**  
**State Librarian**

**HB 470 – Relating to Public Libraries**

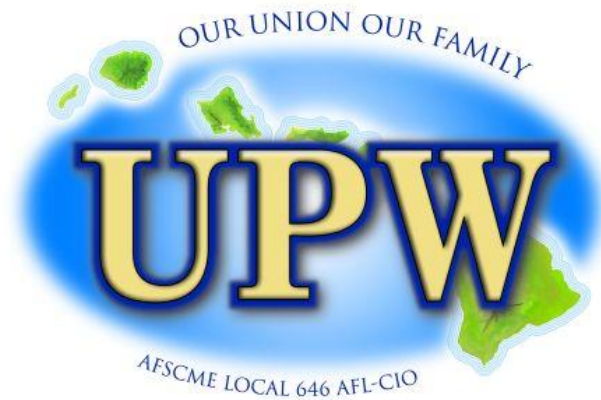
To: Chair Sylvia Luke and members of the Committee on Finance

We support House Bill 470 which authorizes the Board of Education to contract for private groundskeeping services for public library properties. We appreciate that the legislature supports the need for adequate groundskeeping and maintenance at all 50 public libraries statewide. While we have a Memorandum of Understanding with the Department of Accounting and General Services (DAGS), we recognize that due to staff and funding reductions over the past years, DAGS admittedly cannot meet our groundskeeping needs. HB 470 amends Chapter 312-2 as follows:

**§312-2 Powers of board; special fund.** The board of education may:

(8) Make arrangements or contracts with any person, firm, association, partnership or corporation, whether operated on a for-profit or not-for-profit basis, for groundskeeping services at public library properties.

While we support this authority to contract for these critical services, there is currently no additional funding in our base budget to pay for it. Thank you for allowing us the opportunity of testifying on this measure.



THE HAWAII STATE HOUSE OF REPRESENTATIVES  
The Twenty-Ninth Legislature  
Regular Session of 2017

COMMITTEE ON FINANCE

The Honorable Representative Sylvia Luke, Chair  
The Honorable Representative Ty J.K. Cullen, Vice Chair

DATE OF HEARING: February 28, 2017  
TIME OF HEARING: 3:00 p.m..  
PLACE OF HEARING: State Capitol, Rm. 308  
415 South Beretania Street

**TESTIMONY ON HOUSE BILL 470 HD1 RELATED TO PUBLIC LIBRARIES**

By DAYTON M. NAKANELUA,  
State Director of the United Public Workers,  
AFSCME Local 646, AFL-CIO ("UPW")

My name is Dayton M. Nakanelua, State Director of the United Public Workers, AFSCME, Local 646 AFL-CIO (UPW). The UPW is the exclusive bargaining representative for approximately 14,000 public employees, which include blue collar, non-supervisory employees in Bargaining Unit 01 and institutional, health and correctional employees in Bargaining Unit 10, in the State of Hawaii and various counties. The UPW also represents about 1,500 members of the private sector.

HB470 HD1 authorizes the board of education to make arrangements or contracts with any person, firm, association, partnership or corporation, whether operated on a for-profit basis, or not for-profit basis, for grounds keeping services at public library properties. The UPW strongly opposes this move to privatize these services.

According to the Hawaii State Public Library System Fiscal Biennium Budget Requests: FY 18/19, only one (1) FTE Groundskeeper position for the new Aiea Public Library was

requested. There was no request in their presentation for the need to privatize groundskeeper services for the entire state library system.

The UPW has worked with the employer to resolve issues related to staffing shortages in an effort to maintain services. Privatization is not as cost-effective in the long-run nor is the quality of service as good.

The most important thing is that people are going to lose their jobs! They will lose their ability to take care of themselves and their families. This is unnecessary especially when all options have not been exhausted. We suggest that the parties come together to find a solution and not resort to privatization.

The UPW strongly opposes HB470 HD1 and respectfully asks the committee to hold this bill.

Thank you for the opportunity to submit this testimony.