

Honolulu, Hawaii

February 6, 2018

RE: H.B. No. 2176
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Labor & Public Employment, to which was referred H.B. No. 2176 entitled:

"A BILL FOR AN ACT RELATING TO EDUCATION,"

begs leave to report as follows:

The purpose of this measure is to streamline the procurement process for Department of Education contracts relating to student transportation services or facilities construction projects by:

- (1) Barring judicial review of Department of Commerce and Consumer Affairs' (DCCA) decisions on protests to the awarding of these contracts; and
- (2) Requiring the payment of attorney's fees and costs resulting from the delay of a contract if the denial is upheld by the DCCA hearing officer.

The Department of the Attorney General, State Procurement Office, and Department of Education provided comments on this measure.

Your Committee notes the concerns raised by the Department of the Attorney General (Department) regarding the constitutionality of this measure and respectfully requests that the Department



provide substantive recommendations to your Committee on Judiciary, should they deliberate on this measure.

Your Committee has amended this measure by:

- (1) Changing the effective date to January 1, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Labor & Public Employment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2176, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2176, H.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Labor & Public
Employment,


AARON LING JOHANSON, Chair



State of Hawaii
House of Representatives
The Twenty-ninth Legislature

HSCR 76-18

Record of Votes of the Committee on Labor & Public Employment

Bill/Resolution No: <i>HB 2176</i>	Committee Referral: <i>LAB, JUD, FIN</i>	Date: <i>01 FEB 2018</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
LAB Members	Ayes	Ayes (WR)	Nays	Excused
1. JOHANSON, Aaron Ling (C)	✓			
2. HOLT, Daniel (VC)	✓			
3. EVANS, Cindy	✓			
4. ICHIYAMA, Linda	✓			
5. KEOHOKALOLE, Jarrett	✓			
6. YAMASHITA, Kyle T.	✓			
7. MATSUMOTO, Lauren Kealohilani	✓			
TOTAL (7)	7	0	0	0
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: <u><i>D-H HGT</i></u>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				