

STAND. COM. REP. NO. **770**

Honolulu, Hawaii

MAR 03 2017

RE: S.B. No. 897
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committee on Ways and Means, to which was referred S.B. No. 897, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS,"

begs leave to report as follows:

The purpose and intent of this measure is to facilitate compliance with a new Internal Revenue Service requirement that all agencies receiving federal tax information perform criminal history record checks, including a Federal Bureau of Investigation fingerprint search, of all employees, employee applicants, and contractors who have access to federal tax information.

More specifically, this measure adds the Child Support Enforcement Agency and the Departments of Taxation, Human Services, and Labor and Industrial Relations to the list of entities that are authorized to conduct criminal history record checks of current employees, prospective employees, and contractors who have access to federal tax information.

Your Committee received written comments in support of this measure from the Department of Taxation, Department of the Attorney General, Department of Labor and Industrial Relations, and Office of the Mayor, County of Hawaii.



Your Committee finds that this measure will allow the Child Support Enforcement Agency and the Departments of Taxation, Human Services, and Labor and Industrial Relations to comply with federal law and continue to perform their core functions. Your Committee believes that the counties should be able to conduct criminal background checks for the same purpose.

Your Committee has amended this measure by:

- (1) Changing the placement of the new section that authorizes the Department of Labor and Industrial Relations to conduct criminal history records checks from chapter 383, Hawaii Revised Statutes, to chapter 371, Hawaii Revised Statutes, to ensure that the Department of Labor and Industrial Relations is able to conduct criminal history records checks on all employees, employee applicants, and contractors who have access to federal tax information rather than just those who are associated with the department's employment security law enforcement activities;
- (2) Re-inserting references to contractors in relation to criminal history records checks of persons who are employed or seeking employment with the Department of Labor and Industrial Relations;
- (3) Specifying that the counties are authorized to conduct criminal history record checks of current employees, prospective employees, and contractors who have or will have access to federal tax information; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 897, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 897, S.D. 2.



Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,

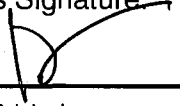


JILL N. TOKUDA, Chair



The Senate
Twenty-Ninth Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* SB 897, SDI	Committee Referral: JDL/HMS, WAM	Date: 2/24/17		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TOKUDA, Jill N. (C)	✓			
DELA CRUZ, Donovan M. (VC)				✓
ENGLISH, J. Kalani				✓
GALUTERIA, Brickwood	✓			
HARIMOTO, Breene	✓			
INOUYE, Lorraine R.	✓			
KAHELE, Kaiali'i				✓
RIVIERE, Gil	✓			
SHIMABUKURO, Maile S.L.	✓			
TANIGUCHI, Brian T.	✓			
WAKAI, Glenn	✓			
TOTAL	8			3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes