

**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTIETH LEGISLATURE, 2019**

ON THE FOLLOWING MEASURE:

S.B. NO. 816, S.D. 2, H.D. 1, RELATING TO THE DEPARTMENT OF HEALTH.

BEFORE THE:

COMMITTEE ON LEGISLATIVE MANAGEMENT

DATE: Tuesday, March 19, 2019

TIME: 3:00 p.m.

LOCATION: State Capitol, Room 312

TESTIFIER(S): Clare E. Connors, Attorney General, or
Andrea Armitage, Deputy Attorney General, or
James E. Halvorson, Deputy Attorney General

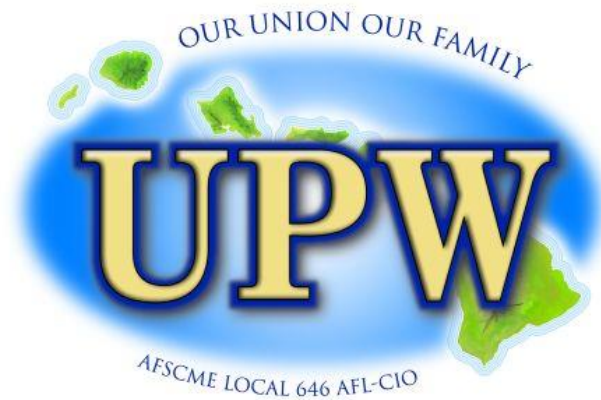
Chair Cullen and Members of the Committee:

The Department of the Attorney General provides the following comments.

The purpose of this bill is to appropriate \$1,706,250 for fiscal year 2019 – 2020 to the Hawaii Health Systems Corporation (HHSC) to provide a one-time lump sum payment differential of \$3,250 to employees of Maui Health System, a Kaiser Foundation Hospital, LLC (Kaiser Maui) in bargaining units (1) and (10), who were affected by the transfer of the use and exclusive management and operations of Maui Memorial Medical Center, Kula Hospital, and Lanai Community Hospital from the HHSC to Kaiser Maui.

The title of this bill is "RELATING TO THE DEPARTMENT OF HEALTH." Article III, section 14, of the State Constitution provides that "[e]ach law shall embrace but one subject, which shall be expressed in its title." This bill gives a one-time, lump sum differential to employees of Kaiser Maui. The appropriation would be through HHSC. Although HHSC is an attached agency to the Department of Health, the nexus between this bill and the Department of Health is tenuous at best and, therefore, the bill could be subject to constitutional challenge.

To avoid a potential constitutional challenge on this issue we would recommend that the Legislature find another vehicle with a more appropriate title for this bill.



THE HAWAII STATE HOUSE OF REPRESENTATIVES

The Thirtieth Legislature
Regular Session of 2019

Committee on Legislative Management

Representative Ty J.K. Cullen, Chair
Representative Mark M. Nakashima, Vice Chair

Date of Hearing: Tuesday, March 19, 2019
Time of Hearing: 3:00 p.m.
Place of Hearing: Conference Room 312

**TESTIMONY ON SB816, SD2, HD1 RELATING TO THE DEPARTMENT OF
HEALTH**

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 four counties. The UPW also represents about 1,500 members in the private sector.

SB816, SD2, HD1 appropriates funds to resolve the compensation differential for certain union members for the modified terms, conditions and compensation practices caused by the transfer of the use and exclusive management and operations of Maui Memorial Medical Center, Kula Hospital, and Lanai Community Hospital from the Hawaii Health Systems Corporation to Maui Health system. The UPW **strongly supports** this measure.

Thank you for hearing this bill and the opportunity to submit testimony.

LATE

SB-816-HD-1

Submitted on: 3/18/2019 6:41:52 PM

Testimony for LMG on 3/19/2019 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Irish Barber	IATSE Local 665	Support	No

Comments:

LATE

SB-816-HD-1

Submitted on: 3/18/2019 11:35:42 PM
Testimony for LMG on 3/19/2019 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Cade Watanabe	Individual	Support	No

Comments:

UNITE HERE Local 5 – a local labor organization representing 11,000 hotel, health care and food service workers throughout Hawaii would like to offer our support of SB 816 SD2, HD1.