



STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

Written Only

DR. CHRISTINA M. KISHIMOTO
SUPERINTENDENT

Date: 03/20/2018

Time: 02:50 PM

Location: 224

Committee: Senate Government Operations

Department: Education

Person Testifying: Dr. Christina M. Kishimoto, Superintendent of Education

Title of Bill: HB 1932, HD1 RELATING TO EMERGENCY RULES BY AGENCIES.

Purpose of Bill: Authorizes agencies to adopt specified emergency rules to lessen disruptions to prior practices caused from changes to federal or Hawaii legislation or court decisions. (HB1932 HD1)

Department's Position:

The Department of Education (Department) supports H.B. No. 1932, H.D. 1, with a suggested amendment for clarification purposes.

The Department would like to respectfully request that the Committee consider clarifying paragraph (1) on line 20 of page 2 of the measure where the proposed language states that an agency may adopt an emergency rule to "conform existing statutes...to new requirements". This language appears to suggest the possibility of an administrative rule superseding statute. While the intention of this language may be to provide a means by which to conform statute through rulemaking for a limited time and limited, specified purpose, the Department believes that clarification is important in order to avoid making the relationship between statute and administrative rules ambiguous.

Thank you for the opportunity to provide testimony in support of this measure.

The Hawaii State Department of Education seeks to advance the goals of the Strategic Plan which is focused on student success, staff success, and successful systems of support. This is achieved through targeted work around three impact strategies: school design, student voice, and teacher collaboration. Detailed information is available at www.hawaiipublicschools.org.

DAVID Y. IGE
GOVERNOR



HAKIM OUANSAFI
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STATE OF HAWAII
HAWAII PUBLIC HOUSING AUTHORITY
1002 NORTH SCHOOL STREET
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Statement of
Hakim Ouansafi
Hawaii Public Housing Authority
Before the

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Tuesday, March 20, 2018

2:50 PM

Conference Room 224, Hawaii State Capitol

In consideration of
HB 1932, HD1
RELATING TO EMERGENCY RULES BY AGENCIES

Honorable Chair Kim, and Members of the Senate Committee on Government Operations, thank you for the opportunity to provide testimony for House Bill (HB) 1932, HD1, relating to emergency rules by agencies.

The Hawaii Public Housing Authority (HPHA) supports the HB 1932, HD1, which authorizes agencies to adopt specified emergency rules to lessen disruptions to prior practices caused from changes to federal or Hawaii legislation or court decisions.

Court decisions that are associated with the U.S. Department of Housing and Urban Development have, and will continue to affect the HPHA in regards to the Agency's administration of Federal housing assistance programs that may require a broader base of exception than what currently exists under 91-3(b), and 91-3(d), Hawaii Revised Statutes. This measure will ensure that the HPHA will be able to quickly address upcoming situations that may require the HPHA to implement changes to existing programs.

The HPHA appreciates the opportunity to provide the Senate Committee on Government Operations with the HPHA's testimony regarding HB 1932, HD1. We thank you very much for your dedicated support.



The Senate Committee on Government Operations
Tuesday, March 20, 2018
2:50 PM, Conference Room 224

RE: **HB 1932, HD1 Relating to Emergency Rules by Agencies**

Attention: Chair Donna Mercado Kim, Vice Chair Russell E. Ruderman and
members of the Committee

The University of Hawaii Professional Assembly (UHPA) **urges the committees support for HB 1932, HD1**. HB 1932, HD1 is designed to ensure that when unexpected events arise that the appropriate state agencies are authorized to adopt emergency rules that temporarily address the circumstances. UHPA notes that Hawai'i public sector unions are anticipating a 2018 US Supreme Court decision in *Janus v American Federation of State, County and Municipal Council 31*, US Supreme Court Docket No. 16-1466 that could undermine the financial ability of unions to effectively fulfil their statutory obligations of negotiations and representation. This type of circumstance speaks to the need to have emergency rulemaking authority recognized more broadly in statute through amendments to Sections 91-3 and 91-4 of Hawai'i Revised Statutes.

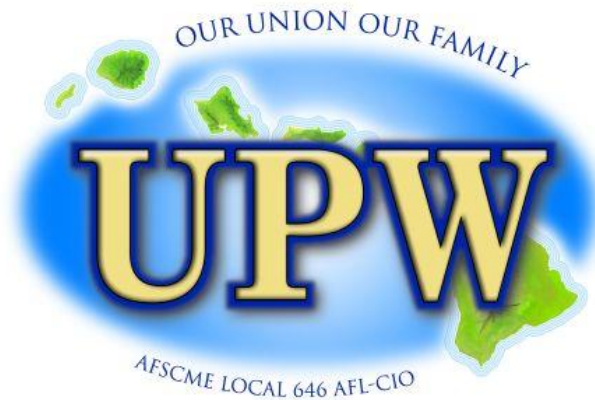
UHPA has spoken on HB 1929 which amends Chapter 89 and would grant emergency rulemaking authority to the Hawai'i Labor Relations Board due to the potential threats that currently exist for Hawai'i public employee unions.

UHPA believes that it is in the interest of good state policy that both a specific authority and a broader authority be entertained by the legislature. While UHPA can identify the problems created in a *Janus* circumstance there are other situations that require a response to a variety of factors. It makes sense for the legislature to recognize two paths for emergency rulemaking that supports addressing a variety of potential events and uncertain conditions now and in the future.

UHPA urges the committees support for HB 1932, HD1.

Respectfully submitted,

Kristeen Hanselman
Executive Director



THE HAWAII STATE SENATE
The Twenty-Ninth Legislature
Regular Session of 2018

COMMITTEE ON GOVERNMENT OPERATIONS (UPW)
Senator Donna Mercado Kim, Chair
Senator Russell E. Ruderman, Vice Chair

DATE OF HEARING: Tuesday, March 20, 2018
TIME OF HEARING: 2:50 p.m.
PLACE OF HEARING: State Capitol
415 South Beretania Street
Conference Room 224

**TESTIMONY IN SUPPORT OF HB 1932 HD1 RELATING TO
EMERGENCY RULES BY AGENCIES**

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

My name is Dayton M. Nakanelua, State Director of the United Public Workers, AFSCME, Local 646, AFL-CIO. The UPW is the exclusive bargaining representative for approximately 12,000 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.

HB1932 HD1 authorizes agencies to adopt specified emergency rules to lessen disruptions to prior practices caused from changes to federal or Hawaii legislation or court decisions especially when the Hawaii State Legislature is not in session. The uncertainty of a ruling by the U.S. Supreme Court on Janus v AFSCME in the Summer of 2018 makes this bill necessary.

The UPW **strongly supports** this bill.

We appreciate the opportunity to submit this testimony.

HB-1932-HD-1

Submitted on: 3/19/2018 2:35:05 PM

Testimony for GVO on 3/20/2018 2:50:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Testifying for Oahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i	Support	No

Comments: