

Charlotte A. Carter-Yamauchi
Director

Shawn K. Nakama
First Assistant

Research (808) 587-0666
Revisor (808) 587-0670
Fax (808) 587-0681



LEGISLATIVE REFERENCE BUREAU
State of Hawaii
State Capitol, Room 446
415 S. Beretania Street
Honolulu, Hawaii 96813

Written Comments

SB2604 SD1 RELATING TO GOVERNMENT ACCOUNTABILITY

Charlotte A. Carter-Yamauchi, Director
Legislative Reference Bureau

Presented to the Senate Committee on Ways and Means

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Conference Room 211

Chair Dela Cruz and Members of the Committee:

Good morning Chair Dela Cruz and members of the Committee, my name is Charlotte Carter-Yamauchi and I am the Director of the Legislative Reference Bureau. Thank you for providing the opportunity to submit written comments on S.B. No. 2604, S.D. 1, Relating to Government Accountability.

The purpose of this measure is to require the Legislative Reference Bureau to:

- (1) Develop a spreadsheet informing members of the Legislature on the status and content of all reports to be submitted to the Legislature as required by law or requested by legislative resolution; and
- (2) Inform the Legislature of all annual and other reports that are required by law or requested by legislative resolution to be submitted to the Legislature and that were not timely submitted.

With regard to information contained in the spreadsheet, the measure specifically requires the Bureau to include the following:

- (1) The number of the Act or resolution requiring the report;
- (2) A description of the required contents of the report;

- (3) The amount of money appropriated for the study that was the basis for the report and for the compilation of the report; and
- (4) The date upon which the Legislature received the required report.

The measure also requires the Bureau to make a copy of the spreadsheet available to all members of the Legislature no later than ten days after the convening of each Regular Session.

The Bureau takes no position on this measure, but submits the following comments for your consideration.

The Bureau has done an approximate compilation of existing reporting requirements that are required pursuant to the Hawaii Revised Statutes or the Hawaiian Homes Commission Act, 1920, as amended, on a permanent, ongoing basis, and has found that state agencies are statutorily required to provide approximately 361 reports to the Legislature each year, not including any reports required or requested for a finite period of time that may be contained in a session law or resolution.

The Bureau would like to note that, within approximately two weeks after each Regular Session concludes, the Bureau's Systems Office (LRBSO) provides the Legislature with a report that identifies and describes all legislation that was either passed or adopted during the Regular Session and that requires or requests a report back to the Legislature. This report already includes much of the information required in the measure, except that the measure would also require other information such as:

- (1) The Act number of the bill requiring the report. (We note that the LRBSO report has generally referred to bill numbers, as it has historically been published *prior to the elapsing of the 45 day time period* that the Governor has to veto a bill that was passed by the Legislature less than 10 days prior to the end of a Regular Session);
- (2) The amount of money appropriated for the study that was the basis for the report and for the compilation of the report; and
- (3) The date upon which the Legislature received the required report.

This report, as well as previous years' reports back to 1997, are available year-round as a spreadsheet on the Bureau's website at <http://lrhawaii.org/reports/bill.html>.

The Bureau sees no obstacle in editing and reissuing this report again *after the 45 day veto override time period has elapsed* so that act numbers can be included, and then *again after the 10th day after a subsequent Regular Session convenes* to indicate which required or

requested report has been submitted. However, we do have some concerns regarding the requirement that the Bureau identify the amount of money appropriated that was the basis for the report and its compilation. In certain instances, such as when a report is required under a session law for which a specific appropriation or budgetary proviso is provided, identifying the amount allocated for the report should not be a problem. However, if a report does not have a specific appropriation or line item in the agency's operating budget that expressly identifies a monetary amount allocated for the respective report, such as one that is required by one of the 361 permanent statutes, then the Bureau would have no way of knowing how to determine how much money was appropriated for the report. Moreover, if an agency is submitting a consolidated report that satisfies numerous agency reporting requirements, which is permissible pursuant to section 93-16(b), Hawaii Revised Statutes, and moneys from different program IDs within the agency's operating budget are commingled to produce the report, the Bureau would not be able to ascertain the appropriated amount for the combined report.

Furthermore, the requirement that the Bureau report the date upon which the *Legislature received the required report* is problematic. Since neither the Senate nor the House of Representatives is required under law to inform the Bureau on what reports it receives, the Bureau has no way of knowing if, or when, the reports have been transmitted to the respective bodies. We would only be aware of what reports the Bureau has received.

Finally, we would also like to note that the LRBSO annual publication identifying required or requested reports historically has also included single house resolutions that request reports because the language of section 23G-5, Hawaii Revised Statutes, uses the term "legislative resolution," which arguably includes single house resolutions as well as concurrent resolutions. However, as you probably are aware, custom and practice has shown that agencies rarely, if ever, submit a report in response to a single house resolution. Consequently, if the Committee sees fit in moving this measure forward in the legislative process, the Bureau respectfully requests that single house resolutions requesting a report be explicitly excluded from the Bureau's reporting requirement.

In summary, if the Committee decides to recommend passage of this measure, the Bureau requests that it be amended by:

- (1) Narrowing the scope of the term "legislative resolution" to "legislative concurrent resolution," in section 23G-5, HRS;
- (2) Amending section 93-16, HRS, to require agencies that submit reports to conspicuously include the following information in their reports:
 - (A) The law (or laws, if the agency is submitting a consolidated report) or resolution that required or requested the report, as appropriate;
 - (B) The amount of money appropriated for the report that was the basis for the report and for the compilation of the report, broken down by cost for each report that is contained in a consolidated report, if necessary; and

- (C) The date that the Legislature requested that the report be submitted to it for its review; and
- (4) Amending Chapter 21, HRS, to require the appropriate Senate and House of Representatives recipient of a required or requested report to inform the Bureau that it has received the required or requested report and provide the date upon which it received the report.

For your convenience, we have attached a proposed draft that incorporates these amendments.

If the measure is amended to address the concerns noted above, the Bureau believes that the services requested under this measure are manageable and that the Bureau will be able to provide the services in the time allotted.

Thank you again for your consideration.

A BILL FOR AN ACT

RELATING TO GOVERNMENT ACCOUNTABILITY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that every year laws are
2 enacted that require government departments, agencies, and
3 offices to conduct new studies and audits and to report the
4 findings and recommendations of those studies and audits to the
5 legislature. The volume of reports required each year and the
6 number of reporting entities involved in creating those reports
7 makes it difficult for the legislature to effectively track and
8 review the required reports for purposes of accountability.
9 Therefore, it is necessary to establish a streamlined system in
10 which the legislature can be accurately informed about which
11 departments, agencies, and offices are and are not meeting their
12 reporting requirements.

13 The legislature also finds that the legislative reference
14 bureau is already tasked with creating a report outlining which
15 bills require the submission of a report to the legislature.
16 The legislative reference bureau is therefore the appropriate
17 entity to collect and manage more detailed information relating



1 to required reports and the submission of those reports to the
2 legislature each session.

3 Accordingly, the purpose of this Act is to:

4 (1) Require the appropriate receiving elective officer of
5 each chamber of the legislature to promptly notify the
6 legislative reference bureau of the receipt of any
7 report required by law to be submitted to the
8 legislature or requested by legislative concurrent
9 resolution;

10 (2) Require the legislative reference bureau to develop a
11 spreadsheet informing members of the legislature on
12 the status and content of all reports to be submitted
13 to the legislature as required by law or requested by
14 legislative concurrent resolution;

15 (3) Require the legislative reference bureau to inform the
16 legislature of all annual and other reports required
17 by law to be submitted to the legislature or requested
18 by legislative concurrent resolution that were not
19 timely submitted; and

20 (4) Require governmental agencies that submit reports to
21 include certain information in their reports to



1 facilitate the legislative reference bureau's timely
2 reporting of the submission of those reports.

3 SECTION 2. Chapter 21, Hawaii Revised Statutes, is amended
4 as follows:

5 1. By amending its title to read as follows:

6 **"LEGISLATIVE [~~HEARINGS AND PROCEDURE~~] OPERATIONS"**

7 2. By designating sections 21-1 to 21-19, Hawaii Revised
8 Statutes, as "Part I. Legislative Investigating Committees".

9 4. By amending sections 21-1, 21-2, 21-6, 21-13, 21-15,
10 and 21-19, Hawaii Revised Statutes, by substituting the word
11 "part" wherever the word "chapter" appears, as the context
12 requires.

13 4. By adding a new part to be appropriately inserted and
14 to read as follows:

15 **"PART . GENERAL PROVISIONS**

16 **"§21- Reports received by the legislature; notification**
17 **to the legislative reference bureau.** Upon the receipt of any
18 report required by law to be submitted to the legislature or
19 requested by legislative concurrent resolution, the appropriate
20 receiving elective officer of each chamber shall promptly notify



1 the legislative reference bureau of the date of receipt of the
2 report."

3 SECTION 3. Section 23G-5, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "[+]§23G-5[+] **Annual and other reports to be submitted to**
6 **legislature; tracking, monitoring, reporting, coordination.** (a)

7 The legislative reference bureau shall develop a system to track
8 and monitor the submission of reports to the legislature by
9 executive agencies and the judiciary. The system shall
10 encompass all annual and other reports required by law to be
11 submitted to the legislature, or requested by legislative
12 concurrent resolution.

13 (b) For all annual and other reports required by law to be
14 submitted to the legislature, or requested by legislative
15 concurrent resolution, the legislative reference bureau shall
16 create a spreadsheet detailing the following:

- 17 (1) The number of the Act or legislative concurrent
- 18 resolution requiring the report;
- 19 (2) A description of the required contents of the report;
- 20 (3) The amount of money appropriated for the report, or
- 21 for a study that was the basis for the report, if the



1 appropriation amount is clearly specified in the Act
2 or legislative concurrent resolution or is made
3 available by the agency required to submit the report
4 or study, pursuant to section 93-16(a)(3);

5 (4) The date upon which the report is due to the
6 legislature; and

7 (5) The date upon which the legislature received the
8 required report, as provided to the legislative
9 reference bureau pursuant to section 21- .

10 The legislative reference bureau shall make available a copy of
11 the spreadsheet to all members of the legislature no later than
12 twenty days prior to the convening of each regular session.

13 (c) A copy of all annual and other reports required by law
14 to be submitted to the legislature, or requested by legislative
15 concurrent resolution, shall also be provided to the legislative
16 reference bureau by the submitting government agency in
17 accordance with section 93-16.

18 (d) The legislative reference bureau shall inform the
19 legislature of all annual and other reports required by law to
20 be submitted to the legislature, or requested by legislative



1 concurrent resolution, that were not timely submitted no later
2 than ten days after the convening of each regular session."

3 SECTION 4. Section 93-16, Hawaii Revised Statutes, is
4 amended by amending subsections (a), and (b) to read as follows:

5 "(a) Notwithstanding any other statute, law, charter
6 provision, ordinance, or rule to the contrary, whenever a
7 government agency is required to submit a report to the
8 legislature, the report shall [~~be~~]:

9 (1) [~~Available~~] Be available in printed form;

10 (2) Clearly identify law or laws, or legislative
11 concurrent resolution number, that requested the
12 report, as appropriate;

13 (3) Include the amount of money appropriated for the
14 report or for a study that was the basis for the
15 report, as appropriate;

16 (4) Include the date that the legislature requested that
17 the report be submitted to it for its review;

18 [~~(2) Submitted~~] (5) Be submitted in printed form to the
19 president of the senate, the speaker of the house of
20 representatives, and the legislative reference bureau
21 library; and



1 that is the basis for the report, as appropriate, that
2 is included in the consolidated report."

3 SECTION 5. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 6. This Act shall take effect upon its approval.



Report Title:

Government Accountability; Legislative Reference Bureau; Reports

Description:

Requires the Legislative Reference Bureau to develop a spreadsheet informing members of the legislature on the status and content of all reports to be submitted to the legislature as required by law or requested by legislative concurrent resolution. Requires the legislative reference bureau to inform the legislature of all annual and other reports required by law to be submitted to the legislature or requested by legislative concurrent resolution that were not timely submitted. Requires reporting entities to submit a copy of all reports submitted to the legislature to the legislative reference bureau. (SD2 PROPOSED)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

