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## Written Comments

### **SB2604**

### **RELATING TO GOVERNMENT ACCOUNTABILITY**

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Presented to the Senate Committee on Government Operations

Thursday, February 8, 2018, 3:15 p.m.  
Conference Room 224

Chair Kim and Members of the Committee:

Good afternoon Chair Kim 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, 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 twenty days prior to 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 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 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 this 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 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://lrbhawaii.org/reports/bill.html>.

While the Bureau sees no obstacle in editing and reissuing this report after the 45 day veto override time period has elapsed so that act numbers can be included, and again after the 20<sup>th</sup> day prior to a subsequent Regular Session convening to indicate which required or

requested report has been submitted, it does 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 a report 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 it. 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 the reports have been transmitted to the respective bodies. We would only be aware of what reports the Bureau has received.

In addition, regarding the requirement that the Bureau make a copy of a report submission spreadsheet available to all members of the Legislature no later than twenty days prior to the convening of each Regular Session, the Bureau notes that most, if not all reports required or requested by the Legislature contain a submission due date of no later than twenty days prior to the convening of a succeeding Regular Session. That means that agencies will have until the close of business of the twentieth day prior to the convening of the next Regular Session to submit its reports. Consequently, it is very likely that the spreadsheet made available to the Legislature pursuant to this measure will not contain all of the reports that were timely submitted prior to the close of business on the twentieth day prior to the next Regular Session. Accordingly, it would seem to be more useful to include in the spreadsheet the date the report is due to be submitted to the Legislature, and reserve any information related to the timeliness of these submissions for the Bureau's follow-up report due ten days after the convening of session.

Finally, we would also like to note that the LRBSO annual publication identifying required or requested reports historically has contained 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 bill 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 the measure at page 3, lines 13-14, to refer to the date upon which the reports are required to be submitted to the Legislature;
- (3) 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.

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.