

DAVID Y. IGE
GOVERNOR

JOSH GREEN
LIEUTENANT GOVERNOR



SCOTT T. MURAKAMI
DIRECTOR

LEONARD HOSHIJO
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**STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

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February 12, 2019

To: The Honorable Donovan M. Dela Cruz, Chair,
The Honorable Gilbert S.C. Keith-Agaran, Vice Chair, and
Members of the Senate Committee on Ways and Means

Date: Monday, February 14, 2019

Time: 10:00 a.m.

Place: Conference Room 211, State Capitol

From: Scott T. Murakami, Director
Department of Labor and Industrial Relations (DLIR)

Re: S.B. No. 757 S.D. 1 RELATING TO ADMINISTRATIVE PROCEDURE

The DLIR appreciates the intent of this measure and supports transparency, open government, and public access to government records, but has concerns regarding the measure. These concerns include operational and resource constraints.

Although the Department appreciates that the measure contains an exception for open contested cases that are confidential by law, the Department remains concerned about the funding or staffing needed to implement the requirements of this measure. The Department does not have a website with a list of open contested cases or information technology staff with the expertise to create and maintain such a website. In order to create, develop, and maintain a website with a list of each agency's open contested cases, the Department would need to hire information technology and security staff, and purchase more electronic supplies like computers, servers, and scanners. The DLIR would also need to hire and train additional staff to update the website and to ensure that all posts on the website are in compliance with laws such as the Americans with Disabilities Act.



HAWAI‘I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 • PHONE: 586-8636 • FAX: 586-8655 • TDD: 568-8692

February 14, 2019
Rm. 211, 10:00 a.m.

To: The Honorable Donovan M. Dela Cruz, Chair
The Honorable Gilbert S.C. Keith-Agaran, Vice Chair
Members of the Senate Committee on Ways and Means

From: Linda Hamilton Krieger, Chair
and Commissioners of the Hawai‘i Civil Rights Commission

Re: S.B. No. 757, S.D. 1, Relating to Administrative Procedure

The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state funded services. The HCRC carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5.

S.B. No. 757, S.D. 1, amends H.R.S. § 91-9 to require agencies to maintain a website with a list of open contested cases that are not confidential by law.

The HCRC supports this measure, with the amendments in the S.D. 1. We support public access, and our contested case proceedings and files are open to the public. Adding a list of open cases to our website is not burdensome.

The HCRC supports S.B. No. 757, S.D. 1.

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DIRECTOR, DLIR

LEONARD HOSHIJO
DEPUTY DIRECTOR, DLIR



MARCUS R. OSHIRO
BOARD CHAIR

SESNITA A.D. MOEPONO
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J. N. MUSTO, Ph.D
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Phone (808) 586-8610 / FAX (808) 586-8613
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Chair Dela Cruz, Vice Chair Keith Agaran, and Members of the Committee:

The Hawai'i Labor Relations Board (HLRB or Board) recognizes the intent of SB 757 SD 1 and supports public access and transparency in government. **The HLRB respectfully requests the Committee's consideration of the Board's comments in support of SB 757 SD 1.**

The current language of SB 757 SD 1 addresses the concerns that the HLRB has regarding the previous draft of the bill. Specifically, the HLRB is concerned that the original draft of the bill requiring public access to all documents filed by parties appearing before the Board could result in the disclosure of personal and confidential information. Further, the HLRB is concerned that as originally drafted, SB 757 would require funding for additional staff, training, and software to implement the bill.

The current draft of the bill, SB 757 SD 1, which requires that the HLRB maintain a website with a list of open cases that are not confidential by law, addresses the Board's privacy concerns. Furthermore, SB 757 SD 1 eliminates the Board's need for additional funding, as the requirements of the bill would not necessitate additional staff, software, or training to implement.

Thank you for your time and consideration of the HLRB's comments in support of SB 757 SD 1.

DAVID Y. IGE
GOVERNOR OF
HAWAII



LATE

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the Senate Committee on
WAYS AND MEANS**

**Thursday, February 14, 2019
10:00 AM
State Capitol, Conference Room 211**

**In consideration of
SENATE BILL 757, SENATE DRAFT 1
RELATING TO ADMINISTRATIVE PROCEDURE**

Senate Bill 757, Senate Draft 1 proposes to require each agency to maintain a website that contains a list of the agency's active contested cases that are not confidential by law. **The Department of Land and Natural Resources (Department) supports this measure as currently drafted.**

The Department believes that the current draft is the most efficient method and should sufficiently fulfill the stated purpose of this bill. By posting a list of all active contested cases online, an agency will provide adequate notice to the public of its ongoing proceedings and increase transparency and accountability in the contested case process. If a member of the public intends to gain access to the filings in a particular contested case, they can then file a request under the Uniform Information Practices Act, Chapter 92F, Hawaii Revised Statutes, to achieve that.

Unlike the original bill, this draft will not create an undue burden on the agencies, which may significantly increase the time and cost of a contested case process and cause delays. Nor will it risk compromising confidential information of private parties that are involved in a contested case process.

Thank you for the opportunity to testify on this measure.

LATE

SB-757-SD-1

Submitted on: 2/14/2019 7:38:57 AM

Testimony for WAM on 2/14/2019 10:00:00 AM

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

Comments: