

DAVID Y. IGE  
GOVERNOR OF  
HAWAII



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

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**Testimony of  
SUZANNE D. CASE  
Chairperson**

**Before the House Committee on  
LABOR & PUBLIC EMPLOYMENT**

**Thursday, March 14, 2019  
9:00 AM  
State Capitol, Conference Room 309**

**In consideration of  
SENATE BILL 757, SENATE DRAFT 2  
RELATING TO ADMINISTRATIVE PROCEDURE**

Senate Bill 757, Senate Draft 2 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 comment on this measure.

**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



# HAWAI‘I CIVIL RIGHTS COMMISSION

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March 14, 2019  
Rm. 309, 9:00 a.m.

To: The Honorable Aaron Ling Johanson, Chair  
The Honorable Stacelynn K.M. Eli, Vice Chair  
Members of the House Committee on Judiciary

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

Re: S.B. No. 757, S.D. 2

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. 2, 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 S.D.1 and S.D. 2. 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. 2.

DAVID Y. IGE  
GOVERNOR

JOSH GREEN  
LIEUTENANT GOVERNOR



SCOTT T. MURAKAMI  
DIRECTOR

LEONARD HOSHIJO  
DEPUTY DIRECTOR

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

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March 12, 2019

To: The Honorable Aaron Ling Johanson, Chair,  
The Honorable Stacelynn K.M. Eli, Vice Chair, and  
Members of the House Committee on Labor and Public Employment

Date: Thursday, March 14, 2019

Time: 9:00 a.m.

Place: Conference Room 309, State Capitol

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

**Re: S.B. No. 757 S.D. 2 RELATING TO ADMINISTRATIVE PROCEDURE**

Chair Ling Johanson, Vice Chair Eli, and members of the Committee, my name is Scott Murakami, and I am the Director of Labor and Industrial Relations.

The DLIR supports the SD2 of this measure that promotes transparency, open government, and public access to government records. The measure in its current amended form addresses the Department's concerns about personal and confidential information being disclosed as well as the potential impacts on staffing and resources.

Thank you for the opportunity to testify on this important matter.

DAVID Y. IGE  
GOVERNOR

JOSH GREEN  
LIEUTENANT GOVERNOR

SCOTT T. MURAKAMI  
DIRECTOR, DLIR

LEONARD HOSHIJO  
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MARCUS R. OSHIRO  
BOARD CHAIR

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March 12, 2019

Chair Johanson, Vice Chair Eli, and Members of the Committee:

The Hawai'i Labor Relations Board (HLRB or Board) recognizes the intent of SB 757 SD 2 and supports public access and transparency in government. **The HLRB respectfully requests the Committee's consideration of the Board's comments regarding SB 757 SD 2.**

The current language of SB 757 SD 2 addresses the concerns that the HLRB has regarding the original 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 2, 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 2 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 regarding SB 757 SD 2.