

# S.B. NO. 3049

JAN 26 2022

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## A BILL FOR AN ACT

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RELATING TO EMPLOYER INFORMATION.

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

1       SECTION 1.   Section 201-13.8, Hawaii Revised Statutes, is  
2   amended to read as follows:

3       "§201-13.8   Data or information collection.   (a)   The  
4   director, in consultation with all affected governmental  
5   agencies, shall assess the need for statistics and other  
6   information as to the number, characteristics, needs, and  
7   movement of people into, out of, or within Hawaii, including  
8   residents, migrants, and visitors, and such other information as  
9   the director may deem necessary, for the purposes of sound  
10   economic research and analysis.   The director shall be  
11   responsible for collecting, analyzing, and disseminating such  
12   information to governmental agencies on a timely basis, and is  
13   authorized to use any appropriate method to collect the  
14   information, including but not limited to conducting an entry  
15   and exit census or survey of all individuals entering, leaving,  
16   or living within the State, and obtaining data or information  
17   acquired by other agencies, both public and private.   All

1 governmental agencies shall cooperate with and assist the  
2 director to implement this section.

3 (b) To the extent that it is identifiable to an  
4 individual, information obtained by the department or its agents  
5 through surveys, questionnaires, or other information gathering  
6 efforts shall be held confidential and not disclosed or opened  
7 to public inspection, except that such information may be shared  
8 with other government agencies as provided in section 92F-19.

9 (c) Public disclosure of information gathered by the  
10 department could place businesses at a competitive disadvantage.  
11 Consequently, where disclosure would result in the impairment of  
12 the department's ability to obtain such information and the  
13 frustration of a legitimate government function, the department  
14 may withhold from public disclosure competitively sensitive  
15 information including:

- 16 (1) Completed survey and questionnaire forms;  
17 (2) Coding sheets; and  
18 (3) Database records of such information.

19 (d) The department may collect from employers information  
20 and data, and may analyze such information and data, regarding  
21 the wages, hours, and other conditions and practices of  
22 employment in the State. Every employer subject to chapter 371

1 shall make, keep, and preserve records of the persons employed  
2 by the employer and of the wages, hours, and other conditions  
3 and practices of employment, maintained by the employer, and  
4 preserve the records for five years. In addition, every  
5 employer, regardless of whether the employer uses a professional  
6 employer organization or a third-party administrator, shall keep  
7 a record of the former physical addresses and current physical  
8 address of the employer and the North American Industry  
9 Classification System code applicable to the employer.

10 For the purpose of collection and analysis, the department  
11 shall have access to and the right to copy from the records any  
12 matter or thing pertinent to this subsection, and every employer  
13 shall furnish to the department on demand a copy under oath of  
14 the material portion of the records as the department requires  
15 and, if the department so requires, upon forms prescribed or  
16 approved by the department.

17 ~~[(d)]~~ (e) The director may adopt necessary rules pursuant  
18 to chapter 91, to administer this section."

19 SECTION 2. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.

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1 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: 

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BY REQUEST

**Report Title:**

Employer Information; Department of Business, Economic Development, and Tourism

**Description:**

Amends section 201-13.8, Hawaii Revised Statutes, to allow the Department of Business, Economic Development, and Tourism to collect and analyze employer information and data.

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

JUSTIFICATION SHEET

DEPARTMENT: Business, Economic Development, and Tourism.

TITLE: A BILL FOR AN ACT RELATING TO EMPLOYER  
INFORMATION.

PURPOSE: To authorize the Department of Business,  
Economic Development, and Tourism (DBEDT) to  
collect and analyze employer information and  
data formerly collected and analyzed by the  
Department of Labor and Industrial Relations  
(DLIR).

MEANS: Amend section 201-13.8, Hawaii Revised  
Statutes.

JUSTIFICATION: Act 88, Session Laws of Hawaii 2021,  
eliminated DLIR's Research and Statistics  
Office and the majority of the staff was  
transferred to DBEDT. Therefore, the  
authority to collect and analyze employer  
information and data needs to be granted to  
DBEDT.

Impact on the public: This bill allows the  
continuation of employer information and  
data to be collected and analyzed for  
research and statistical purposes.

Impact on the department and other agencies:  
This bill will allow employer information  
and data formerly collected by DLIR to be  
collected by DBEDT.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: BED-130.

OTHER AFFECTED  
AGENCIES: Department of Labor and Industrial  
Relations.

EFFECTIVE DATE:        Upon approval.