

STAND. COM. REP. NO. 747

Honolulu, Hawaii

MAR 04 2021

RE: S.B. No. 82
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committees on Government Operations and Ways and Means,
to which was referred S.B. No. 82, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO GOVERNMENT OPERATION AND
POLICY,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require each new member of a board or commission to participate in a formal educational and orientation session with the head of the department with jurisdiction of that member's board or commission to receive voting rights; and
- (2) Require each department and agency to train their members at least once per calendar year.

Your Committees received testimony in support of this measure from the Hawai'i State Ethics Commission, Hawaii Paroling Authority, and three individuals. Your Committees received testimony in opposition of this measure from the Department of Agriculture and four individuals. Your Committees received comments on this measure from the Department of Commerce and Consumer Affairs, Department of Land and Natural Resources, Department of Human Services, Department of Accounting and General Services, Land Use Commission, Hawaii Employer-Union Health



Benefits Trust Fund, Executive Office on Early Learning, and one individual.

Your Committees find that reports from the Office of the Auditor have indicated that various state board members and staff are unfamiliar with the applicable laws and statutes that are relevant to the work of the board or commission on which they sit. Your Committees also find that although some departments train the members of their boards and commissions, this is not a consistent practice throughout the State. This measure would ensure that board and commission members have appropriate training to effectively fulfill their responsibilities.

Your Committees heard testimony regarding concerns that the requirement for newly appointed board members to complete training before receiving voting rights will limit the board or commission's ability to meet quorum requirements and take action on pending board matters that require a vote.

Accordingly, your Committees have amended this measure by:

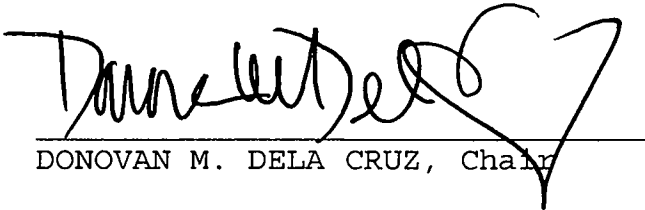
- (1) Moving the proposed language from section 26-35.5, Hawaii Revised Statutes, relating to liability matters of members of boards and commissions, to section 26-34, Hawaii Revised Statutes, relating to the selection and terms of members of boards and commissions;
- (2) Clarifying each new board and commission member shall participate in an orientation and training session;
- (3) Allowing the designee of the head of the department or agency to conduct the training;
- (4) Removing the requirement for members to complete training before receiving voting rights;
- (5) Specifying that the initial training include the mission, roles, and responsibilities under applicable federal, state, and local laws; programs; processes and procedures; and statutes relevant to the work of the board or commission on which the member sits;



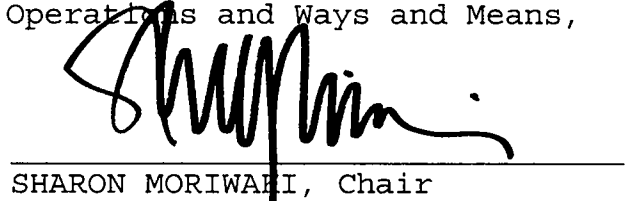
- (6) Requiring the annual training to supplement the initial training; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Government Operations and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 82, S.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 82, S.D. 2, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committees on Government
Operations and Ways and Means,



DONOVAN M. DELA CRUZ, Chair

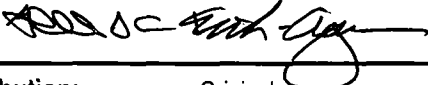


SHARON MORIWAHI, Chair



The Senate
 Thirty-First Legislature
 State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 82, SD 1	GVO/WAM	3/2/21		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
DELA CRUZ, Donovan M. (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
ENGLISH, J. Kalani	X			
INOUYE, Lorraine R.	X			
KANUHA, Dru Mamo	X			
KIDANI, Michelle N.	X			
MORIWAKI, Sharon Y.	X			
SHIMABUKURO, Maile S.L.	X			
TANIGUCHI, Brian T.		X		
WAKAI, Glenn	X			
FEVELLA, Kurt		X		
TOTAL	9	2		
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes