

Honolulu, Hawaii

FEB 08 2019

RE: S.B. No. 757  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawaii

Sir:

Your Committee on Government Operations, to which was referred S.B. No. 757 entitled:

"A BILL FOR AN ACT RELATING TO ADMINISTRATIVE PROCEDURE,"

begs leave to report as follows:

The purpose and intent of this measure is to require all agencies to:

- (1) Maintain a website with a list of open contested cases and provide access to all documents filed in each case via the website; and
- (2) Establish a subscription-based electronic mail notification system so that all interested parties may receive notice of all filings made in a contested case proceeding.

Your Committee received testimony in support of this measure from the O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i and Life of the Land. Your Committee received comments on this measure from the Department of Land and Natural Resources, Department of Human Services, Department of the Attorney General, Land Use Commission, Hawaii Labor Relations Board, and Hawai'i Civil Rights Commission.



Your Committee finds that many state agencies are moving toward electronic documentation and notification, although not all agencies are following suit. Your Committee further finds that providing similar access to information will increase transparency and accountability for all state agencies.

However, your Committee has heard the concerns raised in testimony that this measure requires agencies to list all contested cases and requires public access to all agency filings, without regard to whether the contested cases are confidential pursuant to state or federal laws and must be closed to the public. Concerns were also raised that the notification requirements proposed by this measure could be administratively burdensome. Your Committee understands these concerns and finds that amendments to this measure are necessary.

Your Committee has amended this measure by:

- (1) Specifying that each agency is only required to maintain a website that lists the agency's open non-confidential contested cases;
- (2) Removing the requirement that each website provide access to all documents filed in each contested case;
- (3) Removing the requirement for each agency to establish a subscription-based email notification system for all filings made in a contested case proceeding;
- (4) Delaying the effective date until July 1, 2025, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 757, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 757, S.D. 1, and be referred to your Committee on Ways and Means.



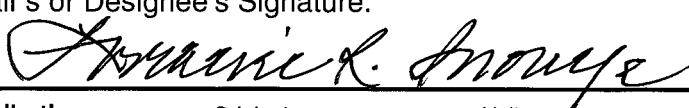
Respectfully submitted on  
behalf of the members of the  
Committee on Government  
Operations,

  
\_\_\_\_\_  
LAURA W. THIELEN, Chair



The Senate  
Thirtieth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Government Operations**  
**GVO**

Bill / Resolution No.:* <i>SB 757</i>	Committee Referral: <i>GVO, WAM</i>	Date: <i>1/31/2019</i>		
<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
THIELEN, Laura H. (C)	✓			
INOUYE, Lorraine R. (VC)	✓			
BAKER, Rosalyn H.				✓
KANUHA, Dru Mamo	✓			
FEVELLA, Kurt	✓			
<b>TOTAL</b>	<i>4</i>			<i>1</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original                      Yellow                      Pink                      Goldenrod File with Committee Report    Clerk's Office            Drafting Agency        Committee File Copy				

\*Only one measure per Record of Votes