

S.B. NO. 1285

JAN 25 2023

A BILL FOR AN ACT

RELATING TO LABOR DATA COLLECTION.

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
12 such information to governmental agencies on a timely basis, and
13 is 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

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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
4 an individual, information obtained by the department or its
5 agents through surveys, questionnaires, or other information
6 gathering efforts shall be held confidential and not disclosed
7 or opened to public inspection, except that such information may
8 be shared with other government agencies as provided in section
9 92F-19.

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

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

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

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1 to chapter 371 shall make, keep, and preserve records of the
2 persons employed by the employer and of the wages, hours,
3 conditions, and practices of employment, maintained by the
4 employer, and preserve the records for five years. In addition,
5 every employer, shall keep a record of the former physical
6 addresses and current physical address of the employer and the
7 North American Industry Classification System code applicable to
8 the employer, regardless of whether the employer uses a
9 professional employer organization or a third-party
10 administrator.

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

17 (e) The director may adopt necessary rules pursuant to
18 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: MMN-UM

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BY REQUEST

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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 LABOR DATA COLLECTION.

PURPOSE: To authorize the Department of Business, Economic Development, and Tourism (DBEDT) to collect and analyze labor data formerly collected and analyzed by the Department of Labor and Industrial Relations (DLIR), due to Act 88, Session Laws of Hawaii (SLH) 2021, which transferred the majority of the research staff from DLIR's Research and Statistics Office to DBEDT's Research and Economic Analysis Division.

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

JUSTIFICATION: Act 88, SLH 2021, eliminated DLIR's Research and Statistics Office and the majority of the staff was transferred to DBEDT. While the staff was transferred, the authority to collect and analyze labor data was not. Therefore, the authority to collect and analyze labor data needs to be granted to DBEDT so that labor data collection and analysis can continue for the State. DBEDT and DLIR will collaborate to maintain the labor data as outlined in this bill and in section 371-11, HRS.

Impact on the public: Without this bill, the State's ability to collect and analyze labor data would be negatively impacted.

Impact on the department and other agencies: Impacts are to both DLIR and DBEDT as DLIR's Research and Statistics Office staff were transferred to DBEDT's Research and Economic Analysis Division.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: BED-130.

OTHER AFFECTED
AGENCIES: Department of Labor and Industrial
Relations.

EFFECTIVE DATE: Upon Approval.