



DAVID Y. IGE
GOVERNOR

JOSH GREEN
LT. GOVERNOR

**STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS**

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CATHERINE P. AWAKUNI COLÓN
DIRECTOR

JO ANN M. UCHIDA TAKEUCHI
DEPUTY DIRECTOR

Testimony of the Department of Commerce and Consumer Affairs

**Before the
Senate Committee on Government Operations
Tuesday, March 23, 2021
3:00 p.m.
Via Videoconference**

**On the following measure:
S.R. 131, URGING STATE DEPARTMENTS AND ATTACHED AGENCIES
TO TRAIN THEIR BOARDS AND COMMISSIONS.**

Chair Moriwaki and Members of the Committee:

My name is Catherine Awakuni Colón, and I am the Director of the Department of Commerce and Consumer Affairs (DCCA or Department). The Department appreciates the intent of this resolution and offers comments.

The purpose of this resolution is to urge state departments and attached agencies to provide training for all members of their boards and commissions subject to Hawaii Revised Statutes section 84-17.

Over 50 boards and commissions are administratively attached to the DCCA, including numerous professional and vocational licensing boards, and the board of directors of the Hawaii Hurricane Relief Fund. As such, this resolution could have a significant impact on the DCCA. The Department appreciates the intent of this resolution to appropriately train board members so that they may effectively fulfill their board responsibilities, and it agrees that board members should receive training.

However, the Department has concerns that page 2, lines 14 through 16, states that a new member should be required to complete training prior to receiving voting rights. Although beneficial, training may not be necessary as a prerequisite for receipt of voting rights, as: (1) the member may not fully comprehend how to apply knowledge gleaned from training until an official matter comes before the board; (2) both the deputy attorney general and a department employee are present at the board meeting to answer questions; and (3) the inability of new members to cast a vote will negatively affect the board's ability to meet quorum requirements and take action on pending board matters. As such, the Department requests deleting this recommendation from the resolution.

In the Department's experience, effective board training could include training that is appropriate for any board member, such as sunshine law, administrative rulemaking, and ethics training, as well as training specific to the particular board or commission. Recognizing the significant time requirements already placed on volunteer board members by virtue of participating in board meetings, the Department urges the Committee to support online, on-demand training, where feasible, to reduce travel and per diem costs and to minimize inconvenience to board members. In addition, because this resolution places additional burdens on departments that house boards and commissions, as well as agencies that must conduct training, the resolution should urge adequate funding to all affected departments and agencies.

Thank you for the opportunity to testify on this resolution.

DAVID Y. IGE
GOVERNOR OF
HAWAII



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

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

POST OFFICE BOX 621
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**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the Senate Committee on
GOVERNMENT OPERATIONS**

**Tuesday, March 23, 2021
3:00 PM**

State Capitol, Via Videoconference, Conference Room 016

**In consideration of
SENATE CONCURRENT RESOLUTION 166/SENATE RESOLUTION 131
URGING STATE DEPARTMENTS AND ATTACHED AGENCIES TO TRAIN THEIR
BOARDS AND COMMISSIONS**

Senate Concurrent Resolutions 166 /Senate Resolution 131 note that citizen volunteer board and commission members must often become quickly familiar with the specific laws regarding open meetings, open records, fiduciary duty and other ethical standards of conduct in order to ensure the validity of their actions. They also must quickly become familiar with the mission roles and responsibilities of their particular board under laws applicable to that board or commission. The Legislature opines that the departments and agencies hat administratively control or supervise these boards and commission are the appropriate entities to train and educate board and commission members. **The Department of Land and Natural Resources (Department) offers the following comments.**

The Department supports formalized training for new board members and annual supplemental updates for all board members. However, given that board members are volunteers, and recognizing that scheduling difficulties are likely to occur, the Department does not agree that new members should be stripped of voting rights until the training occurs. As such, the Department suggests striking the following language on lines 14-16 on page 2:

~~IT FURTHER RESOLVED that each new member of a board or commission should be required to complete the training prior to receiving voting rights; and~~

Not immediately seating new board or commission members could affect quorum, and thus delay the business of state. In important building years, such as the State is facing in the next five years, delays in permitting due to a lack of quorum could delay the State's economic recovery.

The Department notes that deputy attorney generals from the Department of the Attorney General attend the meetings to provide legal guidance and boards and commissions are allowed to go into executive session to discuss legal issues with their respective deputy attorney general. The role of the deputy attorney general is to provide legal guidance and thus address any gaps members may have in technical legal knowledge.

The Department also notes that some agencies, such as the Ethics Commission are best suited to provide trainings on state ethics law. They provide periodic in-person training, as well as modular training. The Department has encouraged board and commission members to attend these trainings in the past. The resolutions should encourage agencies to use these types of trainings where possible.

Thank you for the opportunity to comment on these measures.

SR-131

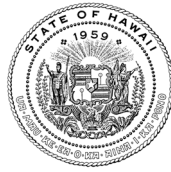
Submitted on: 3/22/2021 11:44:28 AM

Testimony for GVO on 3/23/2021 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Neal Fujii	Testifying for DLNR-CWRM	Comments	No

Comments:

I would like to testify on SR 131. Please allow me Zoom access. Thank you.



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DEREK M. MIZUNO

ASSISTANT ADMINISTRATOR
DONNA A. TONAKI

WRITTEN ONLY

TESTIMONY BY DEREK MIZUNO
ADMINISTRATOR, HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
DEPARTMENT OF BUDGET AND FINANCE
STATE OF HAWAII
TO THE SENATE COMMITTEE ON GOVERNMENT OPERATIONS
ON SENATE CONCURRENT RESOLUTION NO. 166 & SENATE RESOLUTION 131

March 23, 2021
3:00 p.m.
Conference Room 016 & Via Videoconference

URGING STATE DEPARTMENTS AND ATTACHED AGENCIES TO TRAIN THEIR
BOARDS AND COMMISSIONS.

Chair Moriwaki, Vice Chair Dela Cruz, and Members of the Committees:

The Hawaii Employer-Union Health Benefits Trust Fund (EUTF) Board of
Trustees would like to provide comments.

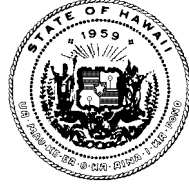
The intent of this bill is to mandate a formal educational and orientation session for new board members and annual training for all board members. New EUTF board members currently receive a formal educational and orientation session with the EUTF Administrator prior to their first Board meeting. EUTF staff would like to raise concerns on the requirement for an annual training session. The EUTF board meets monthly for 2-3 hours and usually has at least one Administrative, Benefits or Investment Committee meeting (another 2-3 hours) each month. During these meetings, the Board and committees discuss the "mission, roles, and responsibilities under federal, state and local laws; programs; processes and procedures; and statutes relevant to the work of the

EUTF's Mission: We care for the health and well being of our beneficiaries by striving to provide quality benefit plans that are affordable, reliable, and meet their changing needs. We provide informed service that is excellent, courteous, and compassionate.

board". Additionally, most EUTF board members serve long tenures with many serving the full two, four-year terms. Annual mandatory training on the basic functions and rules of the EUTF does not seem to be necessary.

Thank you for the opportunity to testify.

DAVID Y. IGE
GOVERNOR



CATHY BETTS
DIRECTOR

JOSEPH CAMPOS II
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809-0339



March 22, 2021

TO: The Honorable Senator Sharon Y. Moriwaki, Chair
Senate Committee on Government Operations

FROM: Cathy Betts, Director

SUBJECT: **SCR 166/SR 131 - URGING STATE DEPARTMENTS AND ATTACHED AGENCIES TO TRAIN THEIR BOARDS AND COMMISSIONS.**

Hearing: March 23, 2021, 3:00 p.m.
Via Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the intent of these resolutions and provides comments.

PURPOSE: These resolutions urge state departments and attached agencies to train their boards and commissions.

DHS agrees that training resources should be available to new board and commission members, as well as interested applicants so they may more fully understand their role, responsibilities, and time commitment when becoming a member of a State board or commission. The training should be easily accessible, centralized, and on-line to encourage citizen participation. The ability to record course completion for core curriculum would also be a benefit.

For commissions or councils that do not have paid staff, the administrative tasks of these commissions or councils are often left to the agency staff to perform. As administrative staff resources are limited, and in the case of DHS are more often cost-allocated to program funding streams, these unfunded responsibilities will require additional general funded

resources to support these training modules and mandates. Additional resources should be made available to the board or commission directly so that they may develop their own training resources.

While commissions may be attached for administrative purposes, unless the Legislature has provided it, the agency may not necessarily have any controls, supervisory authority, or subject matter knowledge over the mission, or the work of the attached commission, board, or council. Depending upon the backgrounds and interests of the members, the statutory mission can be interpreted broadly and differently from previous board or commission leadership.

DHS is concerned that the business of the board or commission not be delayed because a member is not able to vote due to their lack of specified training; quorum would be difficult to maintain whenever new members join which may further delay the work of the board or commission.

Thank you for the opportunity to provide comments.