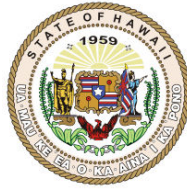


# **SCR 120**

## **Proposed SD1**

REQUESTING THE LEGISLATIVE REFERENCE  
BUREAU TO WORK WITH THE OFFICE OF THE  
GOVERNOR AND BOARDS AND COMMISSIONS  
OFFICE TO OBTAIN THE INFORMATION  
NECESSARY TO CREATE AND MAINTAIN A  
COMPREHENSIVE LIST OF ALL STATE BOARDS  
AND COMMISSIONS (Proposed SD1)

*Referral: GVO, WAM*



## EXECUTIVE CHAMBERS

HONOLULU, HAWAII

David Y. Ige

Governor

March 29, 2016

Senator Donna Kim, Chair

Senator Les Ihara, Jr., Vice Chair

Members of the Senate Committee on Government Operations

### S.C.R. 120 – Proposed S.D.1

REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO WORK WITH THE OFFICE OF THE GOVERNOR AND BOARDS AND COMMISSIONS OFFICE TO OBTAIN THE INFORMATION NECESSARY TO CREATE AND MAINTAIN A COMPREHENSIVE LIST OF ALL STATE BOARDS AND COMMISSIONS.

### **Written Testimony in SUPPORT**

The Office of the Governor supports the Committee's proposed S.D.1 to work with the Legislative Reference Bureau (LRB) to establish a comprehensive list of all state boards and commissions. We are aware that this proposed S.D.1 is seeking a long-term solution that will serve executive and legislative branches of government, both of which have separate but equally important functions in managing boards and commissions.

Due to the turnover in executive branch administrations, important information that affects the continuity of these boards and commissions is lost, inaccurate, or cannot be verified due to the lack of a central database. This information includes terms of office, types of seats available for appointment, and island designation amongst other required data elements. Further, because most of the members of these boards and commissions are volunteers who serve without compensation, the turnover of appointees can be quite high, especially on the neighbor islands. A comprehensive and current database would assist the Governor's Board and Commission Office in recruiting for these vacancies as they become available.

We note that section 23G-5, Hawai'i Revised Statutes, creates a database within the LRB for tracking reports submitted by the executive and judicial branches to the legislature. We believe that developing a comprehensive list of all state boards and commission is an important first step toward monitoring of board and commission appointments that could be administered in a similar manner as section 23G-5, HRS.

Should you have any questions, please don't hesitate to contact Laurel Johnston, Deputy Chief of Staff, at 586-0034.



LEGISLATIVE REFERENCE BUREAU  
State of Hawaii  
State Capitol, Room 446  
415 S. Beretania Street  
Honolulu, Hawaii 96813

## Written Testimony

### **SCR120 PROPOSED SD1 REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO WORK WITH THE OFFICE OF THE GOVERNOR AND BOARDS AND COMMISSIONS OFFICE TO OBTAIN THE INFORMATION NECESSARY TO CREATE AND MAINTAIN A COMPREHENSIVE LIST OF ALL STATE BOARDS AND COMMISSIONS**

Testimony by the Legislative Reference Bureau  
Charlotte A. Carter-Yamauchi, Acting Director

Presented to the Senate Committee on Government Operations

Tuesday, March 29, 2016, 1:15 p.m.  
Conference Room 414

Chair Kim and Members of the Committee:

Good afternoon Chair Kim and members of the Committee, my name is Charlotte Carter-Yamauchi and I am the Acting Director of the Legislative Reference Bureau. Thank you for providing the opportunity to submit written comments on S.C.R. No. 120, Proposed S.D. 1, Requesting the Legislative Reference Bureau to Work With the Office of the Governor and Boards and Commissions to Obtain the Information Necessary to Create and Maintain a Comprehensive List of All State Boards and Commissions.

The purpose of this measure is to request that:

- (1) The Legislative Reference Bureau work with the Office of the Governor and Boards and Commissions Office to create and maintain a comprehensive list of all state boards and commissions;
- (2) The comprehensive list of state boards and commissions include but not be limited to:
  - (A) Appointing authority;
  - (B) Length of term;
  - (C) Date of appointment;
  - (D) Current vacancies;

- (E) Enactment or adoption of new boards or commissions and its composition; and
  - (F) Statutory changes affecting a board's or commission's composition, quorum, or term limits;
- (3) The Office of the Governor, its Boards and Commissions Office, and each state agency provide all necessary information for the Legislative Reference Bureau to create and maintain a comprehensive list of state boards and commissions and to make the comprehensive list publicly available on the Internet;
  - (4) The Legislative Reference Bureau report to the Legislature when: a board or commission appointment is nearing the end of a term; vacancies occur on a board or commission; and statutory changes occur that affect a board's or commission's composition, quorum, or term limits.

The Bureau takes no position on this measure, but submits the following comments for your consideration.

As a baseline matter, it seems that the duties requested of the Bureau in this proposed measure are part of the inherent functions of the Executive Branch of government, since the vast majority of boards and commissions reside within that branch. Furthermore, these responsibilities have been historically exercised by the Office of the Governor, which has dedicated at least one full-time position to this function, for at least the past six gubernatorial administrations.

If the intended purpose of this proposed measure is to ensure that the Executive Branch establishes and maintains an accurate list of boards and commissions information in perpetuity, then it seems that this proposed measure may be unnecessary, since pursuant to sections 30-1 and 30-4, Hawaii Revised Statutes, an outgoing Governor, whose boards and commissions personnel are responsible for maintaining such information, has a statutory duty to "[d]irect that official documents, vital information, and procedural manuals be given to the governor-elect upon the governor-elect's request" (section 30-4, Hawaii Revised Statutes). Chapter 30, Hawaii Revised Statutes was enacted to ensure the orderly transitioning between gubernatorial administrations so that a minimum of disruptions would occur due to the transition.

As an agency attached to the Legislative Branch of government, the Bureau seems ill suited to provide services traditionally provided by the Office of the Governor, particularly with regard to the following requested services:

- (1) Creating and maintaining a comprehensive list of state boards and commissions and making the comprehensive list publicly available on the Internet; and

- (2) Reporting to the Legislature when: a board or commission appointment is nearing the end of a term; board or commission vacancies occur; and statutory changes occur that affect a board's or commission's composition, quorum, or term limits.

To create, maintain, and constantly update a comprehensive list of state boards and commissions, and continuously report any changes thereto, would be quite time consuming, thus requiring the Bureau to divert existing resources to this effort and negatively impacting our ability to timely respond to other legislative requests for our services.

The Bureau acknowledges that it currently creates and maintains a governmental directory publication (Directory of State, County, and Federal Officials), that is updated annually, and contains certain information on boards and commissions (names, member titles, and end of term and contact information). However, the updating of this publication takes Bureau library staff months just to obtain the updated information from the relevant government agencies. Moreover, we note that the Bureau would be dependent upon the timely notification of end of terms and unexpected vacancies from Executive Branch agencies, who historically have not viewed such requests as a priority, as evidenced by the need of Bureau library staff having to constantly reiterate their requests to Executive Branch staff to submit the requested information.

It should also be noted that the Bureau has been assisting and is willing to assist incoming gubernatorial administrations with statutory references to boards and commissions information, but the actual administration of boards and commissions information has, in our recollection, always been vested with the Executive Branch.

If the Committee would rather this function be retained by the Executive Branch, but be more efficiently administered, then explicit statutory language could be inserted into the Hawaii Revised Statutes to further ensure that the Executive Branch properly executes its duty to establish and maintain accurate boards and commissions information. In this case, the Bureau respectfully recommends that chapters 26 (Executive and Administrative Departments) and 30 (Gubernatorial Transition), Hawaii Revised Statutes, be amended in an appropriate bill to clarify this Executive Branch responsibility. The Bureau would be happy to assist in drafting such proposed language.

If the Committee decides that the services requested under the proposed measure as drafted are appropriate for the Bureau to conduct, then the Bureau respectfully requests that additional resources and staff be made available to it through an appropriate bill so that it will be able to provide this additional service.

Thank you again for your consideration.