

STAND. COM. REP. NO.

3088

Honolulu, Hawaii

MAR 23 2018

RE: H.B. No. 1768
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Labor, to which was referred H.B. No. 1768,
H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO INFORMATION PRACTICES,"

begs leave to report as follows:

The purpose and intent of this measure is to allow public inspection and duplication of salary ranges, rather than exact compensation, for legislative employees.

Your Committee received testimony in support of this measure from the Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO and one individual. Your Committee received testimony in opposition to this measure from Common Cause Hawaii, Society of Professional Journalists Hawaii Chapter, Civil Beat Law Center for the Public Interest, League of Women Voters, and two individuals. Your Committee received comments on this measure from the Office of Information Practices.

Your Committee finds that taxpayers want to know how and where their tax dollars are being spent and therefore government must be held accountable and demonstrate transparency; however, employees are entitled to a degree of privacy, and publishing any employee's exact salary amount without discretion does not adequately support an individual employee's expectation of privacy



or achieve a substantive means of accounting for government expenditures.

Your Committee acknowledges that this measure is a work in progress and notes that while it is important for taxpayers to know the exact compensation of high salary government employees, lower wage government employees should be afforded basic privacy and respect in doing their jobs. Furthermore, availability of a government employee's exact compensation may lead to greater pay disparity if future employers base salary offers on employees' former government salaries.

As this measure moves forward, your Committee requests that your Committee on the Judiciary look at civil service versus civil service exempt employees as a way to delineate between employees whose exact salaries are available versus those whose salary ranges are available for public inspection and duplication.

Your Committee has amended this measure by:

- (1) Deleting its contents and replacing it with the contents of S.B. No. 2870, S.D. 1 (Regular Session 2018), which:
 - (A) Specifies that salary ranges within \$15,000 for legislative employees shall be made available for public inspection and duplication; and
 - (B) Deletes legislative officers as defined by section 88-21, Hawaii Revised Statutes, and legislative service agency directors and officers as defined by section 21E-1, Hawaii Revised Statutes, from the definition of "legislative employees" but specifies that non-managerial employees of legislative service agencies as defined by section 21E-1, Hawaii Revised Statutes, are included within that definition; and
- (2) 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 Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1768, H.D. 2,



as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1768, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Labor,



JILL N. TOKUDA, Chair



The Senate
Twenty-Ninth Legislature
State of Hawai'i

Record of Votes
Committee on Labor
LBR

Bill / Resolution No.:* <i>HB 1768 , HD2</i>	Committee Referral: <i>LBR, JDC</i>	Date: <i>3/20/18</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: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"><input type="checkbox"/> Pass, unamended 2312</div> <div style="text-align: center;"><input checked="" type="checkbox"/> Pass, with amendments 2311</div> <div style="text-align: center;"><input type="checkbox"/> Hold 2310</div> <div style="text-align: center;"><input type="checkbox"/> Recommit 2313</div> </div>			
Members	Aye	Aye (WR)	Nay
TOKUDA, Jill N. (C)	✓		
ENGLISH, J. Kalani (VC)	✓		
CHANG, Stanley	✓		
IHARA, Jr., Les		✓	
TANIGUCHI, Brian T.		✓	
TOTAL	<i>3</i>	<i>2</i>	
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted			
Chair's or Designee's Signature: <i>J. Kalani English</i>			
Distribution: <div style="display: flex; justify-content: space-between; font-size: small;"> Original File with Committee Report Yellow Clerk's Office Pink Drafting Agency Goldenrod Committee File Copy </div>			

***Only one measure per Record of Votes**