
A BILL FOR AN ACT

RELATING TO EMPLOYER INFORMATION.

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
9 as 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 [~~such~~]
12 the 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



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 an
4 individual, information obtained by the department or its agents
5 through surveys, questionnaires, or other information gathering
6 efforts shall be held confidential and not disclosed or opened
7 to public inspection, except that [~~such~~] the information may be
8 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 disadvantage.
12 Consequently, where disclosure would result in the impairment of
13 the department's ability to obtain [~~such~~] the information and
14 the frustration of a legitimate government function, the
15 department may withhold from public disclosure competitively
16 sensitive information including:

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

20 (d) The department may collect information and data from
21 employers, and may analyze the information and data, regarding



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

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

19 [+d)] (e) The director may adopt necessary rules pursuant
20 to chapter 91, to administer this section."



1 SECTION 2. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.
3 SECTION 3. This Act shall take effect upon its approval.



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. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is
not legislation or evidence of legislative intent.*

