

**JOSH GREEN, M.D.**  
Governor

**SYLVIA LUKE**  
Lt. Governor



State of Hawai'i  
**DEPARTMENT OF AGRICULTURE & BIOSECURITY**  
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**SHARON HURD**  
Chairperson  
Board of Agriculture & Biosecurity

**DEAN M. MATSUKAWA**  
Deputy to the Chairperson

## **WRITTEN ONLY**

**TESTIMONY OF SHARON HURD  
CHAIRPERSON, BOARD OF AGRICULTURE AND BIOSECURITY  
BEFORE THE SENATE COMMITTEE ON GOVERNMENT OPERATIONS  
TUESDAY, MARCH 31, 2026  
3:00 PM  
CONFERENCE ROOM 225 AND VIDEOCONFERENCE  
SENATE CONCURRENT RESOLUTION 122 / SR 114**

**REQUESTING EACH STATE AGENCY TO PROVIDE THE AFFECTED PERSON WITH WRITTEN NOTICE OF CERTAIN INFORMATION BEFORE TAKING ANY FINAL ADMINISTRATIVE ACTION THAT MATERIALLY AND ADVERSELY AFFECTS A PROTECTED LIBERTY OR PROPERTY INTEREST.**

Chair McKelvey, Vice Chair Gabbard and Members of the Committee:

Thank you for the opportunity to testify on SCR 122 / SR 114 requesting each state agency to provide the affected person with written notice of certain information before taking any final administrative action that materially and adversely affects a protected liberty or property interest. The Department of Agriculture and Biosecurity (Department) respectfully offers comments

The Department believes that there are already sufficient protections and policies in place to protect liberties and property interests and that adding additional reports and procedures will unduly burden agencies with increased bureaucratic paperwork and reduce timeliness of actions. The Department is also concerned that operating budgets are not appropriate funding mechanism for costs associated with court or appellate decisions and settlements.

Thank you for the opportunity to provide testimony on this resolution.



STATE OF HAWAII  
DEPARTMENT OF EDUCATION  
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**Date:** 03/31/2026

**Time:** 03:00 PM

**Location:** CR 225 & Videoconference

**Committee:** GVO

**Department:** Education

**Person Testifying:** Keith T. Hayashi, Superintendent of Education

**Title of Bill:** SCR122, REQUESTING EACH STATE AGENCY TO PROVIDE THE AFFECTED PERSON WITH WRITTEN NOTICE OF CERTAIN INFORMATION BEFORE TAKING ANY FINAL ADMINISTRATIVE ACTION THAT MATERIALLY AND ADVERSELY AFFECTS A PROTECTED LIBERTY OR PROPERTY INTEREST.

**Purpose of Bill:** Requesting Each State Agency To Provide The Affected Person With Written Notice Of Certain Information Before Taking Any Final Administrative Action That Materially And Adversely Affects A Protected Liberty Or Property Interest.

**Department's Position:**

The Hawaii State Department of Education (Department) respectfully submits the following comments for consideration regarding SCR122.

The Department is currently unable to provide a precise assessment of the potential operational, financial, and resource impacts of SCR122. This difficulty stems from a lack of clarity within the resolution regarding the specific programs, policies, or administrative actions that would be subject to change or review. The resolution does not explicitly define the scope of programs or requested actions, leaving the Department uncertain as to which of its responsibilities and functions would be directly affected by its implementation.

For example, the Department is unclear how implementation of this resolution affects employment matters. There are concerns with providing an employee with advice, including deadlines and procedures, in an adversarial proceeding. Collective Bargaining Agreements lay out deadlines and procedures. The unions are employees' designated representatives in these matters. In instances where an employee fails to meet these collectively bargained deadlines, the employer has the right and responsibility to oppose due process requests.

Additionally, in some instances, an arbitration decision against the state may be unrelated to due process. Not all seven steps of just cause concern due process. Differentiating between due process and non-due process related damages and fees would require a single individual to review every lawsuit judgment and arbitration award from every source to make a determination.

Moreover, this resolution may interfere with the requirement for employers and unions to meet

and negotiate in good faith under Chapter 89, Hawaii Revised Statutes.

Thank you for the opportunity to provide testimony on this measure.