

STAND. COM. REP. NO.

1749

Honolulu, Hawaii

Apr: 16, 2009

RE: H.R. No. 242
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committee on Legislative Management, to which was referred H.R. No. 242 entitled:

"HOUSE RESOLUTION URGING THE MEMBERS OF THE HOUSE OF REPRESENTATIVES TO SUPPORT AMENDMENTS TO THE HOUSE OF REPRESENTATIVES RULES AND ADMINISTRATIVE AND FINANCIAL MANUAL TO IMPOSE A DUTY OF A MEMBER TO DISCOURAGE PERMANENT AND SESSION EMPLOYEES OF THE HOUSE OF REPRESENTATIVES FROM TESTIFYING BEFORE THE LEGISLATURE,"

begs leave to report as follows:

The purpose of this resolution is to request that amendments to the House of Representatives Rules and Administrative and Financial Manual impose a duty upon members to ensure their permanent and session legislative employees are engaging in practices that are not viewed as a conflict of interest to the scope of their duties by testifying before the Legislature during work hours, as defined by section 22.1 of the Administrative and Financial Manual.

This measure includes a requirement that all session and permanent employees file a request for vacation or unpaid leave of absence with Speaker of the House of Representatives and the request is approved prior to the time the employee testifies. In the event there is a 48-hour notification waiver, this measure allows for omission of filing paperwork under the assurance of make-up of requisite work time under member's own discretion. Requires employee disclosure of office of employment prior to testifying.

HR242 HD1 HSCR LMG



The House Minority Research office submitted testimony in support with comments on this measure. One concerned individual testified in support.

Your Committee has amended this resolution by:

- (1) Changing its title to read, "URGING THE MEMBERS OF THE HOUSE OF REPRESENTATIVES TO SUPPORT AMENDMENTS TO THE HOUSE OF REPRESENTATIVES RULES AND ADMINISTRATIVE AND FINANCIAL MANUAL TO IMPOSE A DUTY OF A MEMBER TO ENSURE THEIR PERMANENT AND SESSION EMPLOYEES OF THE HOUSE OF REPRESENTATIVES ARE ENGAGING IN PRACTICES THAT ARE NOT VIEWED AS A CONFLICT OF INTEREST TO THE SCOPE OF THEIR DUTIES BY TESTIFYING BEFORE THE LEGISLATURE DURING NORMAL BUSINESS HOURS".
- (2) Amending language by:
 - (A) Further defining Legislative employees impacted as permanent and session employees;
 - (B) Deleting all references to discourage and replacing with to ensure that permanent and session employees are engaging in practices that are not viewed as a conflict of interest;
- (3) Adding an additional BE IT RESOLVED paragraph to allow for exemptions due to time constraints or by 48-hour notification waivers; and
- (4) Making technical, non-substantive amendments for style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Legislative Management that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 242, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 242, H.D. 1.



Respectfully submitted on
behalf of the members of the
Committee on Legislative
Management,



JAMES KUNANE TOKIOKA, Chair



