

Honolulu, Hawaii

March 2, 2012

RE: H.B. No. 2175
H.D. 2

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2175, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ETHICS,"

begs leave to report as follows:

The purpose of this measure is to exempt persons serving on a task force, working group, or other similar entity established by the Legislature for the purpose of recommending possible legislation from the conflict of interest law under the State's Code of Ethics, by clarifying that an employee, as defined therein, does not include task force members, and by amending section 84-14, Hawaii Revised Statutes (HRS), the conflict of interest law to expressly exclude task force members.

The Hawaii Farm Bureau Federation, Hawaii Credit Union League, Hawaii Youth Services Network, and one concerned individual testified in support of this measure. The League of Women Voters, Common Cause Hawaii, Americans for Democratic Action/Hawaii, and Country Talk Story testified in opposition to this measure. The Department of the Attorney General and Hawaii State Ethics Commission provided comments on this measure.

After careful consideration, your Committee has amended this bill by deleting its contents and inserting provisions that will allow and encourage persons with knowledge and expertise necessary to the State to serve as members of temporary groups convened to study an issue, make recommendations, or offer advice to state

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officers, even where these persons have a professional or financial connection to the subject which they will consider by:

- (1) Adding a definition of "task force" to Chapter 84, HRS, to include any group convened for a limited, specified period by legislative or executive act or order, or by invitation of a state officer for the purpose of studying a subject or issue, making recommendations, or advising state officials; and
- (2) Amending the definition of "employee" in Chapter 84, HRS, to explicitly exempt members of a task force, unless they would be considered a state employee for reasons other than their participation as a member of the task force.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2175, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2175, H.D. 2.

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



GILBERT KEITH-AGARAN, Chair



