

STAND. COM. REP. NO. 520-16

Honolulu, Hawaii

February 19, 2016

RE: H.B. No. 1556
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Higher Education, to which was referred
H.B. No. 1556, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII,"

begs leave to report as follows:

The purpose of this measure is to prohibit the University of Hawaii from adopting or maintaining a policy that precludes a person from working at the University in a non-executive or non-managerial position solely because that person is a legislator or other official elected to a non-statewide public office within the State. This measure does not apply if the work schedule and time demands related to public office unreasonably conflict with the University position.

The University of Hawaii Professional Assembly supported this measure. The Hawaii Educational Policy Center supported the intent of this measure. The University of Hawaii System opposed this measure.

Your Committee received testimony from the Department of the Attorney General providing written comments which were less than credible.

During oral testimony, the Attorney General clarified its position by recognizing that federal law permits university employees to run for and be elected to public office.

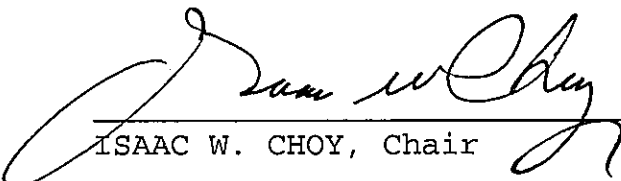
HB1556 HD1 HSCR HED HMS 2016-1907-1



Your Committee further notes that Title 5 United States Code Section 1501(4)(B)(i) explicitly excludes from the definition of a "state or local officer or employee" "an individual employed by an educational or research institution, establishment, agency, or system which is supported in whole or in part by a State or political subdivision thereof." Thus, this federal law does not apply to employees of the University of Hawaii.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1556, H.D. 1, and recommends that it be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Higher Education,


ISAAC W. CHOY, Chair



