Honolulu, Hawaii

Rebrusy 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.

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,

ÍSAAC W. CHOY, Chair

State of Hawaii House of Representatives The Twenty-eighth Legislature

HSCR 520-16

Record of Votes of the Committee on Higher Education

Bill/Resolution No.: HB 1556	HDI	Committee LAB	Referral: HED	JUD	Date:	219/1	Ų
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The committee is reconsidering its previous decision on the measure. The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold							
Pass short form bill with HD to recommit for future public hearing (recommit)							
HED Members			Ayes	Ayes (W	R)	Nays	Excused
1. CHOY, Isaac W. (C)			✓				
2. ICHIYAMA, Linda (VC)			√				
3. AQUINO, Henry J.C.							<i></i>
4. ING, Kaniela							/
5. ITO, Ken							
6. KONG, Sam Satoru			✓				
7. OHNO, Takashi			<u> </u>				
8. SAY, Calvin K.Y.							
9. TAKUMI, Roy M.			√				
10. TSUJI, Clift			√				
11. MATSUMOTO, La	· · · · · · · · · · · · · · · · · · ·						
12. TUPOLA, Andria P	.L.		/				
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The recommendation is: Adopted Not Adopted							
If joint referral, did not support recommendation.							
Vice Chair's or designee's signature:							
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