

From: Bob Leinau <leinaur001@hawaii.rr.com>
Sent: Tuesday, January 19, 2016 12:05 PM
To: JUDtestimony
Subject: H.B. 237

TESTIMONY OF SHAWN HAMAMOTO,
EXECUTIVE SECRETARY OF THE NEIGHBORHOOD COMMISSION OFFICE,
TO THE HOUSE COMMITTEE ON JUDICIARY
THE TWENTY-EIGHTH LEGISLATURE REGULAR SESSION OF 2016

I have read Shawn Hamamoto's testimony [below] and I, as an individual, agree with his point of view. Mahalo, Bob Leinau

Thursday, January 21, 2016

2:00 P.M., Room 325

Hawaii State Capitol

Testimony on H.B. No. 237, RELATING TO ETHICS TRAINING

Dear Chair Karl Rhoads, Vice Chair San Buenaventura, and Members of the Committee:

I am Shawn Hamamoto, Executive Secretary of the Neighborhood Commission Office, writing in opposition to H.B. No. 237 that would require members of County boards and commissions to receive ethics training from the State Ethics Commission.

Currently, County board and commission members are covered by the City and County of Honolulu's Ethics laws. Those laws fall under the jurisdiction of the Honolulu Ethics Commission, which conducts periodic trainings sessions for board and commission members. Although City and State Ethics rules are similar, there are some differences and having the State conduct training for City board and commission members has the potential to create confusion.

If you are to move H.B No. 237 forward, I suggest you amend it to read 84-42 (c) “All members of a board, as defined in 92-2, and not included in section 84-17(d), excluding county created boards and commissions; state employees responsible for procurement; state employees who administer state contracts; and state employees who regulate or inspect private organizations shall complete an online ethics training course.”

Thank you for your consideration and this opportunity to testify.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 19, 2016 1:25 PM
To: JUDtestimony
Cc: ata.ynotaustin@gmail.com
Subject: *Submitted testimony for HB237 on Jan 21, 2016 14:00PM*

HB237

Submitted on: 1/19/2016

Testimony for JUD on Jan 21, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
ANTHONY TONY AUSTIN	Individual	Oppose	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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The House Committee on Judiciary
The Twenty-Eight Legislature Regular Session of 2016
Hawaii State Capitol

RE: **Testimony in Opposition to H.B. No. 237, Relating to Ethics Training**

January 19, 2016

Dear Chair Karl Rhoads, Vice Chair San Buenaventura, and Members of the Committee:

My name is Blake Yokotake and I am in opposition to H.B. No. 237 that would require members of County boards and commissions to receive ethics training from the State Ethics Commission. I am familiar with the City and County's ethics training because I'm a member of the Pearl City Neighborhood Board #21. However, I am submitting this testimony as an individual and make no representation that it is the position of Neighborhood Board #21.

Currently, County board and commission members are covered by the City and County of Honolulu's Ethics laws. Those laws fall under the jurisdiction of the Honolulu Ethics Commission, which conducts periodic trainings sessions for board and commission members. Although City and State Ethics rules are similar, there are some differences and having the State conduct training for City board and commission members has the potential to create confusion.

If you are to move H.B No. 237 forward, I suggest you amend it to read 84-42 (c) "All members of a board, as defined in 92-2, and not included in section 84-17(d), excluding county created boards and commissions; state employees responsible for procurement; state employees who administer state contracts; and state employees who regulate or inspect private organizations shall complete an online ethics training course."

Thank you for your consideration.

Blake Yokotake

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 19, 2016 8:51 PM
To: JUDtestimony
Cc: ndavlantes@aol.com
Subject: Submitted testimony for HB237 on Jan 21, 2016 14:00PM

HB237

Submitted on: 1/19/2016

Testimony for JUD on Jan 21, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Nancy Davlantes	Individual	Oppose	No

Comments: While I am a member of a neighborhood board and would have no opposition to filing a financial disclosure, it seems that this bill is an unnecessary layer for those county boards and commissions already receiving ethics training from their respective county.

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HAWAII STATE ETHICS COMMISSION

State of Hawaii • Bishop Square, 1001 Bishop Street, ASB Tower 970 • Honolulu, Hawaii 96813

HOUSE COMMITTEE ON JUDICIARY
The Honorable Karl Rhoads, Chair
The Honorable Joy A. San Buenaventura, Vice Chair

H.B. No. 237, Relating to Ethics Training

Hearing: Thursday, January 21, 2016, 2:00 p.m.

The Hawaii State Ethics Commission, generally, supports the intent of H.B. No. 237, Relating to Ethics Training, which requires employees who are involved in procurement, who administer contracts, and who inspect or regulate private organizations as well as members of all state boards to complete an ethics training course within 30 days of their employment and again every four years thereafter. The bill also requires persons whose financial disclosure statements are accessible by the public to complete an in-person ethics training course. **The Commission, however, has concerns about its ability to implement the mandatory ethics training as required by the bill.**

Online Training

The bill requires employees responsible for procurement, employees who administer contracts, and employees involved in inspection or regulation to complete an online ethics training course. First, the Commission currently does not have online training modules. Second, the Commission will be required to identify and “track” the employees required to complete the online training course. The Commission has insufficient funds in its proposed budget for Fiscal Year 2016-2017 to develop an effective online training course and the requisite system to confirm that the mandated employees have satisfied the bill's requirements. To develop an online training course and the requisite tracking system, the Commission will require an additional appropriation.

Live Training

The bill also requires that all persons who are required to file a financial disclosure statement pursuant to section 84-17(d) “attend an ethics training course in person.” “Live” training is a more effective means to introduce the state ethics code and effectuate ethics education than on-line training. The Commission therefore submits that all persons who are required to complete an in-person training should be required to do so as their first ethics training course. As written, it is unclear whether those employees required to complete an in-person course can do so after first completing an on-line course.

Within 30 Days Requirement

H.B. No. 237 requires that the initial ethics training course be completed “within thirty days of taking office or an employee’s first day of employment.” The Commission lacks the resources to be able to provide in-person training to new legislators and employees who are required to complete an in-person course within thirty days of their taking office or employment. For instance, the Commission may be required to conduct an in-person session for one new board member to satisfy the “within thirty days of taking office” requirement. The Commission suggests that the bill be amended to require individuals who must attend an in-person training to participate in the first in-person training course that is offered to all employees after the date he or she takes office or starts employment.

Notification of Training Requirement

The bill imposes the responsibility to notify the persons who are required to complete ethics training of that requirement on the Commission. The Commission, however, does not know the employees who are responsible for procurement in each state agency; the Commission does not know the employees who are responsible for administering contracts; the Commission does not know the employees who are inspectors or regulators. The Commission suggests that the responsibility to identify and notify the employees who are required to complete an ethics training course is best placed on the employees’ respective agencies. The agencies should be required to provide the Commission with the names of new employees who are required under the bill to complete mandatory ethics training and other relevant information no later than 30 days after the employee’s first day of employment.

Question-And-Answer Requirement

Finally, the Commission does not believe it is necessary to require that the ethics training course include a “question and answer” segment. Question and answer sessions regarding common problems and situations are a necessary part of -- and therefore included -- any in-person ethics training course. For any online training course, the Commission would automatically include contact information to enable any individual who takes the course to submit questions to the Commission’s legal staff.

Thank you for considering of the Commission’s testimony.



LATE

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COMMITTEE ON JUDICIARY

THURSDAY, January 21, 2016, 2:00 P.M., Room 325
HB 237, RELATING TO ETHICS TRAINING

TESTIMONY

Janet Mason, Legislative Co-Chair, League of Women Voters of Hawaii

Chair Rhoads, Vice-Chair San Buenaventura and Committee Members:

The League of Women Voters of Hawaii strongly supports HB 237 which requires the State Ethics Commission to provide training for state employees, officials, those filing financial disclosure statements, and members of a State board.

Training is relatively inexpensive, compared with post-complaint investigations; this approach is also consistent with the current strategy of the Ethics Commission. Apparently, the Commission is prepared to plan and administer this training using their current budget, which is also impressive.

It is not clear to us why certain individuals would be required to attend in-person training while online training would be mandatory for others. Online training modules that can be greatly customized are widely available. In an island state, we would have expected all training to be cost-effectively provided online, together with resources for follow-up questions, and perhaps a self-directed quiz. Please give those covered by the Ethics Code training that corresponds with the way we live and work now.

While we like the July 1, 2016 effective date because many employees and officials have not taken part in any training, we are skeptical that a statewide program could be available by this date.

We strongly urge you to pass this bill. Thank you for the opportunity to submit testimony.



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COMMITTEE ON JUDICIARY

THURSDAY, January 21, 2016, 2:00 P.M., Room 325
HB 237, RELATING TO ETHICS TRAINING

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We strongly urge you to pass this bill. Thank you for the opportunity to submit testimony.