



HAWAII STATE ETHICS COMMISSION

State of Hawaii · Bishop Square, 1001 Bishop Street, ASB Tower 970 · Honolulu, Hawaii 96813
50th ANNIVERSARY 1968-2018

Committee: Committee on Finance
Bill Number: S.B. 872, SD1
Hearing Date/Time: April 3, 2018, 10:30 a.m.
Re: Testimony of the Hawaii State Ethics Commission in **SUPPORT** of
S.B. 872 SD1, Relating to Ethics

The Hawaii State Ethics Commission (“Commission”) supports S.B. 872, SD1, a housekeeping measure regarding Hawaii Revised Statutes (“HRS”) § 28-8.3.

This measure amends HRS § 28-8.3 to make clear that the Commission can hire attorneys. Currently, HRS § 28-8.3 prohibits any state agency from hiring attorneys, except for the agencies listed in that statute; the Commission’s omission from this list appears to have been an oversight, given that the Commission has employed attorneys for decades. This section also makes clear that the Commission’s attorneys, like those in most other legislative and executive agencies, are not considered Deputy Attorneys General.

The Commission understands that the intent of this measure is *not* to allow the Commission to hire outside (private) counsel, but simply to make clear that the Commission can employ full-time attorneys for its work. The Commission will continue to rely upon the Department of the Attorney General whenever it needs additional assistance with legal matters.¹

¹ The Commission also notes the following technical issues (neither of which affects the substance of the proposed language in this bill):

1. HRS § 28-8.3 was amended in 2017, and the Committee may wish to update the language in the bill text itself (that is, the portion of the statute that is *not* affected by the proposed amendments in S.B. 872, SD1) to reflect last year’s change. Specifically, HRS § 28-8.3(a)(20) was amended in 2017 to read “By the division of financial institutions”; prior to 2017, it had read “By the division of financial institutions *for any action involving the mortgage loan recovery fund* (emphasis added).
2. S.B. 2996, SD3, HD1, Relating to an Airports Corporation, also proposes amendments to HRS § 28-8.3 (by adding “the Hawaii airports corporation” as proposed HRS § 28-8.3(a)(22) – the same subsection proposed for “the state ethics commission” in S.B. 872, SD1). As such, this Committee (and/or any Conference Committee on this matter or S.B. 2996) may wish to address the proposed numbering of each section.

Thank you for your continuing support of the Commission's work and for considering the Commission's testimony on S.B. 872, SD1.

Very truly yours,

Daniel Gluck
Executive Director and General Counsel