

Honolulu, Hawaii

MAR 22 2019

RE: H.B. No. 391
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Labor, Culture and the Arts, to which was referred H.B. No. 391, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO ETHICS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish restrictions on the participation in political activities of certain state employees and officers; and
- (2) Impose penalties for violations.

Your Committee received testimony in support of this measure from the Hawaii State Ethics Commission and Common Cause Hawaii.

Your Committee finds that chapter 84, Hawaii Revised Statutes, the state ethics code, promotes standards of ethical conduct regarding conflicts of interest, fair treatment, confidential information, and the solicitation and receipt of gifts for nominated, appointed, and elected officers, employees, and candidates. Your Committee also finds that section 84-13, Hawaii Revised Statutes, under the fair treatment law, prohibits the use of state resources for campaign purposes, and section 11-354, Hawaii Revised Statutes, prohibits the collection of campaign donations in state facilities. However, currently, state



law does not contain comprehensive restrictions on political activity for any state officers or employees. Applying restrictions on the participation in political activities of state government officers and employees who are employed or hold office in state positions with adjudicatory, regulatory, law enforcement, or investigative responsibilities as a regular part of their duties, ensures that political activity by these officers and employees does not compromise public confidence and trust in government.

While this measure attempts to provide comprehensive restrictions, your Committee notes that it is concerned primarily with the solicitation of campaign contributions by certain state officers or employees.

Accordingly, your Committee has amended this measure by:

- (1) Deleting the purpose section and legislative findings relating to the federal Hatch Act and the state code of ethics;
- (2) Deleting language prohibiting covered employees from using their authority or influence for the purpose of interfering with or affecting the result of an election;
- (3) Deleting language prohibiting covered employees from taking an active part in political management or a political campaign; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 391, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 391, H.D. 2, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.



Respectfully submitted on
behalf of the members of the
Committee on Labor, Culture and
the Arts,


BRIAN T. TANIGUCHI, Chair



