

STAND. COM. REP. NO.

2664

Honolulu, Hawaii

FEB 13 2020

RE: S.B. No. 2114
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Government Operations, to which was referred S.B. No. 2114 entitled:

"A BILL FOR AN ACT RELATING TO THE STATE ETHICS CODE,"

begs leave to report as follows:

The purpose and intent of this measure is to prohibit former legislators and public officials from working on any administrative action relating to rulemaking under the Administrative Procedures Act. Specifically, this measure prohibits legislators, employees of the Legislature, and certain high-ranking state officials from lobbying or representing other interests for a fee before the State and colleagues with whom they have served, for twelve months after termination from their respective elective and government positions.

Your Committee received testimony in support of this measure from the Hawai'i State Ethics Commission, Common Cause Hawaii, and Pono Hawai'i Initiative.

Your Committee finds that under current law, former legislators and high ranking public officials are prohibited from representing others for compensation on matters the legislator or former official participated in as a legislator or officer, or took official action on as a legislator or public official within twelve months of leaving their public office. The current law, however, does not prevent these former public officials from



representing a client for compensation by representing the private client before all divisions of the state executive or legislative branches at any level.

Your Committee has amended this measure by:

- (1) Accepting the amendment proposed by the State Ethics Commission to mirror the language of H.B. No. 2124, which is similar to this measure but contains technical and conforming amendments made by the Legislative Reference Bureau;
- (2) Clarifying that section 84-18(a), Hawaii Revised Statutes, regarding maintaining confidentiality of information, applies to former State employees of any length of time; and
- (3) Clarifying that sections 84-18(b) through (e), Hawaii Revised Statutes, regarding prohibiting the revolving door policy on lobbying, applies to former State employees who have worked a minimum of 181 days and every Executive Director, Director or Administrator of a board, authority, or commission enumerated in section 84-17(d), Hawaii Revised Statutes.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2114, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2114, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Government
Operations,



LAURA H. THIELEN, Chair



