



HAWAI'I STATE ETHICS COMMISSION

State of Hawai'i · Bishop Square, 1001 Bishop Street, ASB Tower 970 · Honolulu, Hawai'i 96813

Committee: Committee on Judiciary
Bill Number: H.B. 2748, H.D. 1
Hearing Date/Time: February 11, 2020, 2:05 p.m.
Re: Testimony of the Hawai'i State Ethics Commission with **COMMENTS**
on H.B. 2748, H.D. 1, Relating to Government

Dear Chair Lee, Vice Chair San Buenaventura, and Committee Members:

The Hawai'i State Ethics Commission ("Commission") has not had an opportunity to discuss H.B. 2748, such that it does not take a position on this measure. However, the undersigned submits the following comments for the Committee's consideration.

As set forth in the Commission's testimony on H.B. 2747, the Commission has, at times, discussed the possible need for increased penalties – including pension forfeiture – for employment-related misconduct. Although employment-related felonies for State employees are quite rare, an increased penalty may serve as an additional deterrent that will help promote the public's trust in government officials.

Additionally, I believe the Commission would support the requirement that pension forfeiture occur only after a court concludes that an employee committed a felony, and not upon a lower standard.

Thank you for your continuing support of the Commission's work and for considering this testimony on H.B. 2748, H.D. 1.

Very truly yours,

Daniel Gluck
Executive Director and General Counsel

Hawaii
Holding Power Accountable

Statement Before The
HOUSE COMMITTEE ON JUDICIARY
Tuesday, February 11, 2020
2:05 PM
State Capitol, Conference Room 325

in consideration of
HB 2748, HD1
RELATING TO GOVERNMENT.

Chair LEE, Vice Chair SAN BUENAVENTURA, and Members of the House Judiciary Committee

Common Cause Hawaii supports HB 2748, HD1, which authorizes the forfeiture of certain employees' retirement system benefits, pursuant to court order, for members convicted of an employee-related felony.

Common Cause Hawaii is a nonprofit, nonpartisan, grassroots organization dedicated to reforming government and strengthening democracy. Common Cause Hawaii works to restore faith in our government and our democracy that has been shattered in the last few years through ethics, accountability, and transparency reforms. These reforms are probably the most important tools to restoring the people's trust in their elected leaders and their government – to show people that their government is acting for the people's interest versus serving their own interests.

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In a recent [Honolulu Star-Advertiser poll](#) published on Sept. 22, 2019, a majority of local residents feel that Hawaii's elected officials do not care what they think and generally do not have high ethical standards. This must change for people to have confidence in our government.

HB 2748, HD1 will show that government takes ethics seriously. Public employees are also public servants. They cannot defraud the public and destroy our confidence in government and still reap the benefits of their criminal misconduct. If this were to occur, then the only losers are the people and democracy.

HB 2748, HD1 is **not** about punishment or retribution. It is about ethics and restoring the public's trust in government. HB 2748, HD1 is not about revenge, because families of the convicted governmental employees who rely on the pensions are protected under the bill. HB 2748, HD1 provides that, upon the convicted governmental employees' passing, their pensions may be awarded to the designated

beneficiaries. Due process is afforded, and pension is only forfeited pursuant to court order, under HB 2748, HD1.

Much concern is given to what may be lost by a convicted government employee. We also need to consider that much is lost by the public - the people - when a government employee abuses his/her position of power, trust, and authority. As we have seen, democracy is fragile; people need to have confidence in our government. Please act to restore that trust through ethics reform.

Thank you for the opportunity to testify in support of HB 2748, HD1, and Common Cause Hawaii respectfully urges the Committee members to pass HB 2748, HD1 out of your Committee. If you have further questions of me, please contact me at sma@commoncause.org.

Very respectfully yours,

Sandy Ma
Executive Director, Common Cause Hawaii



HB-2748-HD-1

Submitted on: 2/9/2020 10:04:03 PM

Testimony for JUD on 2/11/2020 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Shimei	Indivisible Hawaii	Support	No

Comments:

IN SUPPORT

Public trust in government is low and sinking lower. In these trying times, it is critical to restore confidence in the ethics of our government.

Holding an office of public trust is not the same as a job in the private sector. We cannot endorse the deliberate abuse of government position and power by permitting retention of a benefit paid by taxpayer dollars, at the expense of the people the government was created to serve.

The corruption addressed in this bill is rare but it clearly does exist and all steps must be taken to eradicate it.



AMERICANS FOR DEMOCRATIC ACTION

OFFICERS

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Alan Burdick, Vice President
Marsha Schweitzer, Treasurer
Doug Pyle, Secretary

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Chuck Huxel
Jan Lubin
Jenny Nomura
Dave Nagaji

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Stephen O'Harrow
Lyn Pyle
P.O. Box 23404
Honolulu
Hawai'i 96823

February 10, 2020

LATE

TO: Chair Lee and members of Judiciary Committee

RE: HB 2748 HD 1 Relating to Government

Support for hearing on February 11

Americans for Democratic Action is an organization founded in the 1950s by leading supporters of the New Deal and led by Patsy Mink in the 1970s. We are devoted to the promotion of progressive public policies.

We support HB 2748 HD 1 as it would authorize the forfeiture of certain employees' retirement system benefits. We believe this bill will begin to show that our government is working to solve the issues self-dealing and abuse of office by public servants. Unfortunately many people have that impression

Thank you for your favorable consideration.

Sincerely,
John Bickel, President



HB-2748-HD-1

Submitted on: 2/8/2020 10:18:33 PM

Testimony for JUD on 2/11/2020 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
tlaloc tokuda	Individual	Support	No

Comments:

In a recent [Honolulu Star-Advertiser poll](#) published on Sept. 22, 2019, a majority of local residents feel that Hawaii's elected officials do not care what they think and generally do not have high ethical standards. This must change for people to have confidence in our government.

HB 2748, HD1 will show that government takes ethics seriously. Public employees are also public servants. They cannot defraud the public and destroy our confidence in government and still reap the benefits of their criminal misconduct. If this were to occur, then the only losers are the people and democracy.

HB 2748, HD1 is **not** about punishment or retribution. It is about ethics and restoring the public's trust in government. HB 2748, HD1 is not about revenge, because families of the convicted governmental employees who rely on the pensions are protected under the bill. HB 2748, HD1 provides that, upon the convicted governmental employees' passing, their pensions may be awarded to the designated beneficiaries. Due process is afforded, and pension is only forfeited pursuant to court order, under HB 2748, HD1.

Much concern is given to what may be lost by a convicted government employee. We also need to consider that much is lost by the public - the people - when a government employee abuses his/her position of power, trust, and authority. As we have seen, democracy is fragile; people need to have confidence in our government. Please act to restore that trust through ethics reform.

HB-2748-HD-1

Submitted on: 2/9/2020 11:14:44 AM

Testimony for JUD on 2/11/2020 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Caroline Kunitake	Individual	Support	No

Comments:

Dear Chair Lee and Members of the Committee on Judiciary,

I am writing in support of HB2748 HD1.

In a recent [Honolulu Star-Advertiser poll](#) published on Sept. 22, 2019, a majority of local residents feel that Hawaii's elected officials do not care what they think and generally do not have high ethical standards. This must change for people to have confidence in our government.

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Mahalo,

Caroline Kunitake

HB-2748-HD-1

Submitted on: 2/9/2020 1:20:31 PM

Testimony for JUD on 2/11/2020 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Golojuch Jr	Individual	Support	No

Comments:

HB-2748-HD-1

Submitted on: 2/9/2020 10:03:01 PM

Testimony for JUD on 2/11/2020 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara J. Service	Individual	Support	No

Comments:

Please support HB2748 HD1.

Public employees are public servants. They cannot defraud the public and then reap the benefits of their criminal misconduct. The public must have be able to have confidence in their government.

Mahalo!

Barbara J. Service MSW (retired)

AARP volunteer

Kokua Council

Hawaii Alliance of Retired Americans

Policy Advisory Board for Elder Affairs

HB-2748-HD-1

Submitted on: 2/10/2020 6:31:40 AM

Testimony for JUD on 2/11/2020 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Best	Individual	Support	No

Comments:

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HB-2748-HD-1

Submitted on: 2/10/2020 11:12:31 AM

Testimony for JUD on 2/11/2020 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Donna Ambrose	Individual	Support	No

Comments:

Events of the last few years have eroded faith in our public officials' ethical standards. HB2748 will help restore confidence that appointed and elected public servants won't abuse their positions in pursuit of personal gain. 25 states already have similar legislation in place. Forfeiting one's pension benefits after committing a felony while in office is a no-brainer.

HB-2748-HD-1

Submitted on: 2/11/2020 12:54:03 AM

Testimony for JUD on 2/11/2020 2:05:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Gerard Silva	Individual	Oppose	No

Comments: