

Statement Before The
HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS
Wednesday, February 10, 2021
2:00 PM
Via Videoconference, Conference Room 325

in consideration of
HB 670, HD1
RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM.

Chair NAKASHIMA, Vice Chair MATAYOSHI, and Members of the
House Judiciary & Hawaiian Affairs Committee

Common Cause Hawaii supports HB 670, HD1, which authorizes forfeiture of certain ERS benefits, pursuant to court order, for state or county employees and designated beneficiaries who are convicted of an employment-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 government – to show people that their government is acting for the people's interest versus serving their own interests.

In a Honolulu Star-Advertiser poll published on Sept. 22, 2019, a majority of local residents felt 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. See <https://www.staradvertiser.com/2019/09/22/hawaii-news/most-hawaii-residents-say-state-elected-officials-dont-care-about-them/>. Further, Oahu residents stated accountability was “essential or very important for the city to address in the next two years” in a 2019 Service Efforts & Accomplishments Report by the Office of the City Auditor. See http://www.honolulu.gov/rep/site/oca/oca_docs/a-FY2019_SEA_Report_Final_030620_for_website.pdf at page 6 (emphasis in original).

HB 670, 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 670, HD1 is **not** about punishment or retribution. It is about ethics and restoring the public's trust in government. HB 670, HD1 is not about revenge, because families of the convicted governmental employees who rely on the pensions are protected under the bill. HB 670, 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 670, HD1.

In these dire economic times for our state, Hawaii cannot afford (both literally and figuratively) the pensions of individuals who have defrauded this state and betrayed the public trust.

Much concern is given to what the convicted government employee (and the employee's family) may lose if the pension were to be lost. We also need to consider that much is lost by the public - the people - when a government employee abuses his/her/their 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 670, HD1, and Common Cause Hawaii respectfully urges the Committee members to pass HB 670, 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-670-HD-1

Submitted on: 2/8/2021 2:52:27 PM

Testimony for JHA on 2/10/2021 2:00:00 PM

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

Comments:

Aloha Representatives,

I support HB 670 HD1.

Mahalo,

Michael Golojuch, Jr.

HB-670-HD-1

Submitted on: 2/8/2021 2:57:34 PM

Testimony for JHA on 2/10/2021 2:00:00 PM

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

Comments:

I am a member of Common Cause Hawaii and i agree with CCHI position on this bill.,"

- In a Honolulu Star-Advertiser poll published on Sept. 22, 2019, a majority of local residents felt 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. See <https://www.staradvertiser.com/2019/09/22/hawaii-news/most-hawaii-residents-say-state-elected-officials-dont-care-about-them/>. Further, Oahu residents stated accountability was “essential or very important for the city to address in the next two years” in a 2019 Service Efforts & Accomplishments Report by the Office of the City Auditor. See http://www.honolulu.gov/rep/site/oca/oca_docs/a-FY2019_SEA_Report_Final_030620_for_website.pdf at page 6 (emphasis in original).
- HB 670, 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 670, HD1 is **not** about punishment or retribution. It is about ethics and restoring the public’s trust in government. HB 670, HD1 is not about revenge, because families of the convicted governmental employees who rely on the pensions are protected under the bill. HB 670, 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 670, HD1.
- In these dire economic times for our state, Hawaii cannot afford (both literally and figuratively) the pensions of individuals who have defrauded this state and betrayed the public trust.
- Much concern is given to what the convicted government employee (and the employee’s family) may lose if the pension were to be lost. We also need to consider that much is lost by the public - the people - when a government employee abuses his/her/their 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 670, HD1, and we respectfully urge the Committee members to pass HB 670, HD1 out of your Committee.

Mahalo,

Tlaloc Tokuda

Kailua Kona, HI 96740

HB-670-HD-1

Submitted on: 2/8/2021 11:04:32 PM

Testimony for JHA on 2/10/2021 2:00:00 PM

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

Comments:

Dear Chair Nakashima, Vice Chair Matayoshi and Committee on Judiciary & Hawaiian Affairs,

Please support HB670 HD1.

HB 670, 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 670, HD1 is **not** about punishment or retribution. It is about ethics and restoring the public's trust in government. HB 670, HD1 is not about revenge, because families of the convicted governmental employees who rely on the pensions are protected under the bill. HB 670, 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 670, HD1.

I am hopeful that these reasonable penalties will discourage public servants from doing anything that will lead to a conviction. We need people in government that will do the right thing even behind a closed door. This way, the general public can better trust government officials since there would be serious penalties for convictions while serving in office.

Mahalo,

Caroline Kunitake

HB-670-HD-1

Submitted on: 2/9/2021 6:09:47 AM

Testimony for JHA on 2/10/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
David Anderson	Individual	Support	No

Comments:

This testimony is in support of HB679, HD1.

A poll in September 2019 showed a majority of local residents felt 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. Further, Oahu residents stated accountability was "essential or very important for the city to address in the next two years" in a 2019 Service Efforts & Accomplishments Report by the Office of the City Auditor.

HB 670, 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 670, HD1 is **not** about punishment or retribution. It is about ethics and restoring the public's trust in government. HB 670, HD1 is not about revenge, because families of the convicted governmental employees who rely on the pensions are protected under the bill. HB 670, 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 670, HD1.

In these dire economic times for our state, Hawaii cannot and should not have to afford the pensions of individuals who have defrauded this state and betrayed the public trust.

Much concern is given to what the convicted government employee (and the employee's family) may lose if the pension were to be lost. OF more importance is the consideration that much is lost by the public - the people - when a government employee abuses his/her/their 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 670, HD1, and I respectfully urge the Committee members to pass HB 670, HD1 out of Committee.

HB-670-HD-1

Submitted on: 2/9/2021 9:10:06 AM

Testimony for JHA on 2/10/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Edward B Hanel Jr	Individual	Support	No

Comments:

Support HB670,HD1. Ethics must be taken seriously and those who violate the public's trust must be held accountable. This bill imposes a penalty on those who commit a crime related to their state employment. This sends the clear message that public jobs are not meant for personal gain. Concur with the comments of Comon Cause Hawaii.

HB-670-HD-1

Submitted on: 2/9/2021 10:30:18 AM

Testimony for JHA on 2/10/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
lynne matusow	Individual	Support	No

Comments:

The public has long been incensed that state and county employees who are convicted of employment related felonies are allowed to collect their ERS benefits. Public employees are public servants. They should not be allowed to defraud us and still collect the benefits of their criminal misconduct. This is your chance to restore the public's faith in government, in its elected and appointed officials.

Please support this bill.

HB-670-HD-1

Submitted on: 2/9/2021 10:36:58 AM

Testimony for JHA on 2/10/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dale Arthur Head	Individual	Support	No

Comments:

Aloha esteemed Legislators:

I support HB670 HD1 as it supports good and ethical government.

Please pass this bill. Never forget, that, 'Trust is the coin of the realm'! Please uphold the Public Trust.

Respectfully, Dale Arthur Head (808) 696-4589 helpmakahasurfside@gmail.com

DAVID Y. IGE
GOVERNOR



THOMAS WILLIAMS
EXECUTIVE DIRECTOR

KANOE MARGOL
DEPUTY EXECUTIVE DIRECTOR

STATE OF HAWAII
EMPLOYEES' RETIREMENT SYSTEM

TESTIMONY BY THOMAS WILLIAMS
EXECUTIVE DIRECTOR, EMPLOYEES' RETIREMENT SYSTEM
STATE OF HAWAII

TO THE HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFIARS

ON

HOUSE BILL NO. 670, H.D. 1

February 10, 2021
2:00 P.M.
Conference Room 325

RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM

Chair Nakashima, Vice Chair Matayoshi and Members of the Committee,

H.B. 670, H.D. 1 proposes to add a new section to subpart C of part II of Chapter 88, Hawaii Revised Statutes to provide for forfeiture by a member, former member, or retirant of the Employees' Retirement System (ERS) of the State of Hawaii, of all or a portion of any interest, hypothetical account balance, pension, annuity or retirement allowance otherwise payable to the member, former member or retirant if the member, former member or retirant is convicted of a felony related to the employment of the member, former member or retirant. On behalf of its Board of Trustees, the ERS staff offers the following comments:

This proposal would require the ERS to comply with a court order decreeing a forfeiture of all or a portion of any interest, hypothetical account balance, pension, annuity or retirement allowance otherwise payable a member, former member, or retirant of the system convicted of a felony that the court finds is related to the employment of the member, former member, or retirant by the State or county.



Employees' Retirement System
of the State of Hawaii

This proposal purports to not impair or diminish the accrued retirement benefits of members of the ERS prior to the effective date of the Act and applies prospectively to felonies committed by public employees after the effective date of the proposal.

As proposed, the ERS Board would be supportive of H.B. 670, H.D. 1 should this bill be approved.

Thank you for this opportunity to provide testimony.

HB-670-HD-1

Submitted on: 2/9/2021 5:23:27 PM

Testimony for JHA on 2/10/2021 2:00:00 PM

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

Comments:

This bill will show that government takes ethics seriously. Besides, Hawaii can't afford pensions of those who have defrauded the state.