

Statement Before The
Friday, February 12, 2021
10:00 AM
Via Videoconference, Conference Room 309

in consideration of
HB 672
RELATING TO THE STATE ETHICS CODE.

Chair McKELVEY, Vice Chair WILDBERGER, and Members of the House Government Reform Committee

Common Cause Hawaii supports HB 672, which (1) amends certain parts of the conflicts of interests law in the state ethics code to include members of the legislature and (2) clarifies that the conflicts of interests law does not prohibit legislators from introducing legislation, serving on a committee, making statements, or taking action in the exercise of their legislative functions.

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 2019 [Honolulu Star-Advertiser poll](#), 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.

Currently, under Hawaii Conflicts of Interests statute – section 84-14, Hawaii Revised Statutes (HRS) – legislators are defined differently than employees and therefore are not covered by every subsection of the Hawaii Conflicts of Interests statute.

HB 672 would include legislators in the conflicts of interests coverage, specifically subsections (a) and (b), of HRS § 84-14. Legislators would be, under HB 672, like other government employees:

- (a) Prevented from taking any official action directly affecting:
 - (1) A business or other undertaking in which they have a substantial financial interest; or
 - (2) A private undertaking in which they are engaged as legal counsel, advisor, consultant, representative, or other agency capacity
- (b) Prevented from assisting any person or business or act in a representative capacity before any state or county agency for a contingent compensation in any transaction involving the State.

HB 672 is a step towards restoring people's faith in our government. 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 672. 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-672

Submitted on: 2/10/2021 10:15:17 AM

Testimony for GVR on 2/12/2021 10:00:00 AM

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

Comments:

This will help restore peoples' faith in government. At the same time it clarifies that conflicts of interest law do not prohibit legislators from introducing bills and resolutions, from serving on a committee, or from making statements or taking action in the exercisd of their legislative functions.

HB-672

Submitted on: 2/10/2021 1:10:14 PM

Testimony for GVR on 2/12/2021 10:00:00 AM

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

Comments:

Aloha Representatives,

I fully support HB 672.

Mahalo,

Michael Golojuch, Jr.

HB-672

Submitted on: 2/10/2021 3:51:18 PM

Testimony for GVR on 2/12/2021 10:00:00 AM

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

Comments:

Dear Chair McKelvey, Vice Chair Wildberger and Committee on Government Reform,

Please support HB672. We need proactive laws to constructively limit conflicts of interest.

In 2019 [Honolulu Star-Advertiser poll](#), 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.

Currently, under Hawaii Conflicts of Interests statute – section 84-14, Hawaii Revised Statutes (HRS) – legislators are defined differently than employees and therefore are not covered by every subsection of the Hawaii Conflicts of Interests statute.

HB 672 is a step towards restoring people's faith in our government. 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 taking the time to review this issue. I appreciate the opportunity to provide testimony in support of HB672.

Mahalo,

Caroline Kunitake

HB-672

Submitted on: 2/11/2021 6:29:14 AM

Testimony for GVR on 2/12/2021 10:00:00 AM

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

Comments:

Currently, under the Hawaii Conflicts of Interests statute, Hawaii Revised Statutes (HRS) – legislators are defined differently than employees and therefore are not covered by every subsection of the Hawaii Conflicts of Interests statute. They should be.

HB 672 is a step towards restoring people’s faith in our government. As we have seen, democracy is fragile; people need to have confidence in our government. Please act to restore that trust through ethics reform. So I strongly support HB672.

HB-672

Submitted on: 2/11/2021 8:43:52 AM

Testimony for GVR on 2/12/2021 10:00:00 AM

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

Comments:

This is a step towards restoring people's faith in our government through ethics reform

HB-672

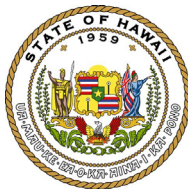
Submitted on: 2/11/2021 8:46:54 AM

Testimony for GVR on 2/12/2021 10:00:00 AM

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

Comments:

Even the best conflict-of-interest statutes don't matter unless they apply to all who work in government, i.e. employees and legislators alike. Please help restore confidence in government by passing this important piece of ethics reform. Mahalo.



HAWAI‘I STATE ETHICS COMMISSION

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

Committee: Committee on Government Reform
Bill Number: H.B. 672
Hearing Date/Time: Friday, February 12, 2021, 10:00 a.m.
Re: Testimony of the Hawai‘i State Ethics Commission
in **SUPPORT** of H.B. 672, Relating to the State Ethics Code

Chair McKelvey, Vice Chair Wildberger, and Committee Members:

The Hawai‘i State Ethics Commission (“Commission”) supports H.B. 672, which seeks to promote integrity in government by expanding the existing Conflicts of Interests law to include legislators in sections 84-14(a) and 84-14(b).

Currently, the Conflicts of Interests law, Hawai‘i Revised Statutes (“HRS”) § 84-14, applies differently to legislators and other state employees. For example, while HRS § 84-14(a) prohibits employees from taking official action directly affecting their own financial interests, this provision does not apply to legislators. The same is true of HRS § 84-14(b), which prohibits employees (but not legislators) from acquiring new conflicts of interests.

These differences between employees and legislators are intended to recognize that:

- Legislators have constitutional protections while engaged in “legislative functions”: per article III, section 7 of the Hawai‘i Constitution, “No member of the legislature shall be held to answer before any other tribunal for any statement made or action taken in the exercise of the member’s legislative functions[.]” This protection is intended to support a strong and independent legislature; and
- Legislators serve as representatives of their constituents. Requiring legislators to recuse themselves may leave constituents without a voice on certain pieces of legislation.

While the Commission and its staff always try to educate the public about the rationale behind legislators’ omission from some of the Ethics Code’s conflicts of interests provisions – and the fact that legislators are also bound by House and Senate conflicts rules – the Commission frequently entertains questions from members of the public (and other state employees) as to why legislators appear to be held to a different standard of conduct regarding conflicts of interests. These differing standards of conduct can undermine the public’s faith in government.

Hawai'i State Ethics Commission
Testimony on H.B. 672 (support)
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As such, the Commission supports the current language of the bill: the amendments to HRS §§ 84-14(a) and -14(b) will hold legislators to high ethical standards, while the addition of HRS § 84-14(g) will protect legislators' constitutionally recognized "legislative functions."

Very truly yours,

Daniel M. Gluck
Executive Director & General Counsel