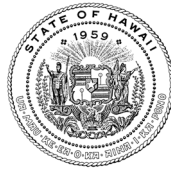


DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
201 MERCHANT STREET, SUITE 1700
HONOLULU, HAWAII 96813
Oahu (808) 586-7390
Toll Free 1(800) 295-0089
www.eutf.hawaii.gov

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ASSISTANT ADMINISTRATOR
DONNA A. TONAKI

TESTIMONY BY DEREK MIZUNO
ADMINISTRATOR, HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
DEPARTMENT OF BUDGET AND FINANCE
STATE OF HAWAII
TO THE HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS
ON HOUSE BILL NO. 1200

March 3, 2021
2:00 p.m.
Via Videoconference Conference Room 325

RELATING TO GOVERNMENT

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

The Hawaii Employer-Union Health Benefits Trust Fund (EUTF) Board of Trustees opposes the portion of the bill that prohibits officers and employees of the State from serving on the EUTF Board. The EUTF has benefited from the insight provided by Department Directors and Deputy Directors, and staff on such matters as the State budget and member health impact. Most EUTF Board decisions regarding the health plan benefits come down to cost and member health.

Thank you for the opportunity to testify.

EUTF's Mission: We care for the health and well being of our beneficiaries by striving to provide quality benefit plans that are affordable, reliable, and meet their changing needs. We provide informed service that is excellent, courteous, and compassionate.

City Financial Tower, 201 Merchant Street, Suite 1700, Honolulu, Hawaii 96813

DAVID Y. IGE
GOVERNOR



TESTIMONY BY:

JADE T. BUTAY
DIRECTOR

Deputy Directors
LYNN A.S. ARAKI-REGAN
DEREK J. CHOW
ROSS M. HIGASHI
EDWIN H. SNIFFEN

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

March 3, 2021
2:00 P.M.
State Capitol, Teleconference

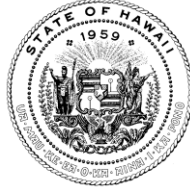
H.B. 1200
RELATING TO GOVERNMENT

House Committee on Judiciary & Hawaiian Affairs

The Department of Transportation (DOT) **opposes** H.B. 1200, which prohibits the appointment of state officers and employees to boards and commissions unless otherwise provided.

The DOT is responsible for the State Highway Safety Council. Many of our council members have been state employees who were engineers, health experts and educators. We are thankful to have these members who volunteer their time and expertise to help make Hawaii's roadways safer.

Thank you for the opportunity to provide testimony.



DAVID Y. IGE
GOVERNOR

JOSH GREEN
LT. GOVERNOR

**STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS**

335 MERCHANT STREET, ROOM 310
P.O. BOX 541
HONOLULU, HAWAII 96809
Phone Number: 586-2850
Fax Number: 586-2856
cca.hawaii.gov

CATHERINE P. AWAKUNI COLÓN
DIRECTOR

JO ANN M. UCHIDA TAKEUCHI
DEPUTY DIRECTOR

Testimony of the Department of Commerce and Consumer Affairs

**Before the
House Committee on Judiciary and Hawaiian Affairs
Wednesday, March 3, 2021
2:00 p.m.
Via Videoconference**

**On the following measure:
H.B. 1200, RELATING TO GOVERNMENT**

Chair Nakashima and Members of the Committee:

My name is Catherine Awakuni Colón, and I am the Director of the Department of Commerce and Consumer Affairs (DCCA or Department). The Department offers comments with respect to only sections 5 and 31 of this bill.

The purpose of this bill is to prohibit the appointment of state officers and employees to boards and commissions unless otherwise provided. Section 5 of this bill provides that “no member appointed” to a board or commission by the governor, with the advice and consent of the senate, “shall be an officer or employee of the State.” Section 31 of this bill provides that for the Hawaii Board of Public Accountancy, “no member of the board shall be an officer or employee of the State.” The Department believes these amendments are overly broad and could unintentionally restrict well-qualified individuals from serving on a board or commission.

Numerous boards and commissions of the DCCA continue to experience quorum issues due to member vacancies, and this measure would reduce the pool of eligible candidates by half. Further, since the Hawaii Elevator Mechanics Licensing Board and

the Hawaii Board of Private Detectives and Guards are statutorily required to each have one board member who is a state employee¹, there is clear recognition that state employees can make important contributions on state boards.

The Department notes that current law has a number of checks and balances already in place to prevent conflicts of interest or inappropriate board appointments, such as the vetting process conducted by the Office of the Governor office prior to appointment, the Legislature's advise and consent process, as well as the statutory prohibitions set forth in HRS section 84-14.

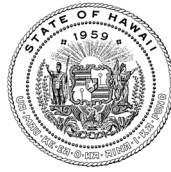
If this bill is intended to address specific perceived problems, the Department respectfully suggests limiting the restriction on state employment to those specific circumstances or to specific boards or commissions, rather than section 5's broad prohibition. Also, if a board or commission member becomes employed with the State while serving on a board, the Department would appreciate having some latitude in addressing possible quorum issues in a manner that does not preclude the board or commission from doing its work.

For these reasons, the Department urges the Committee to narrowly tailor its amendments in sections 5 and 31 to address the Legislature's specific concerns giving rise to this measure.

Thank you for the opportunity to testify on this bill.

¹ Hawaii Revised Statutes (HRS) section 448H-3 requires the director of labor and industrial relations (DLIR), or the director's designee who is an employee of the DLIR and has expertise in elevator and escalator installation and maintenance, to serve as a member of the Elevator Mechanics Licensing Board. Likewise, HRS section 463-2 requires the DCCA director, or a designated representative, to serve as an ex officio nonvoting seventh member of the Board of Private Detectives and Guards.

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
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ADMINISTRATOR
DEREK M. MIZUNO

ASSISTANT ADMINISTRATOR
DONNA A. TONAKI

TESTIMONY BY DEREK MIZUNO
ADMINISTRATOR, HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
DEPARTMENT OF BUDGET AND FINANCE
STATE OF HAWAII
TO THE HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS
ON HOUSE BILL NO. 1200

March 3, 2021
2:00 p.m.
Via Videoconference Conference Room 325

RELATING TO GOVERNMENT

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

The Hawaii Employer-Union Health Benefits Trust Fund (EUTF) Board of Trustees opposes the portion of the bill that prohibits officers and employees of the State from serving on the EUTF Board. The EUTF has benefited from the insight provided by Department Directors and Deputy Directors, and staff on such matters as the State budget and member health impact. Most EUTF Board decisions regarding the health plan benefits come down to cost and member health.

Thank you for the opportunity to testify.

EUTF's Mission: We care for the health and well being of our beneficiaries by striving to provide quality benefit plans that are affordable, reliable, and meet their changing needs. We provide informed service that is excellent, courteous, and compassionate.

City Financial Tower, 201 Merchant Street, Suite 1700, Honolulu, Hawaii 96813



HAWAII

STATE FOUNDATION on
CULTURE and the ARTS

No. 1 Capitol District Building
250 South Hotel Street
Second Floor
Honolulu, HI 96813

Governor
David Y. Ige

Comptroller
Curt T. Otaguro

Chairperson
Lloyd I. Unebasami

Commissioners
Susan Browne
Nalani Brun
Jane Clement
Ronald Michioka
Karen Tiller Polivka
Clyde Sakamoto
Sherman Warner
Allison Wong

Executive Director
Jonathan Johnson

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**ON CULTURE AND THE ARTS
TO THE HOUSE COMMITTEE ON
JUDICIARY & HAWAIIAN AFFAIRS
Wednesday, March 3, 2021, 2:00 p.m. CR 325
H. B. 1200**

RELATING TO GOVERNMENT OPERATION AND POLICY

Chair Mark M. Nakashima and members of the Committee, I am Jonathan Johnson, Executive Director of the State Foundation on Culture and the Arts (SFCA), and grateful for the opportunity to testify with **COMMENTS** regarding H.B. 1200.

The language in H.B. 1200 prohibiting the appointment of state officers and employees to boards and commissions unless otherwise provided, will have unintentional consequences to the diversity, expertise and qualifications that are currently desired and reflected in SFCA's Board of Commissioners.

The State is one of the largest employers in our community and by limiting Board appointment to anyone who is not employed by the State, could potentially have significant equity and age discrimination repercussions since we would be relying heavily on a pool of individuals who are either unemployed or retired. In an island community that is already small, this measure would truly limit our selection of qualified individuals.

The State Foundation on Culture and the Arts works diligently to identify individuals within our island community that are actively involved and who have significant relevant experience. SFCA Board policies and the Ethics Commission have been established to address any conflict of interest brought forward. The limitations imposed within H.B. 1200 would impact the SFCA Commissioners in making informed decisions.

Thank you for the opportunity to testify on this matter.

DAVID Y. IGE
GOVERNOR



CRAIG K. HIRAI
DIRECTOR

ROBERT YU
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
P.O. BOX 150
HONOLULU, HAWAII 96810-0150

ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

WRITTEN ONLY
TESTIMONY BY CRAIG K. HIRAI
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS
ON
HOUSE BILL NO. 1200

March 3, 2021
2:00 p.m.
Via Videoconference

RELATING TO GOVERNMENT

The Department of Budget and Finance (B&F) opposes House Bill (H.B.) No. 1200.

H.B. No. 1200 prohibits the appointment of State officers and employees to certain boards and commissions, including the Board of Trustees of the Employer-Union Health Benefits Trust Fund (EUTF).

The EUTF Board was established to administer the provision of active employee and retiree health benefits for State and county employees and retirees and their beneficiaries. As such, it is set up with five members representing employees and retirees and five members representing public employers. Currently, Directors, Deputy Directors and senior State civil servants sit on the EUTF Board as representatives for public employers, and professional staff from the various employee unions sit as representatives for employees and retirees.

Prohibiting State officers and employees from sitting on the EUTF Board will negate the design of the EUTF's governance structure where there is an equal balance

of employer and employee interests in decision making. Given the significant costs involved to provide active employee and retiree health benefits, it is imperative that public employers have direct representation on the EUTF Board. Having so called "public members" represent public employer interests would be a poor substitute and would more than likely lead to an expansion in benefits and, therefore, costs in the future.

Consequently, B&F opposes H.B. No. 1200.

Thank you for your consideration of our comments.

DAVID Y. IGE
GOVERNOR



BONNIE KAHAKUI
ACTING ADMINISTRATOR

STATE OF HAWAII
STATE PROCUREMENT OFFICE

P.O. Box 119
Honolulu, Hawaii 96810-0119
Tel: (808) 586-0554
email: state.procurement.office@hawaii.gov
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TESTIMONY
OF
BONNIE KAHAKUI, ACTING ADMINISTRATOR
STATE PROCUREMENT OFFICE

TO THE HOUSE COMMITTEE
ON
JUDICIARY AND HAWAIIAN AFFAIRS
March 3, 2021, 2:00 pm

HOUSE BILL 1200
RELATING TO GOVERNMENT

Chair Nakashima, Vice Chair Matayoshi, and members of the committee, thank you for the opportunity to submit testimony on HB1200. The State Procurement Office (SPO) provides the following comments:

1) Section 10 (page 8, Lines 13-21) of HB1200 affects Section 103F-202, Hawaii Revised Statutes (HRS), the Community Council on Purchase of Health and Human Services. Currently, House Bill 882, HD1, Relating to Procurement, and Senate Bill 1036, SD1, Relating to Procurement, are moving through the 2021 Legislative Session. Both bills contain language to repeal Section 103F-202, HRS. If either bill is passed, Section 10 of HB1200 would be moot and that language would have to be removed or repealed.

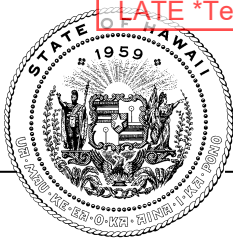
2) HB1200 does not include language prohibiting the appointment of state officers and employees to the nominating committees for various boards and commissions. Does the scope of the bill need to be expanded to those nominating committees?

Thank you.

Bill Number
Committee
Date of Hearing
Page 2

((CONTINUATION OF TESTIMONY))

Bill Number
Committee
Date of Hearing
Page 2



OFFICE OF PLANNING STATE OF HAWAII

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

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DAVID Y. IGE
GOVERNOR

MARY ALICE EVANS
DIRECTOR
OFFICE OF PLANNING

Statement of
MARY ALICE EVANS
Director, Office of Planning
before the
HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS
Wednesday, March 3, 2021
2:00 PM
State Capitol

in consideration of
HB 1200
RELATING TO GOVERNMENT.

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

The Office of Planning (OP) **opposes** HB 1200. This bill seeks to prohibit the appointment of state officers and employees to boards and commissions unless otherwise provided.

Engaging multiple perspectives from state employees to share their broad and diverse experiences within government while serving on various boards and commissions provides comprehensive and holistic engagement in the advising of statewide policies, planning, and initiatives.

The Office of Planning specifically opposes section 13 of the bill seeks to amend Hawai'i Revised Statutes §226-55, the advisory committees updating the Hawai'i State Planning Act's functional plans, by removing state employees from serving on the respective functional plans' advisory committee.

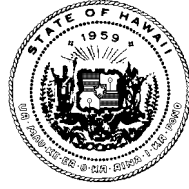
- The Office of Planning requests the added language found on lines 5-6 on page 11 be deleted.

Removing state employees from serving on the advisory committees of state functional plans will exclude the intention and opportunity of well-informed, comprehensive, and holistic planning guidance provided by other affiliated agencies impacted by the update of the functional plan.

Since the Functional plans set forth the policies, statewide guidelines, and priorities within a specific field of activity, when such activity or program is proposed, administered, or funded by any agency of the state.

The Office of Planning looks forward to future updates of these functional plans in upcoming years when there is more availability in the state's general fund to finance these important updates.

DAVID Y. IGE
GOVERNOR



CATHY BETTS
DIRECTOR

JOSEPH CAMPOS II
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES

P. O. Box 339
Honolulu, Hawaii 96809-0339

March 2, 2021

TO: The Honorable Representative Mark M. Nakashima, Chair
House Committee on Judiciary & Hawaiian Affairs

FROM: Cathy Betts, Director

SUBJECT: **HB 1200 – RELATING TO GOVERNMENT.**

Hearing: March 3, 2021, 2:00 p.m.
Via Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) requests clarification, provides comments, and suggests an amendment. DHS appreciates points raised in the testimony of the Department of Commerce and Consumer Affairs.

PURPOSE: The purpose of the bill prohibits the appointment of state officers and employees to boards and commissions unless otherwise provided.

DHS requests clarification of the purpose and intent of the measure and the activities the Legislature is trying to address. If the concern is one of conflict of interest, similar conflicts are likely to exist amongst the other non-government board or commission members. Processes exist for potential conflicts of interests to be identified and disclosures to be made.

Prohibiting State employees from participating on boards and commissions would likely impact the ability to fill vacant positions and further delay the work that boards and commissions were established to address.

State employees bring public sector insight, experience, and subject matter expertise to the many boards, commissions, caucuses, task forces, councils, and other advisory bodies, whether established in statute or not. Participation by the public sector workforce on policy or

decision making boards, commissions or other advisory bodies, should be encouraged as crafting solutions to important issues impacting communities most often requires cross-sector, cross-branch, public, private, and community collaboration and dialogue.

Without participation by State employees with relevant experience and expertise, implementation of proposed solutions or changes in policy, are often very difficult to implement and execute by the public agency or agencies as underlying assumptions were incorrect or existing conditions were not considered by the decision making group. When situations like these happen, these experiences are the ultimate disconnect between the public and government agencies as participants in the process interpret the government as being ineffectual.

If the measure proceeds, DHS respectfully suggests an amendment for clarity and consistency to the proposed language in SECTION 5, to read,

"Unless otherwise provided by law, no member appointed shall be an officer or employee of the State."

The prohibition against State employee participation is particularly overly broad and troublesome in SECTION 23, related to the Hawaii early intervention coordinating council. State employees who are also "parents of infants or toddlers with special needs, or children with special needs aged twelve years or younger, with knowledge of, or experience with, programs for infants and toddlers with special needs," would not be able to participate on the council by virtue of their employment with the State. Again, participation by interested and motivated individuals, irrespective of their employment, should be encouraged.

Regarding SECTION 28, the proposed (c) is unclear and illogical. Section 350B-4, HRS, describes the membership of the Hawaii children's trust fund advisory board, which make the final recommendations to the Hawaii Community Foundation for the expenditure of funds for the following activities:

- (1) Grantmaking with private nonprofit organizations, public agencies, or qualified individuals to provide community-based services and education designed to strengthen families to prevent child abuse and neglect;
- (2) Grantmaking to raise community awareness of the trust fund; and
- (3) Administration of the trust fund.

As written, the proposed (c) is confusing and subject to illogical interpretation. There are no other nominations in the section other than those nominations in (b); consequently, the proposed (c) has no effect. Or, another interpretation is that (c) applies to the selection of the Hawaii Community Foundation under (b)(1) and or the Governor's 3 nominees under (b)(2). If this is the interpretation, then neither the Hawaii Community Foundation or the Governor could nominate any one to the Board who has subject matter expertise on family strengthening, child abuse and neglect prevention, communication, or trust management who are employees of the State, including subject matter experts from the University of Hawaii, the Department of Budget & Finance, the Department of Human Services, Office of Youth Services, or the Judiciary. This interpretation would clearly prevent the qualified and willing who are State employees from contributing their knowledge and expertise to the advisory board.

SECTION 29 prohibits any member of the Youth Commission to be a State employee and is extremely limiting and shortsighted given what the Legislature has tasked the Youth Commission to do. Per section 352D-11(b), HRS, the Commission shall:

- (1) Respond to requests for comment and recommendation on matters referred to it by the governor or legislature;
- (2) Conduct research and community outreach regarding the needs of the youth of Hawaii, **including but not limited to increasing youth participation in government and public policy**;(emphasis added)
- (3) Make recommendations addressing the concerns and needs of the youth of Hawaii; and
- (4) Report to the governor and legislature the activities, goals, and accomplishments of the commission by July 1 of each calendar year beginning on July 1, 2019.

The proposed prohibition would limit participation of all interested and motivated youth ages fourteen through twenty-four even if they had part-time or entry level State employment, such as legislative session staff, or University of Hawaii students who also work on campus or have other State employment, from becoming commissioners and participating in government and public policy, the very activities the Youth Commission is tasked to address.

Thank you for the opportunity to provide comments on this measure.



**WRITTEN TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY-FIRST LEGISLATURE, 2021**

ON THE FOLLOWING MEASURE:

H.B. NO. 1200, RELATING TO GOVERNMENT.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

DATE: Wednesday, March 3, 2021 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Via Videoconference , Room 325

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**
(For more information, contact Bryan Yee,
Deputy Attorney General, at 586-1180)

Chair Nakashima and Members of the Committee:

The Department of the Attorney General makes the following comments.

The purpose of this bill is to prohibit the appointment of state officers and employees to boards and commissions, unless otherwise provided.

The bill amends the specific provisions for thirty-one different boards and section 26-34, Hawaii Revised Statutes (HRS), to prohibit the appointment of any member to the relevant board or commission who is an officer or employee of the State, other than ex officio members or other members specifically identified in the statutes.

The bill contains an ambiguity because section 26-34, HRS, applies to most, but not all boards and commissions. To avoid confusion, the Department recommends the bill only list those additional boards and commissions to which section 26-34, HRS, does not apply. For example, section 11 of this bill amends section 163D-3, HRS, to prohibit officers or employees of the State from being members of the Agribusiness Development Corporation (ADC). See page 9, line 1, through page 10, line 6. But members of the ADC are subject to Senate confirmation under section 26-34, HRS. Section 11 of this bill, therefore, is unnecessary and creates an ambiguity because the provisions are redundant and because there are other boards subject to section 26-34, HRS, that are not included in this bill.

There is also an ambiguity in this bill involving reappointment where board and commission members are officers (and sometimes employees) of the State by virtue of

their board membership. This bill should clarify that the prohibition does not apply to reappointment where the only disqualifying factor is the individual's status as a board or commission member.

We would be happy to provide assistance with wording upon request.

Thank you for the opportunity to testify.



Phone: (808) 587-5717
Fax: (808) 587-5734

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
OFFICE OF YOUTH SERVICES
1010 Richards Street, Suite 314
Honolulu, Hawaii 96813

March 3, 2021

TO: The Honorable Representative Mark M. Nakashima, Chair
House Committee on Judiciary & Hawaiian Affairs

FROM: Bruce Shimoda, Executive Director

SUBJECT: HB 1200 – RELATING TO GOVERNMENT

Hearing: Wednesday, March 3, 2021, 2:00 p.m.
Via Video Conference, State Capitol

OFFICE'S POSITION: Office of Youth Services (OYS) respectfully requests clarification and provides comments and suggests amendments.

PURPOSE: The purpose of this bill is that it prohibits the appointment of state officers and employees to boards and commissions unless otherwise prohibited.

The Office of Youth Services oversees the Youth Commission in carrying out its duties under section 352D-11(b), HRS:

- (1) Respond to request for comment and recommendation on matters referred to it by the governor or legislature;
- (2) Conduct research and community outreach regarding the needs of the youth of Hawaii, including but not limited to increasing youth participation in government and public policy;
- (3) Make recommendations addressing the concerns and needs of the youth of Hawaii; and
- (4) Report to the governor and legislature the activities, goals, and accomplishments of the commission by July 1 of each calendar year beginning on July 1, 2019.

The Honorable Representative Mark M. Nakashima, Chair

March 3, 2021

Page **2** of **2**

The limitation of SECTION 29 prohibits any member of the Youth Commission to be a State employee from serving, limiting participation of interested and motivated youth in leading change, who work in State employment. The purpose of the Youth Commission is to expose our youth to government and public policy processes and to develop young leaders who will effect positive changes towards a brighter future. Limiting participation of youth who already serve in government lacks foresight and limits both government and commissions in carrying out their duties. The OYS respectfully requests additional language that allows State employees to serve, unless otherwise prohibited by law.

Thank you for the opportunity to present this testimony.



Testimony on behalf of the
Hawai‘i State Youth Commission

COMMENTS ON HB1200
March 3, 2021

To: The Honorable Mark M. Nakashima, Chair
The Honorable Scot Z. Matayoshi, Vice Chair
Members of the Judiciary & Hawaiian Affairs Committee

From: Mallory Go, Secretary
Lauren Yamaguchi, Chair
And Commissioners of the Hawai‘i State Youth Commission

We speak on behalf of the Hawai‘i State Youth Commission (HiYC) in expressing the following **comments** on HB1200. HiYC was formed to “advise the governor and legislature on the effects of legislative policies, needs, assessments, priorities, programs, and budgets concerning the youth” [§352D-11] of Hawai‘i. The 15 Youth Commission members are appointed by the Governor, the Senate President, and the Speaker of the House.

Section 29 of HB1200 would prohibit the appointment of officers and employees of the State to the Hawai‘i State Youth Commission. While the HiYC understands the intent of this measure, we firmly believe that Section 29 would negatively affect the diversity and mission of our commission.

The Hawai‘i State Youth Commission prides itself on its diversity of members. Together, our members, ages 14-24, come from the islands of Kauai, Oahu, Lanai, Molokai, Maui, and the Island of Hawai‘i. We represent various socio-economic, cultural, and educational backgrounds. This diversity furthers the purpose of our commission, which is to engage in public-policy advocacy through a commitment to inclusivity, opportunity, and progress in Hawai‘i.

It is vital to maintain the diversity and insight that would come from members who are employees of the State. The passage of Section 29 of HB1200 would *prohibit* the membership of Legislative Aides (while allowing lobbyists), DOE educators (while allowing private schools workers) and DLIR Unemployment Claims workers (while allowing independently wealthy individuals). Our goal of encouraging policy change through a commitment to inclusivity would be incomplete with the membership restriction proposed in HB1200.

For these reasons, the HiYC respectfully requests additional language to Section 29 that would allow State employees to serve on the Hawai'i Youth Commission.

Thank you for the opportunity to testify on this critical measure.

Mahalo nui loa,

Mallory Go
Lauren Yamaguchi



**HOUSE OF REPRESENTATIVES
THE THIRTY-FIRST LEGISLATURE
REGULAR SESSION OF 2021**

COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

Representative Mark Nakashima, Chair
Representative Scot Matayoshi, Vice Chair

Wednesday, March 3, 2021, 2:00 PM
Conference Room 325 and Via Videoconference

Re: Testimony in Opposition of HB1200 - RELATING TO GOVERNMENT

Chair Nakashima, Vice Chair Matayoshi, and Members of the Committee on Judiciary and Hawaiian Affairs:

The United Public Workers, AFSCME Local 646, AFL-CIO ("UPW") is the exclusive bargaining representative for approximately 14,000 public employees, which includes blue collar, non-supervisory employees in Bargaining Unit 1 and institutional, health, and correctional employees in Bargaining Unit 10, in the State of Hawaii and various counties. The UPW also represents 1,500 members in the private sector.

UPW **has concerns with** HB1200 which prohibits the appointment of state officers and employees to boards and commissions unless otherwise provided. Last year, Governor David Ige vetoed legislation that he felt would have put additional restrictions on volunteer boards and commission members, which have already been difficult to recruit and fill vacant positions. The proposals in HB1200 would create additional obstacles for these vacancies and could discourage state officers and employees from engaging or volunteering to serve in a public capacity moving forward. Our members pride themselves on being community oriented and seek out opportunities to give back to the state beyond their jobs.

Thank you for the opportunity to submit this testimony.

UNITED PUBLIC WORKERS
AFSCME Local 646, AFL-CIO





HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Thirty-First Legislature, State of Hawaii
House of Representatives
Committee on Judiciary and Hawaiian Affairs

Testimony by
Hawaii Government Employees Association

March 3, 2021

H.B. 1200 – RELATING TO GOVERNMENT

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO would like to provide comments on the intent of H.B. 1200 which prohibits the appointment of state officers and employees to boards and commissions.

H.B. 1200 creates broad prohibitions for state officers and employees to serve on a wide variety of boards and commissions, including all appointments that require Senate confirmation, the Tax Review Commission, Native Hawaiian Roll Commission, and the State Highway and Safety Council, among many, many others. We represent over 28,500 active bargaining employees across the state and counties, each who possess varying levels of work-related, subject-matter and community-focused, personal-interest expertise on a wide range of topics. It is clear to us that there is a severe shortage of qualified and/or interested candidates who are willing to serve on a wide range of boards and commissions, as the Governor's Office alone currently lists several hundred vacancies. Therefore, we respectfully support legislation that makes it less restrictive to fill vacancies and makes it easier for our community to participate, regardless of their place of employment.

While it may be appropriate to exempt some state employees from specific Boards in which the Board has authority over bargaining issues such as the Board of Education or the Hawaii Health Systems Corporation, these exclusions should be addressed on a case-by-case basis or via individual rulings on conflict of interest and not by a blanket statutory prohibition.

Thank you for the opportunity to provide comments on H.B. 1200.

Respectfully submitted,

Randy Perreira
Executive Director



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HB1200

RELATING TO GOVERNMENT

HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

March 3, 2021

2:00 p.m.

Conference Room 325

Aloha e Committee Chair Nakashima, Vice Chair Matayoshi, and Members,

The Native Hawaiian Legal Corporation (NHLC) **OPPOSES HB1200** on the grounds that it proposes an unnecessary and unsolicited amendment with sweeping effects that would prevent otherwise qualified officers and employees of the State from serving on various boards and commissions that would benefit from their subject matter expertise and experience.

Additionally, preventing officers and employees of the State from serving on boards and commissions necessarily limits the pool of qualified applicants and is more likely to result in the stacking of such boards and commissions with commercial and business industry-types while penalizing those who have chosen careers in public service and/or state government. The public interest is not better served by imposing these arbitrary distinctions.

Officers and employees of the State are as capable as anyone to separate their personal and professional responsibilities. All appointees must avoid conflicts, comply with ethics requirements, etc.---there's nothing exceptional about such requirements. Nor does serving in this dual capacity automatically give rise to incurable conflicts of interest. As it stands, all board members and commissioners are presumed to disclose their conflicts if and when appropriate to do so.

In sum, HB 1200 serves only to limit the number of qualified applicants for volunteer positions with enormous kuleana. Who better than government employees understand the value of public service?

For all the above stated reasons, NHLC **opposes House Bill No. 1200**. Mahalo nui for this opportunity to testify.

Summer L. H. Sylva

Executive Director
Native Hawaiian Legal Corporation

HB-1200

Submitted on: 3/2/2021 2:02:29 PM

Testimony for JHA on 3/3/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Amy Hammond	King Kamehameha Celebration Commission	Comments	No

Comments:

Chair and members of the committee, thank you for the opportunity to submit comment on HB1200.

The King Kamehameha Celebration Commission would like to submit comment on this measure noting that we are hopeful the committee takes into consideration the challenges Boards and Commissions may currently have in securing volunteer members. Some of the language in this measure may unintentionally further limit that ability to fill seats with volunteers by imposing additional restrictions that members may not be State employees..

Mahalo,

Amy Hammond
Executive Director
King Kamehameha Celebration Commission

HB-1200

Submitted on: 3/2/2021 3:09:52 PM

Testimony for JHA on 3/3/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Margaret Williams	Hawaii Institute of Hair Design	Oppose	No

Comments:

Aloha Honorable Representatives:

All of the employees at Hawaii institute of Hair Design are licensed under the Board of Barbering and Cosmetology. **It is very difficult for many boards to find volunteers to take on the duties of the board members.** Educators employed by the state make really good board members. Our industries need them to continue to volunteer.

Most of this bill looks really good, but please ammend this bill to allow employees of the state to become members on the boards governing businesses at DCCA. The Boards need every volunteer that is willing to join. (If possible, add a few years of sevice for board members too, 4 years go too quickly.)

Thank you for your consideration.

COMMUNITY ALLIANCE ON PRISONS

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COMMITTEE ON JUDICIARY

Rep. Mark Nakashima, Chair

Rep. Scot Matayoshi, Vice Chair

Wednesday, March 3, 2021

2:00 p.m.

STRONG OPPOSITION TO HB 1200 - SECTION 30 HAWAII SYSTEMS CORRECTIONAL OVERSIGHT COMMISSION

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

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai'i for more than two decades. This testimony is respectfully offered on behalf of the more than 4,100 Hawai'i individuals living behind bars or under the "care and custody" of the Department of Public Safety on any given day. We are always mindful that 1,000 of Hawai'i's imprisoned people are serving their sentences abroad thousands of miles away from their loved ones, their homes and, for the disproportionate number of Kanaka Maoli, far, far from their ancestral lands.

Community Alliance on Prisons has been so disappointed that the legislature has not supported the Hawai'i Systems Correctional Oversight Commission that you established by passing HB 1552, that became Act 179 (2019). This was the ONLY recommendation of the HCR 85 Correctional Reform Task Force that was considered by the legislature.

We are only testifying on Section 30, because that is the Commission with which we are most familiar, participating in their monthly meetings where community engagement is encouraged and appreciated. There are a whole cadre of community folks who participate every month. We support oversight in light of the numerous problems at the department, especially regarding the pandemic, which is why the Commission has been tasked to set capacities at Hawai'i's jails and prisons, along with other responsibilities. They submitted a report setting emergency capacities at all Hawai'i facilities.

We implore you to and respect the work of the five volunteer members of the Hawai'i Systems Correctional Oversight Commission who have been working diligently to fulfill the mission that you set for them. **We respectfully ask that you defer this bill.**

Mahalo for this opportunity to share our concerns.

HB-1200

Submitted on: 3/2/2021 6:19:31 PM

Testimony for JHA on 3/3/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lorenn Walker	Hawai'i Friends of Restorative Justice	Comments	No

Comments:

Mahalo for your public service. Please support the Hawai'i Correctional System Oversight Commission as it is and hold this bill in your committee.

Please feel free to contact me if you have any questions about this testimony 808 218 3712 and lorenn@hawaiiifriends.org.

Aloha, Lorenn Walker, JD MPH

Director, Hawai'i Friends of Restorative Justice

HB-1200

Submitted on: 3/2/2021 11:48:54 AM

Testimony for JHA on 3/3/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Bianca Isaki	Individual	Oppose	No

Comments:

Aloha Committee Members,

I am a resident of Kane`ohe and wholly oppose HB1200. Many state workers are the most civic-minded amongst us. They have much to contribute to our boards and commissions. People who want to work for the good of the state should also be permitted to make decisions about the state.

Sincerely,

Bianca Isaki

HB-1200

Submitted on: 3/2/2021 12:54:46 PM

Testimony for JHA on 3/3/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dennis L. Neves	Individual	Oppose	No

Comments:

Restricting employees being appointed to commissions reduces the pool of persons with skills and or committment to serve. Possible conflicts of interest may be subject to appointment by the confirming entity.

Does this include Chairpersons appointed by the Governor? This changes the complex of some commissions such as the Hawaiian Homes Commission.

HB-1200

Submitted on: 3/2/2021 4:08:51 PM

Testimony for JHA on 3/3/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Carolyn Eaton	Individual	Oppose	No

Comments:

Aloha, my name is Carolyn Eaton and I am an Oahu voter. I strongly oppose the changes to the status of the Hawaii Correctional Oversight Commission this measure envisions. Every Hawaii voter should be proud of the work the young Commission has accomplished in its brief unfunded existence. I have followed its deliberations and have been fascinated by the public testimony it has received. Its work should be a model for other arms of the State in its openness and dedication. The public wants to be able to affect government policy and this Commission is a vital organ of such access.

HB-1200

Submitted on: 3/2/2021 6:26:05 PM

Testimony for JHA on 3/3/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Courtney Mrowczynski	Individual	Oppose	No

Comments:

I strongly **OPPOSE** HB1200 because it further impedes the Hawai`i Correctional System Oversight Commission, which is noted in Section 30 of the bill on page 33. The Hawai`i Correctional System Oversight Commission is essential and I oppose this bill for the following reasons:

- The Commission was established and appropriated funds in Act 179 (2019), along with the Criminal Justice Research Institute (which was funded).
- The Governor NEVER released the funds for the Oversight Commission.
- The Oversight Commission submitted a 136-page Annual Report; in contrast, the funded Criminal Justice Research Institute submitted a 2-page Annual Report.
- The Oversight Commission is unique in that they not only invite community participation – they encourage it.
- Please acknowledge the work that the Hawai`i Oversight Commission has done over the past year, meeting every month despite the barriers constantly placed before them.

HB-1200

Submitted on: 3/2/2021 10:16:13 PM

Testimony for JHA on 3/3/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Rick Warshauer	Individual	Oppose	No

Comments:

Please kill this bill. It's sole purpose is to disenfranchise state employees from serving on boards, commissions or other noted positions from contributing to our democratic process. Very often it is these employess who have significant insight and input that makes them valuable voices to be heard in these extra-vocational positions. Our state government od far too ingrown and top-dominated as it is. Kill the bill.

HB-1200

Submitted on: 3/2/2021 11:30:45 PM

Testimony for JHA on 3/3/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Diana Bethel	Individual	Oppose	No

Comments:

I am writing in strong opposition to HB1200 which would endanger the Hawaii Correctional Systems Oversight Commission and its important work to improve our criminal justice system.

The Oversight Commission was created by Act 179 in 2019 and funds were appropriated to enable it to function. But the Governor never released the funds. Even so, the Commission has been meeting since its inception to address its mandate of improving the Hawaii criminal justice system in spite of the Governor's and legislators' roadblocks and refusal to acknowledge its efforts and recommendations.

The effect of HB1200 as regards to the Hawaii Correctional Systems Oversight Commission is to maintain the status quo and inhibit efforts to implement much-needed reforms to our criminal justice system. The continued planning for construction of the overly expensive and unnecessarily large new prison is another indication that there is no desire to assess the real needs of the criminal justice community.

HB1200 is a direct attack on the Oversight Commission and a brazen attempt to silence it. Please oppose HB1200 in its current form or remove mention of the Oversight Commission from the bill.

Mahalo for your consideration.

Diana Bethel, Honolulu

March 2, 2021

TO: The Honorable Representative Mark Nakashima, Chair
House Committee on Judiciary & Hawaiian Affairs

The Honorable Representative Scot Matayoshi, Vice-Chair
House Committee on Judiciary & Hawaiian Affairs

FROM: Dr. Suzanne Zeng
Retired Assistant Professor

SUBJECT: OPPOSE HB1200– RELATING TO GOVERNMENT.

Hearing: Wednesday, March 3, 2021 at 2:00 PM

My name is Suzanne Zeng. I am currently retired from 30 years as a teacher and researcher at the University of Hawaii, and I was appointed by the Governor to be on the Language Access Advisory Council to the Office of Language Access. I am submitting this testimony in my personal capacity in **opposition to** HB 1200.

As someone who was appointed to be on a Board and Commission, I do not take my appointment lightly. My particular seat fulfills the requirement written into the 2006 statute to have someone “representing an accredited institution of higher learning who provides professional training in interpretation and translation.” Only the University of Hawaii’s Center for Interpretation and Translation Studies offers professional training in interpretation and translation of spoken languages, and Kapiolani Community College offers American Sign language interpreter training. I and my colleagues are employees of the state of Hawaii. The Office of Language Access was established to assist the various agencies across the state in understanding their obligation and the resources available for them to serve their limited English proficient population. Written into the Language Access law are other Advisory Council members that are state employees from various sectors, as well as non-profit representatives, various ethnic representatives and others. We have a representative from the Dept of Human Services and another from the Office of Civil Rights. Whether or not they are state employees should not matter in their advisory role. We have a great team of advisors from across the state, including the outer islands, and that is how we know what is happening in terms of Language Access in every sector on all islands.

I am very much opposed to HB 1200, and I hope you will see that this bill serves to hurt boards and commissions such as the one I am on. There are other ways to fix the issues this bill was designed for, but if HB1200 passes, it will only serve to complicate and break apart Boards such as the one I am on, going against the very law that established the representatives to begin with. The law that established our board was well thought out and this law does not take that into consideration. Non-experts will serve on Boards and guide them down wrong paths based on false information. Some boards require expertise, so why limit the number of terms they serve as well?

Thank you for considering these reasons for opposing House Bill 1200.

Suzanne Zeng

HB-1200

Submitted on: 3/3/2021 6:22:11 AM

Testimony for JHA on 3/3/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Chris Santomauro	Individual	Oppose	No

Comments:

I oppose this bill and support the Hawaii Correctional Oversight Commission. Reasons why:

The Commission was established and appropriated funds in Act 179 (2019) along with the Criminal Justice Research Institute (which was funded)

- The Governor never released the funds for the Oversight Commission
- The Oversight Commission submitted a 136-page Annual Report; in contrast the funded Criminal Justice Research Institute submitted a 2-page Annual Report
- The Oversight Commission is unique in that they not only invite community participation – they encourage it
- Hawai`i Oversight Commission has met every month in the past year despite the barriers constantly placed before them
- Please support the HAWAI`I CORRECTIONAL SYSTEM OVERSIGHT COMMISSION

March 3, 2021

From: Chet Okayama

Bill: HB 1200 – Relating to Government

Hearing: March 3, 2021, 2pm

HB 1200: To address the current Hawaii State Youth Commission Act that prohibits the appointment of state employees to become HiYC commissioners.

I understand that the Hawaii State Youth Commission (HiYC) was formed to engage and empower youth to articulate their voices and perspectives to the Governor and Legislature on legislative policies, programs, and budgets concerning youth of Hawaii.

The limitation of Section 29 is that it prohibits any member of HIYC from also working as a state employee.

For example, a youth who works for a legislator as an aid through the legislative session currently cannot be on HiYC—though that could be a natural progression for a future career. Furthermore, ANY state employee could not be on HiYC and that seems very limiting in today's new-normal world with so many unemployed in Hawaii and with so very few jobs for youth and young adults.

Thank you very much for taking the time to consider this testimony.

With aloha,

Chet Okayama

HB-1200

Submitted on: 3/3/2021 11:45:42 AM

Testimony for JHA on 3/3/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Luanna Peterson	Individual	Support	No

Comments:

March 3, 2021

From: Luanna Peterson

Bill: HB 1200 – Relating to Government

Hearing: March 3, 2021, 2pm

HB 1200: To address the current Hawaii State Youth Commission Act that prohibits the appointment of state employees to become HiYC commissioners.

I understand that the Hawaii State Youth Commission (HiYC) was formed to engage and empower youth to articulate their voices and perspectives to the Governor and Legislature on legislative policies, programs, and budgets concerning youth of Hawaii.

The limitation of Section 29 prohibits any member of HIYC from also working as a state employee. This would not allow for youth/young adults to work for the state and also be a commissioner with HiYC.

For example, a youth who works for a legislator as an assistant or aid through the legislative session currently cannot be on HiYC—though that could be a natural progression for a future career.

Furthermore, ANY state employee could not be on HiYC and that seems very limiting in today's real world with so very few jobs for youth and young adults.

Thank you very much for taking the time to consider this testimony.

Mahalo,

Luanna Peterson

HB-1200

Submitted on: 3/3/2021 11:57:08 AM

Testimony for JHA on 3/3/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jodi Ann Nakaoka	Individual	Oppose	No

Comments:

As an employee of Kapiolani Community College, this bill would make me ineligible to sit on the Rad Tech Board for which I am currently a member. I believe this amendment would adversely affect the recruitment for all Boards and Commissions. One of our responsibilities as an educator in the community college system is to provide service to our community, and this amendment would eliminate this opportunity to those of us who are willing to serve. Thank you for your consideration.