



HAWAI'I STATE ETHICS COMMISSION

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

Committee: Senate Committee on Labor, Culture and the Arts
Bill Number: S.B. 2138
Hearing Date/Time: February 11, 2022, 3:15 p.m.
Re: Testimony of the Hawai'i State Ethics Commission **SUPPORTING**
S.B. 2138, Relating to State Employees with a **PROPOSED**
AMENDMENT

Aloha Chair Taniguchi, Vice Ihara, and Committee Members:

The Hawai'i State Ethics Commission ("Commission") supports SB 2138, which defines the term "intern" and codifies the applicability of the Hawaii State Code of Ethics, Haw. Rev. Stat. Chapter 84, to interns working for the state.

The Commission previously determined that interns – whether a student or an individual on loan from a private company -- are employees within the definition of the State Ethics Code.¹ As such, they are prohibited from taking official action regarding any company or organization they work for (Haw. Rev. Stat. § 84-14(a)), divulging confidential information (Haw. Rev. Stat. § 84-12), and using state resources for private business purposes or preferential treatment (Haw. Rev. Stat. § 84-13)). Further, interns are *not* be required to disclose financial interests because this requirement only applies to "permanent" employees of the Legislature. Nor would they be barred from post-employment work opportunities if their internship lasts less than 180 days.

The Commission supports S.B. 2138 to the extent it codifies past decisions by the Commission and helps ensure future interns are aware of the applicable standards.

With respect to page 1, lines 14-15, however, the Commission worries that any person who works for a fixed period longer than decided by this Legislature may evade the statutory definition of "intern." The Commission proposes removing this language or, in the alternative, stating no intern may work for the state longer than 180 days (and thus avoid triggering post-employment restrictions).

Thank you for your continuing support of the Ethics Commission's work and for considering its testimony on S.B. 2138.

Very truly yours,

/S/ Robert D. Harris
Robert D. Harris
Executive Director and General Counsel

¹ See, e.g., Advisory Opinion No. 2006-1 (available at <https://files.hawaii.gov/ethics/advice/AO2006-1.pdf>).