STAND. COM. REP. NO. 1749

RE: H.R. No. 242

H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fifth State Legislature Regular Session of 2009 State of Hawaii

Sir:

Your Committee on Legislative Management, to which was referred H.R. No. 242 entitled:

"HOUSE RESOLUTION URGING THE MEMBERS OF THE HOUSE OF REPRESENTATIVES TO SUPPORT AMENDMENTS TO THE HOUSE OF REPRESENTATIVES RULES AND ADMINISTRATIVE AND FINANCIAL MANUAL TO IMPOSE A DUTY OF A MEMBER TO DISCOURAGE PERMANENT AND SESSION EMPLOYEES OF THE HOUSE OF REPRESENTATIVES FROM TESTIFYING BEFORE THE LEGISLATURE,"

begs leave to report as follows:

The purpose of this resolution is to request that amendments to the House of Representatives Rules and Administrative and Financial Manual impose a duty upon members to ensure their permanent and session legislative employees are engaging in practices that are not viewed as a conflict of interest to the scope of their duties by testifying before the Legislature during work hours, as defined by section 22.1 of the Administrative and Financial Manual.

This measure includes a requirement that all session and permanent employees file a request for vacation or unpaid leave of absence with Speaker of the House of Representatives and the request is approved prior to the time the employee testifies. In the event there is a 48-hour notification waiver, this measure allows for omission of filing paperwork under the assurance of make-up of requisite work time under member's own discretion. Requires employee disclosure of office of employment prior to testifying.

HR242 HD1 HSCR LMG



The House Minority Research office submitted testimony in support with comments on this measure. One concerned individual testified in support.

Your Committee has amended this resolution by:

(1) Changing its title to read, "URGING THE MEMBERS OF THE HOUSE OF REPRESENTATIVES TO SUPPORT AMENDMENTS TO THE HOUSE OF REPRESENTATIVES RULES AND ADMINISTRATIVE AND FINANCIAL MANUAL TO IMPOSE A DUTY OF A MEMBER TO ENSURE THEIR PERMANENT AND SESSION EMPLOYEES OF THE HOUSE OF REPRESENTATIVES ARE ENGAGING IN PRACTICES THAT ARE NOT VIEWED AS A CONFLICT OF INTEREST TO THE SCOPE OF THEIR DUTIES BY TESTIFYING BEFORE THE LEGISLATURE DURING NORMAL BUSINESS HOURS".

(2) Amending language by:

- (A) Further defining Legislative employees impacted as permanent and session employees;
- (B) Deleting all references to discourage and replacing with to ensure that permanent and session employees are engaging in practices that are not viewed as a conflict of interest;
- (3) Adding an additional BE IT RESOLVED paragraph to allow for exemptions due to time constraints or by 48-hour notification waivers; and
- (4) Making technical, non-substantive amendments for style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Legislative Management that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 242, as amended herein, and recommends its adoption in the form attached hereto as H.R. No. 242, H.D. 1.

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Respectfully submitted on behalf of the members of the Committee on Legislative Management,

JAMES KUNANE TOKIOKA, Chair

State of Hawaii House of Representatives The Twenty-fifth Legislature

HSGP 1740

Record of Votes of the Committee on Legislative Management

Bill/Resolution No.:	Committee Referral:		Date:	
HR 242	LMG 4/3/2009			
☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold				
☐ Pass short form bill with HD to recommit for future public hearing (recommit)				
LMG Members	Ayes	Ayes (WR	Nays	Excused
1. TOKIOKA, James Kunane (C)	✓			
		12.4		
2. OSHIRO, Blake K. (VC)			12 COT 12	
2 CHONG Pope				
3. CHONG, Pono				
4. EVANS, Cindy				
5. FINNEGAN, Lynn				/
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TOTAL (5)	4			ı
The recommendation is: Adopted Not Adopted				
If joint referral, did not support recommendation.				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				