



HAWAII STATE ETHICS COMMISSION

State of Hawaii • Bishop Square, 1001 Bishop Street, ASB Tower 970 • Honolulu, Hawaii 96813



February 7, 2014

The Honorable Scott Y. Nishimoto, Chair
The Honorable John M. Mizuno, Vice Chair
House Committee on Legislative Management
Hawaii State Capitol, Room 439
415 South Beretania Street
Honolulu, Hawaii 96813

Re: **Testimony on HB No. 2378, Relating to Training**

Hearing: February 7, 2014, 2:00 p.m.
State Capitol, Conference Room 423

Testimony From: Hawaii State Ethics Commission

The Honorable Scott Y. Nishimoto, Chair; The Honorable John M. Mizuno, Vice Chair;
and The Honorable Members of the House Committee on Legislative Management:

Thank you for this opportunity to testify on H.B. No. 2378, Relating to Training.
The Hawaii State Ethics Commission ("Commission") supports the intent of this bill but is
concerned that it may lack the resources to carry out the training mandated by the bill.

H.B. No. 2378 requires the Office of Information Practices and the Commission to
hold mandatory training sessions for all members of boards, commissions, or committees
subject to Senate confirmation under Hawaii Revised Statutes (HRS) section 26-34. The
Commission takes no position on those portions of H.B. No. 2378 that apply to the Office
of Information Practices, but is generally supportive of those portions of the bill that
mandate training in the State Ethics Code.

The Commission is, however, seriously concerned that its limited resources will
not be able to accommodate the extensive training mandated in this bill. The Commission
estimates that this bill would require the initial training of approximately 1,000 individuals
and the annual training of newly confirmed individuals. It would require a considerable
amount of Commission staff time and resources to conduct such extensive training, to
schedule the training, and to track and communicate with those individuals who must
attend the training. Failure to attend the training would be a violation of the State Ethics
Code. The Commission would have to devote further resources to address any violations
of the mandatory training law. Violations of the State Ethics Code may be punished by
fines of up to \$500 per violation.



The Honorable Scott Y. Nishimoto, Chair
The Honorable John M. Mizuno, Vice Chair
February 7, 2014
Page 2

In addition, there are considerable logistical problems that would be difficult to address. The bill is aimed at members of boards, commissions, and committees. The Commission believes that many or most of these individuals are volunteers who have full-time jobs in the private sector. Scheduling all of these individuals for mandatory training could be extremely difficult. Numerous make up sessions would further strain the resources of the Commission. Further, a number of these individuals live on neighbor islands. This adds to the logistical difficulties. The Commission has very limited funds available for neighbor island travel. While video conferencing may be a possibility, this too creates logistical difficulties.

The Commission also notes that this bill would require all of these board members to be trained in HRS chapter 97, the State Lobbyists Law. The Commission believes that it is not necessary to train these individuals in the Lobbyists Law as they are not involved in the legislative process. The Commission recommends that the content of any training session be left to the discretion of the Commission. In addition, the Commission recommends that the language in Section 4 of the bill that mandates the course be held in July be dropped as unnecessary. HRS section 84-43(e), part of the existing mandatory ethics training law, already provides that the Commission may repeat the course as necessary to accommodate all persons who are required to attend.¹

We appreciate the opportunity to testify on H.B. 2378, Relating to Training. We would like to thank the Committee for its consideration of our testimony.

¹ HRS section 84-43 (e) provides:

§84-43 Ethics training course. (e) The state ethics commission may repeat the course as necessary to accommodate all persons who are required to attend.



House Legislative Management Committee
Chair Scott Nishimoto, Vice Chair John Mizuno

Friday 02/07/14 at 02:00PM in Room 423
HB2378– Relating to Training

Testimony of Support
Carmille Lim, Executive Director, Common Cause Hawaii

Dear Chair Nishimoto, Vice Chair Mizuno, and members of the Committee:

Common Cause Hawaii supports the intent of HB2378 which requires all members of boards and commissions to complete training in ethics, public agency meetings, and information practices within six months of each member's confirmation to the board or commission by the Senate, establishes a public agency meetings and information practices training course to be administered by the office of information practices, and requires an additional ethics training course to be provided in July of each year.

We believe that it is extremely important for all board and commission members to have the same level of training and understanding of state sunshine and ethics laws.

However, we recognize that it could take a significant increase of resources for the Office of Information Practice, and likely the Ethics Commission office, to conduct the number of trainings that this bill calls for. We would suggest that 1) this bill include an appropriation to accommodate the number of staff needed to carry out such trainings, or 2) clarification on whether all trainings must be done in person, or if a combination of in-person trainings and self-certified online courses (with which the test-taker must score a certain percentage to “pass”) be sufficient.

Thank you for the opportunity to testify on HB2378.



Written Statement of
ROBBIE MELTON
Executive Director & CEO
High Technology Development Corporation
before the
HOUSE COMMITTEE ON LEGISLATIVE MANAGEMENT
Friday, February 7, 2014
2:00 p.m.
State Capitol, Conference Room 423
In consideration of

HB 2378 RELATING TO TRAINING.

Chair Nishimoto, Vice Chair Mizuno, and Members of the Committee on Legislative Management.

The High Technology Development Corporation (HTDC) offers **comments** on HB 2378 relating to Training. HB2378 requires training within 6 months for board members and requires the training be offered in January and July of each year. HTDC offers comments that for mandatory training, the course should be offered sufficiently to reasonably accommodate the board members schedule.

Thank you for the opportunity to offer these comments.



OFFICE OF INFORMATION PRACTICES

STATE OF HAWAII
NO. 1 CAPITOL DISTRICT BUILDING
250 SOUTH HOTEL STREET, SUITE 107
HONOLULU, HAWAII 96813
TELEPHONE: 808-586-1400 FAX: 808-586-1412
EMAIL: oip@hawaii.gov

To: House Committee on Legislative Management

From: Cheryl Kakazu Park, Director

Date: February 7, 2014 at 2:00 p.m.
State Capitol, Conference Room 423

Re: Testimony on H.B. No. 2378
Relating to Training

Thank you for the opportunity to submit testimony on this bill. The Office of Information Practices (“OIP”) supports the intent of this bill to ensure that members of boards subject to the Sunshine Law have been trained in at least the Sunshine Law, but **OIP is already providing the desired training online and lacks the resources to duplicate the training in-person as called for in this bill.**

This bill requires OIP to arrange for and present training to all new members of boards and commissions subject to section 26-34, HRS, in January and July of each year. The courses of at least two hours, including question and answer sessions, must cover the Uniform Information Practices Act (“UIPA”), chapter 92F, HRS, and chapter 92, HRS. Note, however, that OIP administers only Part I of chapter 92, which is the Sunshine Law, and not the rest of the chapter’s various provisions.

While OIP is unaware of any definitive list of all boards in the state and county governments, OIP’s conservative estimate is that there are more than 350 boards subject to the Sunshine Law, and OIP is currently responsible for



House Committee on Legislative Management
February 7, 2014
Page 2 of 3

advising and educating all of them regarding the Sunshine Law. Even assuming that this bill's requirements apply only to state boards, and only those whose members are appointed by the governor, the bill would still require in-person training for over 170 boards on five different islands. OIP does not have the staff or travel budget to provide in-person training, especially in January when OIP and the government boards and agencies are busy with the legislative session.

OIP already provides more extensive training than called for by this bill. Moreover, OIP's training on its website at oip.hawaii.gov is freely accessible 24/7 not just to board members, but also to state and county employees and the general public. In addition to a two-hour video training on the Sunshine Law and a two-hour video training on the UIPA and accompanying guides and written materials, OIP has numerous additional training materials available on its website, such as "Quick Reviews" on various subjects, including how to prepare meeting agendas; how to respond to complex record requests; how to respond to personal record requests; and how to redact confidential information. Because of the current requirements for some board members (such as Neighborhood Board members) to certify that they have taken Sunshine Law training, OIP has also created an online self-certification quiz, which will automatically certify that a person took the quiz and achieved the stated score (70% or higher is a passing score); OIP could create a similar self-certification quiz for the UIPA. In addition, OIP frequently sends out What's New emails concerning current events. Furthermore, OIP has created continuing legal education programs, which are of particular interest to the government attorneys who advise the many boards, in order to keep these key advisors abreast of the latest developments regarding the UIPA and Sunshine Law. Through its Attorney of the Day service, OIP also has a staff attorney available daily to answer questions and



House Committee on Legislative Management
February 7, 2014
Page 3 of 3

give same-day general advice on the Sunshine Law and the UIPA. **By already providing four hours of basic UIPA and Sunshine Law training online, OIP has been able to utilize its limited resources more efficiently and effectively to provide a greater range of services to more people.**

OIP still provides in-person training, but it can now use its resources to tailor the presentations to the particular needs and interests of the audience, which are not just boards. For example, OIP has twice provided training on the UIPA to the House staff in recent years and focused the courses on how the UIPA applied to the Legislature.

Consequently, if this bill is still needed, OIP recommends that it be amended and has attached suggested language to create a training requirement allowing for online training and certification at each new board member's convenience.

Thank you for the opportunity to testify.



In bill section 1, replace the proposed section to be added to chapter 92F, HRS, with the following:

"§ 92F-___ Mandatory training on open meetings and information practices; boards and commissions. Each member of a board, commission, or committee subject to section 26-34 shall complete a training course on open meetings and on information practices administered by the office of information practices within six months of being confirmed by the senate pursuant to section 26-34, and the office of information practices shall provide certification that the member has an adequate understanding of the material presented; provided that the training course and certification may be administered either in-person or by pre-recorded video or automated online test or other electronic means at the option of the office of information practices."



no1-Allan

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 06, 2014 2:45 PM
To: LMGtestimony
Cc: CKing@hawaii.rr.com
Subject: Submitted testimony for HB2378 on Feb 7, 2014 14:00PM

HB2378

Submitted on: 2/6/2014

Testimony for LMG on Feb 7, 2014 14:00PM in Conference Room 423

Submitted By	Organization	Testifier Position	Present at Hearing
Cheryl King	Individual	Comments Only	No

Comments: This is common sense legislation. Board members and commissioners are volunteering their time to serve the public interest. We owe it to them as well as the public to give them the training they need to be able to function effectively and ethically.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov



no1-Allan

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 06, 2014 11:38 AM
To: LMGtestimony
Cc: jbickel15@yahoo.com
Subject: Submitted testimony for HB2378 on Feb 7, 2014 14:00PM

HB2378

Submitted on: 2/6/2014

Testimony for LMG on Feb 7, 2014 14:00PM in Conference Room 423

Submitted By	Organization	Testifier Position	Present at Hearing
John Bickel	Americans for Democratic Action Hawaii	Support	No

Comments: Given the cynicism the public has toward government officials, the more we can demonstrate our support for ethics the better. This bill will better prepare our appointed officials to uphold the standard they should care most about, ethics.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov



49 South Hotel Street, Room 314 | Honolulu, HI 96813
www.lwv-hawaii.com | 808.531.7448 | voters@lwvhawaii.com

COMMITTEE ON LEGISLATIVE MANAGEMENT
Friday, February 7, 2014
H.B. 2378, RELATING TO TRAINING

TESTIMONY

Janet Mason, Legislative Committee Member, League of Women Voters of Hawaii

Chair Nishimoto, Vice-Chair Mizuno, and Committee Members:

The League of Women Voters of Hawaii strongly supports HB 2378 requiring Board and Commission members complete training and ethics and information practices laws in a timely manner. When State appointments require the advice and consent of the State Senate, the League of Women Voters believes such appointments justify ethics and “sunshine” training.

League members attend many Board and Commission meetings throughout Hawaii and realize many generous citizens agree to serve on these Boards without any prior training on either ethics or public agency meeting or information laws.

We hope having a single training course might be an effective, efficient way to brief them on such laws, so that they can conduct the important business of their Board or Commission with confidence that they understand the ethics and information practices basics. In particular it would enhance efforts to reach members throughout Hawaii if the proposed training course were available online.

Having a six month deadline for completion of the training and having an additional Ethics Training course in July of each year would prevent serving on the Boards and Commission for a long time without understanding ethic and UIPA requirements. This is an approach that avoids unintended mistakes, it's a preventive approach.

We urge you to pass this bill. Thank you for the opportunity to submit testimony.