

## HAWAI'I STATE ETHICS COMMISSION

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

Committee: Senate Committee on Judiciary  
Bill Number: SB 181  
Hearing Date/Time: January 31, 2023, 10:00 a.m.  
Re: Testimony of the Hawai'i State Ethics Commission in **SUPPORT** of SB 181 --  
Making an Appropriation for County Ethics

Aloha Chair Rhoads, Vice Chair Gabbard, and Committee Members:

The Hawai'i State Ethics Commission ("Commission") **supports** SB 181, which requires provides a one-time grant in aid to the respective ethics boards of the counties of Kauai, Maui, Hawaii, and the Ethics Commission of the City and County of Honolulu.

The Hawai'i State Constitution mandates that all public officers and employees must "exhibit the highest standards of ethical conduct. . . ." <sup>1</sup> To this end, state and county ethic commissions are required to administer a code of ethics that expressly must include "provisions on gifts, confidential information, use of position, contracts with government agencies, post-employment, financial disclosure, and lobbyist registration and restriction."

Despite the strong mandate in the Hawai'i State Constitution, the ethics boards on Kauai, Maui, and Hawai'i island operate with little or no funding. Staff support is limited to a secretary and an attorney from the county corporation counsel office, both of whom have responsibilities outside of helping the all-volunteer ethics commission.<sup>2</sup> Additional staff capacity could significantly increase public confidence in government by ensuring the county ethic commissions could actively provide advice and training to county employees as well as increase enforcement efforts.

Considering the numerous public corruption cases at both the state and county-level, there is an evident need for systemic change. The purpose of this measure is intended to create a one-time spark or incentive to ramp up their efforts rapidly. Once additional capacity is added, the burden will be on the counties to continue to support those efforts over time.

Mahalo for the opportunity to submit testimony on SB 181.

Very truly yours,

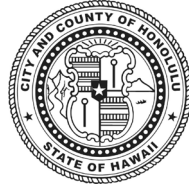
/S/ Robert D. Harris  
Robert D. Harris  
Executive Director and General Counsel

<sup>1</sup> Article XIV, Constitution of the State of Hawai'i.

<sup>2</sup> See, e.g., <https://www.civilbeat.org/2022/11/county-ethics-watchdogs-need-more-money-to-do-the-job-right-state-panel-says/> (last reviewed on January 27, 2023).

**ETHICS COMMISSION  
CITY AND COUNTY OF HONOLULU**

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January 30, 2023

The Honorable Karl Rhoads, Chair  
and Members  
Senate Committee on Judiciary  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Rhoads and Committee Members,

SUBJECT: Senate Bill 181

My name is Jan Yamane, Executive Director and Legal Counsel for the Honolulu Ethics Commission. Thank you for the opportunity to offer comments on Senate Bill 181.

The Honolulu Ethics Commission has not yet had a chance to review and discuss this bill and, thus, has no position on this measure at this time. This bill will be on the agenda for discussion at the next Commission meeting, which is scheduled for February 15, 2023.

Thank you for the opportunity to offer comments on Senate Bill 181.

Sincerely,

Jan K. Yamane  
Executive Director and Legal Counsel

**SB-181**

Submitted on: 1/28/2023 9:33:43 AM

Testimony for JDC on 1/31/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
daniel foley	Testifying for nonCommission to Improve Standards of Conducte	Support	Written Testimony Only

Comments:

Dear Chairman Rhoads and members of the Senate Judiciary Committee,

As the Chair of the Commission to Improve Standards of Conduct (Commission), I fully support and request the Senate and House to pass SB181 that would provide funding for county ethics boards and commission.

My support is based on the rationale of the Commission's Final Report submitted to the House of Representatives on December 1, 2022, specifically at page 30 of the Report (which is posted at the House of Representative's webpage).

Aloha, Judge Daniel Foley (ret.)



Committee on Judiciary  
Chair Senator Karl Rhoads, Vice Chair Mike Gabbard

January 31, 2023, 10:00 a.m., Conference Room 016  
SB181

TESTIMONY

Judith Wong, Legislative Committee, League of Women Voters of Hawaii

Chair Name, Vice Chair Name, and Committee Members:

**The League of Women Voters of Hawaii supports SB181**

This proposal recognizes that many of the county ethics boards or commissions lack the necessary resources to adequately meet their mandated obligations to investigate complaints, provide advice and offer training. Providing a one-time grant would allow the county ethics boards the capacity to hold public officers and employees to the highest standards of ethical conduct and thereby increase public confidence in government.

Thank you for the opportunity to submit testimony.



# holomua

COLLECTIVE

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## OUR MISSION

Make Hawai'i more affordable for all working families.

## OUR VISION

A diverse and sustainable Hawai'i economy, an abundance of quality job opportunities, and a future where all working families living in Hawai'i can thrive.

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## Committee:

**Senate Committee on Judiciary**

## Bill Number:

**SB 181, Making an Appropriation for County Ethics**

## Hearing Date and Time:

**January 31, 2023 at 10:00am**

## Re:

**Testimony of Holomua Collective in support**

Aloha Chair Rhoads, Vice Chair Gabbard, and Committee Members:

We write in support of SB 181, Making an Appropriation for County Ethics. The purpose of SB 181 is to provide a one-time grant-in-aid that would allow the counties to develop the infrastructure and capacity to better meet their constitutional mandate of holding public officers and employees to the highest standards of ethical conduct.

If the purpose of SB 181 were simply to supply an indefinite stream of state taxpayer money to the counties to fund their own ethics boards or commissions, we would not support it. But the bill authors took a measured approach by designing it to provide a *one-time* grant-in-aid, the ultimate purpose of which is to allow the counties to appropriately establish greater and more reliable funding over time. Indeed, the bill wording specifically provides that its intent is to incentivize and encourage the counties to provide greater capacity to their own ethics boards.

Many recent corruption cases have occurred at the county level, such as a former Hawai'i county housing official and a former Maui county director each separately pleading guilty to taking almost \$2 million in bribes, and a former Kaua'i councilmember being sentenced to 20 years in prison for leading a drug trafficking ring. Meanwhile, county ethics boards (especially those for Kaua'i, Maui, and Hawai'i) have limited funds to cover travel or dedicated staffing, with the Hawai'i County Ethics Board chair referring to their operations as "shoestring."<sup>1</sup>

Providing this type of "rocket booster" funding to help the counties enhance their ethics office infrastructure—while putting them on a self-sustaining path—is a reasonable solution. This type of one-time grant is a tool used in other sectors, and adopting this approach in the government arena makes sense in this situation.

As part of Holomua's mission, we aim to build cross-sector collaborative support to work alongside our appointed leaders and elected government partners to co-create viable, sustainable solutions that benefit all working families in Hawai'i. We believe policies that help improve government functions, and public confidence in government, further that goal. We appreciate the opportunity to testify.

Sincerely,

Josh Wisch  
President & Executive Director

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<sup>1</sup> See, "[County Ethics Watchdogs Need More Money to Do The Job Right, State Panel Says](#)," Civil Beat, November 11, 2022.

**SB-181**

Submitted on: 1/28/2023 1:54:05 PM

Testimony for JDC on 1/31/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
lynne matusow	Individual	Support	Written Testimony Only

Comments:

The bill came out of the Committee to Improve Standards of Conduct. After the arrests and convictions of Kalani English and Ty Cullen the public continued to lose faith in our elected representatives. Funding of county ethics commissions and/or boards is essential. We need to move forward, not backward. Otherwise these egregious behaviors will continue to occur. Please move this bill forward.