



HAWAII STATE ETHICS COMMISSION

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

SENATE COMMITTEE ON WAYS AND MEANS
The Honorable Jill N. Tokuda, Chair
The Honorable Donovan M. Dela Cruz, Vice Chair

H.B. No. 2008 HD2, SD1 Relating to Public Employment

Hearing: Friday, April 1, 2016, 1:30 p.m.

The Hawaii State Ethics Commission **opposes** H.B. No. 2008 HD2, SD1, Relating to Public Employment, to the limited extent that it prohibits the Investigations Division of the Department of the Attorney General from hiring qualified investigators for more than one term of 89-days or less. The Commission takes no position on the bill as it applies to employees working in other state agencies.

The Commission has worked with the Investigations Division on a number of investigations involving violations of the State Ethics Code, some of which also resulted in criminal prosecution. In addition, when the Attorney General has declined to prosecute an employee, the department and the Investigations Division occasionally have forwarded information, including parts of an investigation, for the Commission's consideration and, where appropriate, administrative action. The Investigation Division's assistance and collaboration have been a tremendous benefit to the Commission.

The Commission understands that the Investigations Division currently employs 50 investigators, 43 of whom are hired through 89-day contracts. The Commission also understands that, if passed, this bill will likely prohibit the Investigations Division from continuing to employ most, perhaps all, of the 43 investigators who are currently hired through 89-day contracts. Should that happen, the Investigations Division's ability to work with and assist the Commission on certain investigations will be seriously compromised. As a practical matter, the Commission expects that the Investigations Division will not be able to provide any assistance to the Commission; the Investigations Division simply will not have a sufficient number of qualified investigators.

The Commission suggests that preserving public trust in state government should be, now and always, a legislative priority. Like the Commission, the Investigations Division's underlying mission, i.e., its "foundation," is to protect the public interest and, through its work, to foster public confidence in state government. The Commission urges the Committee to consider the substantial impact - negative impact -

that the bill will have on the Investigations Division's ability to continue performing its duties, including working and collaborating with the Commission and other agencies. The Commission suggests that such a result is harmful to the public interest and, more generally, to government's ability to build public trust.

The Commission suggests that the Committee amend the bill to exempt the Investigations Division in its employment of qualified investigators from the bill.

Thank you for your continuing support of the Commission's work and for considering the Commission's testimony on H.B. No. 2008 HD2.