



HAWAII STATE ETHICS COMMISSION

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

HOUSE COMMITTEE ON LEGISLATIVE MANAGEMENT

The Honorable Scott Y. Nishimoto, Chair

The Honorable John M. Mizuno, Vice Chair

H.B. No. 1725, Relating to Children and Youth Day

Hearing: Wednesday, February 17, 2016, 2:00 p.m.

The Hawaii State Ethics Commission has **no position** on the intent of H.B. No. 1725, which designates the celebrations of Children and Youth Day held in the area of the state capitol to be an official state event. The Commission, however, has concerns about the bills language and offers other information about the application of the State Ethics Code to Children and Youth Day activities.

Background

Last year, in response to concerns directed to the Commission about state resources being used to support Children and Youth Day, the Commission offered guidance that, because Children and Youth Day was a privately sponsored activity, i.e., it was not an event of the state, state resources could not be used to support Children and Youth Day.

Specifically, the Commission understood that one or more legislators were using their staff to: (1) organize volunteers; (2) create, print and mail solicitation letters to past and potential sponsors; (3) coordinate vendors and vendor booths; (4) create Children and Youth Day participant and sponsor forms; (5) answer telephone calls and emails regarding Children and Youth Day; (6) update the Children and Youth Day website; (7) record payments from participants; (8) record donations and transmit those donations to a fiscal agent; (9) direct disbursements and payments to vendors; (10) order toys for goodie bags; (11) prepare goodie bags; (12) disseminate Children and Youth Day-related information to Keiki Caucus Resource Group members and others; (13) prepare 150-200 participant packets; (14) order food for volunteers; and (15) prepare/organize meal tickets and parking passes for participants and volunteers. In addition to the staff time, state funds, state supplies, and state facilities were being used to plan and otherwise support Children and Youth Day. The Commission also understood that a legislator was using the legislator's position to secure permits and other approvals from the state and city and county of Honolulu for the private event.

The fair treatment provision of the State Ethics Code, HRS section 84-13, prohibits a legislator from using or attempting to use his or her official position to secure

or grant unwarranted privileges, exemptions, advantages, contracts, or treatment for the legislator or others. The statute further prohibits a legislator from using state resources for private business purposes, which includes support of a non-profit organization.

H.B. No. 1725

The Commission suggests that certain language of the bill is ambiguous and should be clarified. Specifically, the bill designates “celebrations” of Children and Youth Day to be a state event. It is unclear what the term “celebrations” is intended to include. The Commission suggests that the Committee consider more clearly defining or identifying the specific “celebrations” that are intended to be part of the state event, including whether it includes activities on days other than the Sunday on which Children and Youth Day has traditionally been held in and around the state capitol.

The Commission also notes that, even if the Children and Youth Day is deemed to be a state event, the fair treatment law nevertheless may prohibit a legislator from using legislative resources, including his or her staff, legislative offices, and discretionary allowance money, to support Children and Youth Day. Generally, legislators may use state resource for official legislative business, i.e., to perform their legislative duties. A legislator’s official duties likely do not include organizing and working directly on Children and Youth Day activities.

Thank you for your continuing support of the Commission’s work and for considering the Commission’s testimony on H.B. No. 1725.



TO: Chair Nishimoto, Vice Chair Mizuno, and Members of the House Committee on Legislative Management

FROM: Ryan Kusumoto, President & CEO of Parents And Children Together (PACT)

DATE/LOCATION: February 17, 2016; 2:00 p.m., Conference Room 423

RE: TESTIMONY IN STRONG SUPPORT OF HB 1725 – RELATING TO CHILDREN AND YOUTH DAY

My name is Ryan Kusumoto. I am the President & CEO of Parents And Children Together.

I strongly urge you to support HB 1725 – Relating to Children and Youth Day. Since its establishment in 1994, Children and Youth Day was initiated to celebrate the contributions of today's keiki, and recognize their potential in creating Hawaii's brighter future. It has become a collaborative event of over 300 government and community organizations offering educational and interactive resources for families.

It is of necessity that we continue to invest in our keiki to ensure they become promising leaders embedded in the aloha spirit. This event shall continue to expand its positive impacts throughout Hawaii and the hearts who dedicate their services to the youth. We support the passing of HB 1725 to recognize Children and Youth Day as an official State event of Hawaii.

Founded in 1968, Parents And Children Together (PACT) is one of Hawaii's not-for-profit organizations providing a wide array of innovative and educational social services to families in need. Assisting more than 18,000 people across the state annually, PACT helps families identify, address and successfully resolve challenges through its 16 programs. Among its services are: early education programs, domestic violence prevention and intervention programs, child abuse prevention and intervention programs, child and adolescent behavioral health programs, and community building programs.

Thank you for the opportunity to testify in **strong support of HB 1725**, please contact me at (808) 847-3285 or rkusumoto@pacthawaii.org if you have any questions.



STATE OF HAWAII
STATE COUNCIL
ON DEVELOPMENTAL DISABILITIES
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TELEPHONE: (808) 586-8100 FAX: (808) 586-7543
February 17, 2016

The Honorable Scott Nishimoto, Chair
House Committee on Legislative Management
Twenty-Eighth Legislature
State Capitol
State of Hawaii
Honolulu, Hawaii 96813

Dear Representative Nishimoto and Members of the Committee:

SUBJECT: HB 1725 – Relating to Children and Youth Day


The State Council on Developmental Disabilities (DD) **strongly supports HB 1725** to recognize the celebrations of Children and Youth Day as an official State event.

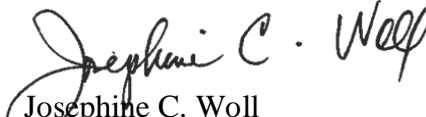
The Council is a systems advocacy agency responsible for statewide planning, coordination, monitoring, evaluation, and advocacy on behalf of individuals with DD and their families and strongly supports Children and Youth Day. Children and Youth Day is a day which encourages, supports, and promotes educating and strengthening families, involving citizens in public policy development, promoting access to the legislative process, and informing legislators of the issues and challenges facing Hawaii's children and youth with and without disabilities.

For the past 16 years the Council has convened its annual "Day at the Capitol" event with more than 400 self-advocates, family members, and service providers to celebrate and participate in the legislative process. Participants have met with legislators from their districts, been introduced and recognized during the House and Senate floor sessions, attended public hearings, took a tour of the State Capitol, and met and networked with others. This day has been invaluable to participants attending our event. Similarly, Children and Youth Day promotes active participation of children, youth, families, organizations, businesses, and policymakers in celebrating and embracing the well-being of Hawaii's keiki.

Thank you for the opportunity to submit testimony **strongly supporting HB 1725.**

Sincerely,


Waynette K.Y. Cabral, MSW
Executive Administrator


Josephine C. Woll
Chair

LATE



46-063 Emepela Pl. #U101 Kaneohe, HI 96744 · (808) 679-7454 · Kris Coffield · Co-founder/Executive Director

**TESTIMONY FOR HOUSE BILL 1725, RELATING TO CHILDREN AND
YOUTH DAY**

**House Committee on Legislative Management
Hon. Scott Y. Nishimoto, Chair
Hon. John M. Mizuno, Vice Chair**

**Wednesday, February 17, 2016, 2:00 PM
State Capitol, Conference Room 423**

Honorable Chair Nishimoto and committee members:

I am Kris Coffield, representing the IMUAlliance, a nonpartisan political advocacy organization that currently boasts over 350 local members. On behalf of our members, we offer this testimony in strong support of HB 1725, relating to children and youth day.

To promote the well-being of Hawai'i's most precious resource, lawmakers should declare Children and Youth Day a state event. That resource is our keiki themselves, along with the families responsible for their care. Over 300,000 children live in the islands, according to the latest U.S. Census figures, 13 percent of whom live in poverty. These children deserve a chance to develop the kind of healthy bodies, minds, and relationships supported by each of Children and Youth Day's 300 sponsors.

Yet, last year, the state's largest family happening faced unprecedented scrutiny. Citing laws prohibiting state officials from using government resources to plan private affairs, State Ethics Commission Chair Les Kondo challenged Sen. Suzanne Chun Oakland's role in facilitating the celebration, saying that employment of the senator's office and staff in coordinating Children and Youth Day violated the state ethics code. Kondo further objected to Sen. Chun Oakland's representation of the day as a state event on permitting applications, suggesting that the mistake puts taxpayers on the hook for liability claims if someone gets injured on Capitol grounds. While a state law enacted in 1994 annually recognizes the first Sunday in October as Children and Youth Day, the ethics chair contended that the statute, itself, does not make the day an official state event in the absence

of a formal declaration from the governor or change to state law. Owing to Kondo's criticism, several last-minute changes were made to Children and Youth Day, including storage of "keiki goodie bags" at St. Andrew's Cathedral, removal of the state seal from promotional materials, and assumption of liability coverage by Kiwanis International. Though these adjustments allowed the event to move forward, participants bore the cost of revising their own resources and purchasing liability insurance, no small burden for small, cash-strapped nonprofits.

Moreover, failing to designate Children and Youth Day as a state event erodes our government's commitment to families. When the law establishing Children and Youth Day was amended in 2012 to explicitly permit use of the Capitol grounds, the Senate Human Services Committee said in a committee report that the day, "encourages, supports, and promotes educating and strengthening families, involving citizens in public policy development, promoting access to the legislative process, and informing legislators of the issues and challenges facing Hawaii's children and youth." Those findings were later echoed by the Ways and Means Committee, chaired by then-senator David Ige. As one of the state's chief fiscal custodians, Ige undoubtedly reviewed the numbers showcasing the event's success: 40,000 attendees enjoying over 150 activities and engaging with hundreds of organizations about early learning, childhood nutrition, abuse prevention, and more.

For impoverished guests, Children and Youth Day is a rare opportunity to partake in free food and entertainment. On O'ahu, the latest homeless count tallied 556 households (or families) with 2,340 adults and children, including 1,319 under the age of 18. As lawmakers reflect on how best to house our most vulnerable population, they should also support programming that broadens policy talks by connecting public leaders with those they serve.

It's often said that it takes a village to raise a child. If that's true, then we must bring our island villages together by giving Children and Youth Day the government's backing. After last year's near fiasco, it is the most ethical thing to do. Mahalo for the opportunity to testify in strong support of this bill.

Sincerely,
Kris Coffield
Executive Director
IMUAlliance