

STAND. COM. REP. NO.

2614

Honolulu, Hawaii

MAR 03 2016

RE: S.B. No. 2425
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 2425, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ETHICS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Exempt extracurricular service of employees from the State Ethics Code if certain conditions are met;
- (2) Define detached remuneration and extracurricular service; and
- (3) Require the review of any existing policy, procedure, or rule previously adopted by any department or other state agency for consistency and compliance with the exemption for extracurricular service of employees from the State Ethics Code.

Your Committee received testimony in support of this measure from the Department of Education, Hawaii State Teachers Association, IMU Alliance, and one individual. Your Committee received testimony in opposition to this measure from the Hawaii State Ethics Commission, Common Cause Hawaii, League of Women Voters of Hawaii, and one individual.

Your Committee finds that in State Ethics Commission Advisory Opinion No. 2015-1, the Commission found ethical violations in the

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longstanding practice of public school teachers receiving free travel and other benefits from tour companies when chaperoning students on out-of-state educational trips. The Commission determined that the dual role as teacher and tour company representative places public school teachers in a conflict of interest under the State Ethics Code and also raises concerns under the gifts law and the fair treatment law. Some believe that this Advisory Opinion may have an unintended effect of depriving students of valuable learning opportunities outside of the classroom, by making it difficult for teachers to afford activities that are largely contingent upon their participation and may be based on a subjective and overly broad application of the State Ethics Code. By specifying certain conduct that may be exempt from the State Ethics Code, this measure prevents important opportunities, such as educational trips, from being lost.

Your Committee has amended this measure by:

- (1) Inserting an effective date of January 7, 2059, to encourage further discussion; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2425, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2425, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,


GILBERT S.C. KEITH-AGARAN, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 2425 SDI	Committee Referral: EDU, JDL	Date: 2/29/16		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)	/			
SHIMABUKURO, Maile S.L. (VC)	/			
GABBARD, Mike	/			
KAHELE, Kaiali'i	/			
KIM, Donna Mercado				/
THIELEN, Laura H.			/	
SLOM, Sam			/	
TOTAL	4	0	2	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes