

STAND. COM. REP. NO. 323

Honolulu, Hawaii

FEB 13, 2007

RE: H.B. No. 391  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fourth State Legislature  
Regular Session of 2007  
State of Hawaii

Sir:

Your Committees on Labor & Public Employment and Legislative Management, to which was referred H.B. No. 391 entitled:

"A BILL FOR AN ACT RELATING TO LEGISLATIVE INQUIRIES,"

beg leave to report as follows:

The purpose of this bill is to ensure that the Legislature receives complete and truthful disclosure when it conducts fact-finding duties by prohibiting the payment of salaries to those state employees who coerce, intimidate, or otherwise prevent subordinates from sharing public information at legislative hearings or in response to other legislative functions.

The Department of the Attorney General testified in opposition to this measure.

It has been brought to the Legislature's attention that front-line staff, who often are in the best position to offer the most insight into the inner workings of various departments and agencies, do not want to testify or present information because of fear of retribution. This measure will promote public confidence in government by allowing these individuals to share their knowledge with the policymakers and providing for more honest and open government.



While your Committees understand the legal concerns raised by the Attorney General, particularly those concerns dealing with the release of privileged information, this matter warrants further discussion. Your Committees respectfully request the Committee on Finance to continue to examine the concerns raised by the Attorney General.

Your Committees have amended this bill by:

- (1) Changing its effective date to July 1, 2059, to facilitate further discussion; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Labor & Public Employment and Legislative Management that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 391, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 391, H.D. 1, and be referred to the Committee on Finance.

Respectfully submitted on  
behalf of the members of the  
Committees on Labor & Public  
Employment and Legislative  
Management,

  
MICHAEL Y. MAGAOAY, Chair

  
ALEX M. SONSON, Chair



State of Hawaii  
House of Representatives  
The Twenty-fourth Legislature

**HSCR 323**

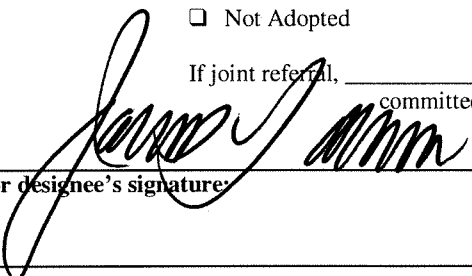
**Record of Votes of the Committee on Labor & Public Employment**

<b>Bill/Resolution No.:</b> HB 391		<b>Date:</b> 2-6-07		
<b>Committee Referral:</b> LAB/LMG,FIN		<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.		
<b>The recommendation is to:</b> <input type="checkbox"/> Pass, unamended <input type="checkbox"/> Hold		<input checked="" type="checkbox"/> Pass, with amendments <input type="checkbox"/> Pass, with amendments, for recommitment for further consideration		
<b>LAB Members</b>	<b>Ayes</b>	<b>Ayes (WR)</b>	<b>Nays</b>	<b>Excused</b>
1. SONSON, Alex M. (C)	✓			
2. NAKASONE, Bob (VC)	✓			
3. EVANS, Cindy		✓		
4. HAR, Sharon E.	✓			
5. LEE, Marilyn B.	✓			
6. LUKE, Sylvia	✓			
7. McKELVEY, Angus L.K.	✓			
8. NISHIMOTO, Scott Y.	✓			
9. SOUKI, Joseph M.	✓			
10. TAKAMINE, Dwight Y.	✓			
11. TAKUMI, Roy M.	✓			
12. MEYER, Colleen Rose				/
13. PINE, Kymberly Marcos				/
<b>TOTAL</b>	<b>8</b>	<b>3</b>		<b>2</b>
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: <i>Bob Nakasone</i>				
<b>Distribution:</b> Original (White) – Committee Duplicate (Yellow) – Clerk's Office				

HSCE 323

State of Hawaii  
House of Representatives  
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Record of Votes of the Committee on Legislative Management

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LMG Members	Ayes	Ayes (WR)	Nays	Excused
1. MAGAOAY, Michael Y. (C)	1			
2. TOKIOKA, James Kunane (VC)	1			
3. KARAMATSU, Jon Riki	1			
4. OSHIRO, Blake K.	1			
5. FINNEGAN, Lynn			1	
<b>TOTAL</b>	<b>4</b>		<b>1</b>	
The recommendation is: <input checked="checked" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: 				
<b>Distribution:</b> Original (White) – Committee                      Duplicate (Yellow) – Clerk's Office				