



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
House Committee on Lower and Higher Education
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by

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HB 1885 – PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 8 OF THE
CONSTITUTION OF THE STATE OF HAWAII.

Chair Woodson, Vice Chairs Hashem and Quinlan, and members of the Committee:

Thank you for the opportunity to provide testimony on this measure. Article III, section 8 of the Hawai'i Constitution presently generally prohibits members of the legislature from also being employed in another State position. HB 1885 seeks to amend Article III, section 8, to clarify that that constitutional prohibition should not be construed to prohibit members of the legislature from being employed as faculty at the University of Hawai'i (UH), "solely because of the member's membership in the legislature," unless legislative work schedules and time demands related to legislative duties unreasonably conflict with those of the faculty position. It is not clear why the bill identifies the University as the only State entity at which legislators may be able to work (assuming the sole reason not to hire them is their status as legislators, and their legislative job duties do not unreasonably conflict with their faculty job duties).

The intent of HB 1885 is understandable. It could be beneficial for UH to have employees who are also elected officials so that they could have a more direct support of UH perspectives on matters concerning the University.

However, in addition to the constitutional provision, University policy has long observed the costs of such dual employment in compromising the integrity of the University and raising questions about irreconcilable conflicts of interest, given that the Legislature guards the purse strings of the entire State government. As just two examples of this longstanding University policy, Regent Policy 9.205 generally prohibits UH employees from also holding public elective office. And Regent Policy 9.207 restricts outside employment for faculty and states that a University employee working for a legislator on a temporary assignment must do so on approved leave without pay from the University. As currently drafted this measure would require wholesale revision of the Board of Regents' longstanding University policy, and deviation from the current UH philosophy of conflicts in interest by its public employees.

Longstanding University policy is one issue. Such proposed constitutional amendment would not cure or address potential issues with or violations of other longstanding provisions of State law and policy, e.g., Hawai'i Revised Statutes (HRS) Sections 84-13 and 84-14 (Ethics Code provisions) and Sections 88-42.5 and 42-6 (Pension and Retirement Systems provisions). In addition, we note that those legislators working as faculty for UH would be included as members of the faculty union pursuant to HRS Section 89-6(a)(7), notwithstanding HRS Section 89-6(f) which prohibits any elected officials from being included in any bargaining unit.

Thank you for your time and consideration of this matter.