

JAN 23 2015

# A BILL FOR AN ACT

RELATING TO THE ETHICS CODE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

SECTION 1. Section 84-12, Hawaii Revised Statutes, is amended to read as follows:

"§84-12 Confidential information. No legislator or employee shall disclose information ~~[which]~~ that by law or practice is not available to the public and ~~[which]~~ that the legislator or employee acquires in the course of the legislator's or employee's official duties, or use the information for the legislator's or employee's personal gain or for the benefit of anyone ~~[, provided that this section shall not preclude a person who serves as the designee or representative of an entity that is a member of a task force from disclosing information to the entity which the person acquires as the entity's designee or representative].~~"

SECTION 2. Section 84-13, Hawaii Revised Statutes, is amended to read as follows:

"§84-13 Fair treatment. No legislator or employee shall use or attempt to use the legislator's or employee's official



1 position to secure or grant unwarranted privileges, exemptions,  
2 advantages, contracts, or treatment, for oneself or others;  
3 including but not limited to the following:

4 (1) Seeking other employment or contract for services for  
5 oneself by the use or attempted use of the  
6 legislator's or employee's office or position.

7 (2) Accepting, receiving, or soliciting compensation or  
8 other consideration for the performance of the  
9 legislator's or employee's official duties or  
10 responsibilities except as provided by law.

11 (3) Using state time, equipment or other facilities for  
12 private business purposes.

13 (4) Soliciting, selling, or otherwise engaging in a  
14 substantial financial transaction with a subordinate  
15 or a person or business whom the legislator or  
16 employee inspects or supervises in the legislator's or  
17 employee's official capacity.

18 Nothing herein shall be construed to prohibit a legislator  
19 from introducing bills and resolutions, ~~[or to prevent a person~~  
20 ~~from serving on a task force or from]~~ serving on ~~[a task force~~  
21 ~~committee,]~~ committees, or from making statements or taking



1 ~~[official] action [as a legislator, or a task force member or a~~  
2 ~~task force member's designee or representative. Every~~  
3 ~~legislator, or task force member or designee or representative~~  
4 ~~of a task force member shall file a full and complete public~~  
5 ~~disclosure of the nature and extent of the interest or~~  
6 ~~transaction which the legislator or task force member or task~~  
7 ~~force member's designee or representative believes may be~~  
8 ~~affected by the legislator's or task force member's official~~  
9 ~~action.] in the exercise of the legislator's legislative~~  
10 ~~functions."~~

11 SECTION 3. Section 84-14, Hawaii Revised Statutes, is  
12 amended by amending subsection (f) to read as follows:

13 "(f) ~~[Subsections (a), (b), and]~~ Subsection (d) shall not  
14 apply to a task force member or the designee or representative  
15 of that task force member whose service as a task force member  
16 would not otherwise cause that member, designee, or  
17 representative to be considered an employee~~[, if the task force~~  
18 ~~member or the designee or representative of that task force~~  
19 ~~member complies with the disclosure requirements under section~~  
20 ~~84-17]."~~



1       SECTION 4.   Section 84-15, Hawaii Revised Statutes, is  
2   amended by amending subsection (b) to read as follows:

3       "(b)   A state agency shall not enter into a contract with  
4   any person or business [which] that is represented or assisted  
5   personally in the matter by a person who has been an employee of  
6   the agency within the preceding two years and who participated  
7   while in state office or employment in the matter with which the  
8   contract is directly concerned.   ~~[This subsection shall not~~  
9   ~~apply to any contract that is awarded in accordance with~~  
10   ~~subsection (a) with a person or business represented or assisted~~  
11   ~~by a person who was a member of a task force or served as the~~  
12   ~~designee or representative of a task force member.] "~~

13       SECTION 5.   Section 84-17, Hawaii Revised Statutes, is  
14   amended by amending subsections (c) and (d) to read as follows:

15       "(c)   The following persons shall file annually with the  
16   state ethics commission a disclosure of financial interests:

- 17       (1)   The governor, the lieutenant governor, the members of  
18             the legislature, and delegates to the constitutional  
19             convention; provided that delegates to the  
20             constitutional convention shall only be required to  
21             file initial disclosures;



1           (2) The directors and their deputies, the division chiefs,  
2           the executive directors and the executive secretaries  
3           and their deputies, the purchasing agents and the  
4           fiscal officers, regardless of the titles by which the  
5           foregoing persons are designated, of every state  
6           agency and department;

7           (3) The permanent employees of the legislature and its  
8           service agencies, other than persons employed in  
9           clerical, secretarial, or similar positions;

10          (4) The administrative director of the State, and the  
11          assistants in the office of the governor and the  
12          lieutenant governor, other than persons employed in  
13          clerical, secretarial, or similar positions;

14          (5) The hearings officers of every state agency and  
15          department;

16          (6) The president, the vice presidents, assistant vice  
17          presidents, the chancellors, and the provosts of the  
18          University of Hawaii and its community colleges;

19          (7) The superintendent, the deputy superintendent, the  
20          assistant superintendents, the complex area



1           superintendents, the state librarian, and the deputy  
2           state librarian of the department of education;

3           (8) The administrative director and the deputy director of  
4           the courts;

5           (9) The members of every state board or commission whose  
6           original terms of office are for periods exceeding one  
7           year and whose functions are not solely advisory;

8           (10) Candidates for state elective offices, including  
9           candidates for election to the constitutional  
10          convention, provided that candidates shall only be  
11          required to file initial disclosures; ~~[and]~~

12          (11) The administrator and assistant administrator of the  
13          office of Hawaiian affairs~~[-]~~; and

14          (12) Members of task forces.

15          (d) The financial disclosure statements of the following  
16          persons shall be public records and available for inspection and  
17          duplication:

18               (1) The governor, the lieutenant governor, the members of  
19               the legislature, candidates for and delegates to the  
20               constitutional convention, the trustees of the office



1 of Hawaiian affairs, and candidates for state elective  
2 offices;

3 (2) The directors of the state departments and their  
4 deputies, regardless of the titles by which the  
5 foregoing persons are designated; provided that with  
6 respect to the department of the attorney general, the  
7 foregoing shall apply only to the attorney general and  
8 the first deputy attorney general;

9 (3) The administrative director of the State;

10 (4) The president, the vice presidents, the assistant vice  
11 presidents, the chancellors, members of the board of  
12 regents, and the provosts of the University of Hawaii;

13 (5) The members of the board of education and the  
14 superintendent, the deputy superintendent, the state  
15 librarian, and the deputy state librarian of the  
16 department of education;

17 (6) The administrative director and the deputy director of  
18 the courts;

19 (7) The administrator and the assistant administrator of  
20 the office of Hawaiian affairs; and



1           (8) The members of the following state boards,  
2           commissions, and agencies:

3           (A) The board of directors of the agribusiness  
4           development corporation established under section  
5           163D-3;

6           (B) The board of agriculture established under  
7           section 26-16;

8           (C) The state ethics commission established under  
9           section 84-21;

10          (D) The Hawaii community development authority  
11          established under section 206E-3;

12          (E) The Hawaiian homes commission established under  
13          the Hawaiian Homes Commission Act of 1920, as  
14          amended, and section 26-17;

15          (F) The board of directors of the Hawaii housing  
16          finance and development corporation established  
17          under section 201H-3;

18          (G) The board of land and natural resources  
19          established under section 171-4;

20          (H) The state land use commission established under  
21          section 205-1;



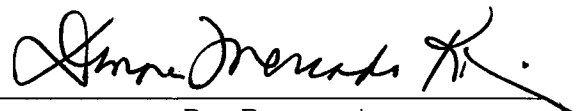


- 1 (I) The legacy land conservation commission
- 2 established under section 173A-2.4;
- 3 (J) The natural area reserves system commission
- 4 established under section 195-6;
- 5 (K) The board of directors of the natural energy
- 6 laboratory of Hawaii authority established under
- 7 section 227D-2;
- 8 (L) The board of directors of the Hawaii public
- 9 housing authority established under section
- 10 356D-3;
- 11 (M) The public utilities commission established under
- 12 section 269-2; and
- 13 (N) The commission on water resource management
- 14 established under section 174C-7[-]; and
- 15 (O) Members of task forces."

16 SECTION 6. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18 SECTION 7. This Act shall take effect upon its approval.

19

INTRODUCED BY:   
By Request



**Report Title:**

State Ethics Commission Package; Task Force Members; Ethics Code; Disclosure of Financial Interests

**Description:**

Repeals task force member exemptions to certain conflict of interest and disclosure prohibitions of the State's code of ethics. Clarifies that all task force members must file annual disclosures of financial interests. Makes task force member disclosures of financial interests public records available for inspection and duplication.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

