

JAN 17 2020

---

# A BILL FOR AN ACT

---

RELATING TO THE STATE ETHICS CODE.

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

1       SECTION 1. The legislature finds that it is in the public  
2 interest to maintain a distinct wall of separation between  
3 lobbyists and the State's elected officials and certain  
4 government employees.

5       Accordingly, the purpose of this Act is to promote good  
6 government by prohibiting elected officials, employees of the  
7 legislature, and certain other high-ranking state officials from  
8 representing any person or business in a legislative or  
9 administrative action before the State for twelve months after  
10 the termination of their employment.

11       SECTION 2. Section 84-18, Hawaii Revised Statutes, is  
12 amended to read as follows:

13       **"§84-18 Restrictions on post employment.** (a) No former  
14 legislator or employee shall disclose any information [~~which~~]  
15 that by law or practice is not available to the public and  
16 [~~which~~] that the former legislator or employee acquired in the  
17 course of the former legislator's or employee's official duties,



1 or use the information for the former legislator's or employee's  
2 personal gain or the benefit of anyone.

3 (b) No former legislator, within twelve months after  
4 termination of the former legislator's employment, shall  
5 represent any person or business for a fee or other  
6 consideration[7] on matters in which the former legislator  
7 participated as a legislator [~~or~~], on matters involving official  
8 action by the legislature[7], or in any administrative action as  
9 defined by section 97-1.

10 (c) No former employee, within twelve months after  
11 termination of the former employee's employment, shall represent  
12 any person or business for a fee or other consideration[7] on  
13 matters in which the former employee participated as an employee  
14 or on matters involving official action by the particular state  
15 agency or subdivision thereof with which the former employee had  
16 actually served. This section shall not apply to a former task  
17 force member who, but for service as a task force member, would  
18 not be considered an employee.

19 (d) This section shall not prohibit any agency from  
20 contracting with a former legislator or employee to act on a  
21 matter on behalf of the State within the period of limitations



1 stated herein, and shall not prevent [~~such~~] the legislator or  
2 employee from appearing before any agency in relation to [~~such~~]  
3 that employment.

4 (e) In addition to the foregoing restrictions, the  
5 following individuals shall not represent any person or business  
6 for a fee or other consideration regarding any legislative or  
7 administrative action, as defined by section 97-1, for twelve  
8 months after termination of employment:

9 (1) The governor and lieutenant governor;

10 (2) The administrative director of the State;

11 (3) The attorney general;

12 (4) The directors, regardless of the titles by which the  
13 persons are designated, of the departments of  
14 accounting and general services; agriculture; budget  
15 and finance; business, economic development, and  
16 tourism; commerce and consumer affairs; defense;  
17 education; Hawaiian home lands; health; human  
18 resources development; human services; labor and  
19 industrial relations; land and natural resources;  
20 public safety; and taxation and transportation;



1       (5) The directors, regardless of the titles by which the  
2       persons are designated, of the agribusiness  
3       development corporation, Hawaii community development  
4       authority, Hawaii housing finance and development  
5       corporation, Hawaii tourism authority, campaign  
6       spending commission, and legislative service agencies;

7       (6) The permanent employees of the legislature, other than  
8       persons employed in clerical, secretarial, or similar  
9       positions;

10      (7) The administrative director of the courts;

11      (8) The president of the University of Hawaii;

12      (9) The trustees and administrator of the office of  
13      Hawaiian affairs; and

14      (10) The members of the public utilities commission.

15      ~~[(e)]~~ (f) This section shall not apply to any person who is  
16      employed by the State for a period of less than one hundred and  
17      eighty-one days.

18      ~~[(f)]~~ (g) For the purposes of this section, "represent"  
19      means to engage in direct communication on behalf of any person  
20      or business with a legislator, a legislative employee, a



1 particular state agency or subdivision thereof, or their  
2 employees."

3 SECTION 3. If any provision of this Act, or the  
4 application thereof to any person or circumstance, is held  
5 invalid, the invalidity does not affect other provisions or  
6 applications of the Act that can be given effect without the  
7 invalid provision or application, and to this end the provisions  
8 of this Act are severable.

9 SECTION 4. This Act does not affect rights and duties that  
10 matured, penalties that were incurred, and proceedings that were  
11 begun before its effective date.

12 SECTION 5. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

14 SECTION 6. This Act shall take effect on July 1, 2021.

15

INTRODUCED BY: \_\_\_\_\_

*Mr. M. G. R.*

By Request



# S.B. NO. 2114

**Report Title:**

State Ethics Commission Package; Public Employees; Lobbying Prohibition

**Description:**

Prohibits certain former State employees from representing any person or business in a legislative or administrative action before the State for twelve months after the termination of their employment.

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

