

JAN 21 2021

A BILL FOR AN ACT

RELATING TO THE CODE OF ETHICS.

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 other
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 other interests regarding any state administrative
9 or legislative action for twelve months after termination from
10 their respective government positions.

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, on ~~[matters]~~:

7 (1) Matters in which the former legislator participated as
8 a legislator ~~[or on matters]~~;

9 (2) Matters involving official action by the
10 legislature ~~[-]~~; or

11 (3) Any administrative action, as defined in section 97-1.

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



1 (d) This section shall not prohibit any agency from
2 contracting with a former legislator or employee to act on a
3 matter on behalf of the State within the period of limitations
4 stated herein, and shall not prevent [~~sueh~~] that legislator or
5 employee from appearing before any agency in relation to [~~sueh~~]
6 that employment.

7 (e) Subject to the restrictions imposed in subsections (a)
8 through (d), the following individuals shall not represent any
9 person or business for a fee or other consideration regarding
10 any legislative or administrative action, as defined in section
11 97-1, for twelve months after termination from their respective
12 positions:

- 13 (1) The governor;
14 (2) The lieutenant governor;
15 (3) The administrative director of the State;
16 (4) The attorney general;
17 (5) The comptroller;
18 (6) The chairperson of the board of agriculture;
19 (7) The director of finance;
20 (8) The director of business, economic development, and
21 tourism;



- 1 (9) The director of commerce and consumer affairs;
- 2 (10) The adjutant general;
- 3 (11) The superintendent of education;
- 4 (12) The chairperson of the Hawaiian homes commission;
- 5 (13) The director of health;
- 6 (14) The director of human resources development;
- 7 (15) The director of human services;
- 8 (16) The director of labor and industrial relations;
- 9 (17) The chairperson of the board of land and natural
- 10 resources;
- 11 (18) The director of public safety;
- 12 (19) The director of taxation;
- 13 (20) The director of transportation;
- 14 (21) The president of the university of Hawaii;
- 15 (22) The administrator of the office of Hawaiian affairs;
- 16 (23) The chief information officer;
- 17 (24) The executive director of the agribusiness development
- 18 corporation;
- 19 (25) The executive director of the campaign spending
- 20 commission;



- 1 (26) The executive director of the Hawaii community
- 2 development authority;
- 3 (27) The executive director of the Hawaii housing finance
- 4 and development corporation;
- 5 (28) The president and chief executive officer of the
- 6 Hawaii tourism authority;
- 7 (29) The executive officer of the public utilities
- 8 commission;
- 9 (30) The state auditor;
- 10 (31) The director of the legislative reference bureau;
- 11 (32) The ombudsman;
- 12 (33) The permanent employees of the legislature, other than
- 13 persons employed in clerical, secretarial, or similar
- 14 positions;
- 15 (34) The administrative director of the courts; and
- 16 (35) The executive director, director, or administrator of
- 17 each board, authority, or commission listed in section
- 18 84-17(d).

19 [~~(e) This section~~] (f) Subsections (b) through (e) shall
 20 not apply to any person who is employed by the State for a
 21 period of less than one hundred and eighty-one days.



1 [~~f~~] (g) For the purposes of this section, "represent"
2 means to engage in direct communication on behalf of any person
3 or business with a legislator, a legislative employee, a
4 particular state agency or subdivision thereof, or their
5 employees."

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

12 SECTION 4. This Act does not affect rights and duties that
13 matured, penalties that were incurred, and proceedings that were
14 begun before its effective date.

15 SECTION 5. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 6. This Act shall take effect on January 1, 2022.

18

INTRODUCED BY: _____

A handwritten signature in black ink, appearing to be 'C. Am', is written over a horizontal line.

S.B. NO. 158

Report Title:

Ethics; Officials; Employees; Executive; Legislative; Judiciary

Description:

Prohibits certain state officials and employees from representing certain interests regarding any state administrative or legislative action for 12 months after termination from their respective positions.

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

