
A BILL FOR AN ACT

RELATING TO ETHICS.

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

1 SECTION 1. Section 84-3, Hawaii Revised Statutes, is
2 amended by amending the definition of "employee" to read as
3 follows:

4 ""Employee" means any nominated, appointed, or elected
5 officer or employee of the State, including legislators, members
6 of boards, commissions, and committees, and employees under
7 contract to the State or of the constitutional convention, but
8 excluding [~~legislators,~~] delegates to the constitutional
9 convention, justices, and judges."

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

12 "~~§84-11~~ **Gifts.** No [~~legislator or~~] employee shall solicit,
13 accept, or receive, directly or indirectly, any gift, whether in
14 the form of money, service, loan, travel, entertainment,
15 hospitality, thing, or promise, or in any other form, under
16 circumstances in which it can reasonably be inferred that the
17 gift is intended to influence the [~~legislator or~~] employee in



1 the performance of the [~~legislator's or~~] employee's official
2 duties or is intended as a reward for any official action on the
3 [~~legislator's or~~] employee's part."

4 SECTION 3. Section 84-11.5, Hawaii Revised Statutes, is
5 amended as follows:

6 1. By amending subsection (a) to read:

7 "(a) Every [~~legislator and~~] employee shall file a gifts
8 disclosure statement with the state ethics commission no later
9 than July 31 of each year if all the following conditions are
10 met:

11 (1) The [~~legislator or~~] employee, or spouse or dependent
12 child of [~~a legislator or~~] the employee, received
13 directly or indirectly from one source any gift or
14 gifts valued singly or in the aggregate in excess of
15 \$200, whether the gift is in the form of money,
16 service, goods, or in any other form;

17 (2) The source of the gift or gifts have interests that
18 may be affected by official action or lack of action
19 by the [~~legislator or~~] employee; and

20 (3) The gift is not exempted by subsection (d) from
21 reporting requirements under this subsection."



1 2. By amending subsection (e) to read:

2 "(e) Failure of [~~a legislator or~~] an employee to file a
3 gifts disclosure statement as required by this section shall be
4 a violation of this chapter."

5 3. By amending subsection (h) to read:

6 "(h) For purposes of this section, "[~~legislator or~~
7 employee" includes any individual who was [~~a legislator or~~] an
8 employee for any portion of the period from July 1 of the
9 preceding calendar year through June 30 of the year of the
10 report."

11 SECTION 4. Section 84-12, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "**§84-12 Confidential information.** No [~~legislator or~~]
14 employee shall disclose information which by law or practice is
15 not available to the public and which the [~~legislator or~~]
16 employee acquires in the course of the [~~legislator's or~~]
17 employee's official duties, or use the information for the
18 [~~legislator's or~~] employee's personal gain or for the benefit of
19 anyone; provided that this section shall not preclude a person
20 who serves as the designee or representative of an entity that
21 is a member of a task force from disclosing information to the



1 entity which the person acquires as the entity's designee or
2 representative."

3 SECTION 5. Section 84-13, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) No [~~legislator or~~] employee shall use or attempt to
6 use the [~~legislator's or~~] employee's official position to secure
7 or grant unwarranted privileges, exemptions, advantages,
8 contracts, or treatment, for oneself or others; including but
9 not limited to the following:

- 10 (1) Seeking other employment or contract for services for
11 oneself by the use or attempted use of the
12 [~~legislator's or~~] employee's office or position;
- 13 (2) Accepting, receiving, or soliciting compensation or
14 other consideration for the performance of the
15 [~~legislator's or~~] employee's official duties or
16 responsibilities except as provided by law;
- 17 (3) Using state time, equipment, or other facilities for
18 private business purposes; or
- 19 (4) Soliciting, selling, or otherwise engaging in a
20 substantial financial transaction with a subordinate
21 or a person or business whom the [~~legislator or~~]



1 employee inspects or supervises in the [~~legislator's~~
2 ~~or~~] employee's official capacity."

3 SECTION 6. Section 84-14, Hawaii Revised Statutes, is
4 amended by amending subsections (c) and (d) to read as follows:

5 "(c) No [~~legislator or~~] employee shall assist any person
6 or business or act in a representative capacity before any state
7 or county agency for a contingent compensation in any
8 transaction involving the State.

9 (d) No [~~legislator or~~] employee shall assist any person or
10 business or act in a representative capacity for a fee or other
11 compensation to secure passage of a bill or to obtain a
12 contract, claim, or other transaction or proposal in which the
13 [~~legislator or~~] employee has participated or will participate as
14 [~~a legislator or~~] an employee, nor shall the [~~legislator or~~]
15 employee assist any person or business or act in a
16 representative capacity for a fee or other compensation on such
17 bill, contract, claim, or other transaction or proposal before
18 the legislature or agency of which the [~~legislator or~~] employee
19 is an employee [~~or legislator~~]."

20 SECTION 7. Section 84-15, Hawaii Revised Statutes, is
21 amended by amending subsection (a) to read as follows:



1 "**§84-15 Contracts.** (a) A state agency shall not enter
2 into any contract to procure or dispose of goods or services, or
3 for construction, with [~~a legislator,~~] an employee[~~,~~] or a
4 business in which [~~a legislator or~~] an employee has a
5 controlling interest, involving services or property of a value
6 in excess of \$10,000 unless:

7 (1) The contract is awarded by competitive sealed bidding
8 pursuant to section 103D-302;

9 (2) The contract is awarded by competitive sealed proposal
10 pursuant to section 103D-303; or

11 (3) The agency posts a notice of its intent to award the
12 contract and files a copy of the notice with the state
13 ethics commission at least ten days before the
14 contract is awarded."

15 SECTION 8. Section 84-17, Hawaii Revised Statutes, is
16 amended as follows:

17 1. By amending subsection (a) to read:

18 "(a) For the purposes of this section, "disclosure period"
19 refers to the period from January 1 of the preceding calendar
20 year to the time of the filing of the employee's [~~or~~
21 ~~legislator's~~] disclosure of financial interests."



1 2. By amending subsection (j) to read:

2 "(j) Failure of [~~a legislator,~~] a delegate to the
3 constitutional convention[~~]~~ or an employee to file a disclosure
4 of financial interests as required by this section shall be a
5 violation of this chapter. Any [~~legislator,~~] delegate to a
6 constitutional convention[~~]~~ or employee who fails to file a
7 disclosure of financial interests when due may be assessed an
8 administrative fine of \$50. The state ethics commission, upon
9 the expiration of the time allowed for filing, may post on its
10 website for public inspection a list of all persons who have
11 failed to file financial disclosure statements. The state
12 ethics commission shall notify a person, by in-person service,
13 electronic mail to the person's state electronic mail address,
14 or first-class mail, of the failure to file, and, if applicable,
15 the administrative fine. If a disclosure of financial interests
16 has not been filed within thirty days after the original
17 deadline, in addition to any initial administrative fine that
18 may have been assessed, an administrative fine of \$250 may be
19 assessed."

20 SECTION 9. Section 84-17.5, Hawaii Revised Statutes, is
21 amended by amending subsection (a) to read as follows:



1 "(a) All financial disclosure statements filed by [a
2 ~~legislator,~~] an employee[~~]~~ or a delegate to a constitutional
3 convention shall be maintained by the state ethics commission
4 for a period of six years from the date of the financial
5 disclosure statement's filing. Upon the expiration of the six-
6 year period, the financial disclosure statement and all copies
7 thereof may be destroyed."

8 SECTION 10. Section 84-18, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "**§84-18 Restrictions on post employment.** (a) No former
11 [~~legislator or~~] employee shall disclose any information that by
12 law or practice is not available to the public and that the
13 former [~~legislator or~~] employee acquired in the course of the
14 former [~~legislator's or~~] employee's official duties or use the
15 information for the former [~~legislator's or~~] employee's personal
16 gain or the benefit of anyone.

17 ~~[(b) No former legislator, within twelve months after~~
18 ~~termination of the former legislator's employment, shall~~
19 ~~represent any person or business for a fee or other~~
20 ~~consideration on:~~



1 ~~(1) Matters in which the former legislator participated as~~
2 ~~a legislator;~~

3 ~~(2) Matters involving official action by the legislature;~~
4 ~~or~~

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

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

15 ~~(d)]~~ (c) This section shall not prohibit any agency from
16 contracting with a former [~~legislator or~~] employee to act on a
17 matter on behalf of the State within the period of limitations
18 stated herein, and shall not prevent that [~~legislator or~~]
19 employee from appearing before any agency in relation to that
20 employment.



1 ~~(e)~~ (d) Subject to the restrictions imposed in
2 subsections (a) through ~~(d),~~ (c), the following individuals
3 shall not represent any person or business for a fee or other
4 consideration regarding any legislative action or administrative
5 action, as defined in section 97-1, for twelve months after
6 termination from their respective positions:

- 7 (1) The governor;
- 8 (2) The lieutenant governor;
- 9 (3) The administrative director of the State;
- 10 (4) The attorney general;
- 11 (5) The comptroller;
- 12 (6) The chairperson of the board of agriculture;
- 13 (7) The director of corrections and rehabilitation;
- 14 (8) The director of finance;
- 15 (9) The director of business, economic development, and
16 tourism;
- 17 (10) The director of commerce and consumer affairs;
- 18 (11) The adjutant general;
- 19 (12) The superintendent of education;
- 20 (13) The chairperson of the Hawaiian homes commission;
- 21 (14) The director of health;



- 1 (15) The director of human resources development;
- 2 (16) The director of human services;
- 3 (17) The director of labor and industrial relations;
- 4 (18) The chairperson of the board of land and natural
5 resources;
- 6 (19) The director of law enforcement;
- 7 (20) The director of taxation;
- 8 (21) The director of transportation;
- 9 (22) The president of the University of Hawaii;
- 10 (23) The executive administrator of the board of regents of
11 the University of Hawaii;
- 12 (24) The administrator of the office of Hawaiian affairs;
- 13 (25) The chief information officer;
- 14 (26) The executive director of the agribusiness development
15 corporation;
- 16 (27) The executive director of the campaign spending
17 commission;
- 18 (28) The executive director of the Hawaii community
19 development authority;
- 20 (29) The executive director of the Hawaii housing finance
21 and development corporation;



- 1 (30) The president and chief executive officer of the
- 2 Hawaii tourism authority;
- 3 (31) The executive officer of the public utilities
- 4 commission;
- 5 (32) Each legislator;
- 6 ~~[(32)]~~ (33) The state auditor;
- 7 ~~[(33)]~~ (34) The director of the legislative reference
- 8 bureau;
- 9 ~~[(34)]~~ (35) The ombudsman;
- 10 ~~[(35)]~~ (36) The permanent employees of the legislature,
- 11 other than persons employed in clerical, secretarial,
- 12 or similar positions;
- 13 ~~[(36)]~~ (37) The administrative director of the courts;
- 14 ~~[(37)]~~ (38) The executive director of the state ethics
- 15 commission;
- 16 ~~[(38)]~~ (39) The executive officer of the state land use
- 17 commission;
- 18 ~~[(39)]~~ (40) The executive director of the natural energy
- 19 laboratory of Hawaii authority;
- 20 ~~[(40)]~~ (41) The executive director of the Hawaii public
- 21 housing authority; and



1 ~~[(41)]~~ (42) The first deputy to the chairperson of the
2 commission on water resource management;
3 provided that this subsection shall not apply to any person who
4 has held one of the positions listed above only on an interim or
5 acting basis and for a period of less than one hundred eighty-
6 one days.

7 ~~[(f)]~~ (e) Subsections (b) through ~~[(e)]~~ (d) shall not
8 apply to any person who is employed by the State for a period of
9 less than one hundred ~~[and]~~ eighty-one days.

10 ~~[(g)]~~ (f) For the purposes of this section, "represent"
11 means to engage in direct communication on behalf of any person
12 or business with a legislator, a legislative employee, a
13 particular state agency or subdivision thereof~~[r]~~ or their
14 employees."

15 SECTION 11. Section 84-19, Hawaii Revised Statutes, is
16 amended by amending subsections (a) and (b) to read as follows:

17 "(a) Any favorable state action obtained in violation of
18 the code of ethics for ~~[legislators or]~~ employees and former
19 employees is voidable in the same manner as voidable contracts
20 as provided for under section 84-16~~[r]~~, and the State by the



1 attorney general may pursue all legal and equitable remedies
2 available to it.

3 (b) The State by the attorney general may recover any fee,
4 compensation, gift, or profit received by any person as a result
5 of a violation of the code of ethics by [~~a legislator or~~] an
6 employee or former [~~legislator or~~] employee. Action to recover
7 under this subsection shall be brought within one year of a
8 determination of such violation."

9 SECTION 12. Section 84-31, Hawaii Revised Statutes, is
10 amended as follows:

11 1. By amending subsection (a) to read:

12 "(a) The ethics commission shall have the following powers
13 and duties:

14 (1) It shall prescribe forms for the disclosures required
15 by article XIV of the Hawaii constitution and section
16 84-17 and the gifts disclosure statements required by
17 section 84-11.5 and shall establish orderly procedures
18 for implementing the requirements of those provisions;

19 (2) It shall provide advice upon the request of any person
20 as to whether the facts and circumstances of a
21 particular situation constitute or will constitute a



1 violation of the code of ethics or other laws or rules
2 administered and enforced by the commission, and
3 discuss ways to avoid an appearance of impropriety. A
4 person receiving advice from the commission may
5 request a written summary of that advice. The
6 commission shall treat all advice requests, responses,
7 and related materials as confidential. Written
8 summaries shall be confidential unless the recipient
9 waives confidentiality;

10 (3) It shall render advisory opinions upon the request of
11 any [~~legislator,~~] employee[~~7~~] or delegate to the
12 constitutional convention, or person formerly holding
13 such office or employment as to whether the facts and
14 circumstances of a particular case constitute or will
15 constitute a violation of the code of ethics. If no
16 advisory opinion is rendered within ninety days after
17 the request is filed with the commission, it shall be
18 deemed that an advisory opinion was rendered and that
19 the facts and circumstances of that particular case do
20 not constitute a violation of the code of ethics. The
21 opinion rendered or deemed rendered, until amended or



1 revoked, shall be binding on the commission in any
2 subsequent charges concerning the [~~legislator,~~]
3 employee[~~7~~] or delegate to the constitutional
4 convention, or person formerly holding such office or
5 employment, who sought the opinion and acted in
6 reliance on it in good faith, unless material facts
7 were omitted or misstated by such persons in the
8 request for an advisory opinion. The commission shall
9 also render public general advisory opinions
10 concerning proper interpretation of the code of ethics
11 and other laws or rules administered and enforced by
12 the commission, if it deems the opinion of sufficient
13 general interest and importance;

- 14 (4) It may initiate an investigation into alleged,
15 possible, or potential violations of this chapter and
16 other laws or rules administered and enforced by the
17 commission, on a confidential basis, having available
18 all of the powers herein provided, whether the
19 investigation is made based on a charge allegation,
20 other information or indications, or as the commission
21 determines is in the public interest;



- 1 (5) It shall initiate, receive, and consider charges and
2 other information, on a confidential basis, concerning
3 alleged, possible, or potential violations of this
4 chapter and other laws or rules administered and
5 enforced by the commission, initiate or make
6 investigation, and hold hearings;
- 7 (6) Upon adoption of a resolution defining the scope and
8 nature of the inquiry, supported by a vote of three or
9 more members of the commission, it may subpoena
10 witnesses, administer oaths, and take testimony
11 relating to matters before the commission and require
12 the production for examination of any books or papers
13 relative to any matter under investigation or in
14 question before the commission;
- 15 (7) It may, from time to time adopt, amend, and repeal any
16 rules, not inconsistent with this chapter, that in the
17 judgment of the commission seem appropriate for the
18 carrying out of this chapter and for the efficient
19 administration thereof, including every matter or
20 thing required to be done or which may be done with
21 the approval or consent or by order or under the



1 direction or supervision of or as prescribed by the
2 commission. The rules, when adopted as provided in
3 chapter 91, shall have the force and effect of law;

4 (8) It shall have jurisdiction for purposes of
5 investigation and taking appropriate action on
6 possible violations of this chapter in all proceedings
7 commenced within six years of a possible violation of
8 this chapter by [~~a legislator or~~] an employee or a
9 former [~~legislator or~~] employee. A proceeding shall
10 be deemed commenced by the filing of a charge with the
11 commission or by the signing of a charge by three or
12 more members of the commission. Nothing herein shall
13 bar proceedings against a person who by fraud or other
14 device, prevents discovery of a violation of this
15 chapter;

16 (9) It shall distribute its publications without cost to
17 the public and shall initiate and maintain programs
18 with the purpose of educating the citizenry and all
19 [~~legislators,~~] employees[~~,~~] and delegates to the
20 constitutional convention on matters of ethics in
21 government employment; and



1 (10) It shall administer any code of ethics adopted by a
2 state constitutional convention, subject to the
3 procedural requirements of this part and any rules
4 adopted thereunder."

5 2. By amending subsection (d) to read:

6 "(d) A decision of the commission pertaining to the
7 conduct of any [~~legislator,~~] employee or delegate to the
8 constitutional convention, [~~or employee~~] or person formerly
9 holding such office or employment, shall be in writing and
10 signed by three or more of the members of the commission. A
11 decision of the commission rendered after a hearing together
12 with findings and the record of the proceeding shall be a public
13 record."

14 SECTION 13. Section 84-32, Hawaii Revised Statutes, is
15 amended by amending subsections (a), (b), and (c) to read as
16 follows:

17 "(a) With respect to [~~legislators and~~] employees removable
18 only by impeachment: when the ethics commission after due
19 hearings pursuant to section 84-31(c) determines that there is
20 sufficient cause to file a complaint against [~~a legislator or~~]
21 an employee removable only by impeachment, it shall issue a



1 complaint and refer the matter to the appropriate body of the
2 legislature. The complaint shall contain a statement of the
3 facts alleged to constitute the violation. The complaint shall
4 be a matter of public record. The legislature shall take
5 appropriate disciplinary action unless it determines that
6 disciplinary action is not warranted and, within thirty days of
7 the referral of the complaint, shall notify the commission of
8 the action taken. Days during which the legislature is not in
9 session shall not be included in determining the thirty-day
10 period. Any disciplinary action taken by the legislature, or
11 the fact that no disciplinary action is taken, shall be a matter
12 of public record.

13 (b) With respect to employees other than [~~legislators and~~]
14 employees removable only by impeachment: when the commission
15 determines after due hearing pursuant to section 84-31(c) that
16 there is sufficient cause to file a complaint against an
17 employee other than [~~a legislator, or~~] an employee removable
18 only by impeachment, it shall issue a complaint and refer the
19 matter to the governor who shall take appropriate disciplinary
20 action unless the governor determines that disciplinary action
21 is not warranted. The governor shall notify the commission of



1 the disciplinary action taken or the fact that no disciplinary
2 action was taken, within sixty days of the referral of the
3 complaint. The complaint and any disciplinary action taken, or
4 the fact that no disciplinary action is taken, shall be a matter
5 of public record.

6 (c) With respect to former employees [~~and former~~
7 ~~legislators~~], when the commission determines after due hearing
8 pursuant to section 84-31(c) that there is sufficient cause to
9 file a complaint against a former employee [~~or former~~
10 ~~legislator~~], it shall issue a complaint and refer the matter to
11 the attorney general who may exercise whatever legal or
12 equitable remedies which may be available to the State. The
13 complaint shall be a matter of public record."

14 SECTION 14. Section 84-39, Hawaii Revised Statutes, is
15 amended by amending subsection (a) to read as follows:

16 "(a) Where an administrative fine has not been established
17 for a violation of this chapter, any person, including [~~a~~
18 ~~legislator or~~] an employee, who violates this chapter shall be
19 subject to an administrative fine imposed by the state ethics
20 commission that shall not exceed \$5,000 for each violation. All



1 fines collected under this section shall be deposited in the
2 general fund."

3 SECTION 15. Section 84-43, Hawaii Revised Statutes, is
4 amended by amending subsection (d) to read as follows:

5 "(d) The state ethics commission shall:

6 (1) Design and administer the live ethics training
7 courses;

8 (2) Designate those of its legal staff who are to conduct
9 the live ethics training course;

10 (3) Notify each [~~legislator or~~] employee, either directly
11 or via the employee's employing agency, that [~~their~~]
12 the employee's attendance or participation in an
13 applicable ethics training course is mandatory;
14 provided that [~~a legislator's or~~] an employee's non-
15 receipt of notice shall not be a defense to a charge
16 concerning a violation of this chapter; and

17 (4) Design and administer the online ethics training
18 course."

19 SECTION 16. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 SECTION 17. This Act shall take effect on July 1, 2025.



H.B. NO. 493

1

INTRODUCED BY:

Tim Coombes

JAN 17 2025



H.B. NO. 493

Report Title:

Ethics; Legislators; Employees

Description:

For purposes of the state ethics laws, subjects legislators to all ethics laws applicable to employees by including legislators within the definition of "employees". Repeals references to legislators under the state ethics laws made redundant by the inclusion.

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

