

ACT 189

H.B. NO. 671

A Bill for an Act Relating to the Code of Ethics.

Be It Enacted by the Legislature of the State of Hawaii:

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

Accordingly, the purpose of this Act is to promote good government by:

- (1) Prohibiting elected officials, employees of the legislature, and certain other high-ranking state officials from representing other interests before the State and colleagues with whom they have served for twelve months after termination from their respective government positions; and
- (2) Specifying that the prohibition against disclosing any information not available to the public or using the information for personal gain or benefit applies even to those who were employed by the State for less than one hundred eighty-one days.

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

“§84-18 Restrictions on post employment. (a) No former legislator or employee shall disclose any information [~~which~~] that by law or practice is not available to the public and [~~which~~] that the former legislator or employee acquired in the course of the former legislator’s or employee’s official duties or use the information for the former legislator’s or employee’s personal gain or the benefit of anyone.

(b) No former legislator, within twelve months after termination of the former legislator’s employment, shall represent any person or business for a fee or other consideration[~~;~~] on [~~matters~~]:

- (1) Matters in which the former legislator participated as a legislator [~~or on matters~~];
- (2) Matters involving official action by the legislature[~~;~~] or
- (3) Any administrative action, as defined in section 97-1.

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

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

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

- (1) The governor;
- (2) The lieutenant governor;
- (3) The administrative director of the State;
- (4) The attorney general;
- (5) The comptroller;
- (6) The chairperson of the board of agriculture;
- (7) The director of finance;
- (8) The director of business, economic development, and tourism;
- (9) The director of commerce and consumer affairs;
- (10) The adjutant general;
- (11) The superintendent of education;

- (12) The chairperson of the Hawaiian homes commission;
- (13) The director of health;
- (14) The director of human resources development;
- (15) The director of human services;
- (16) The director of labor and industrial relations;
- (17) The chairperson of the board of land and natural resources;
- (18) The director of public safety;
- (19) The director of taxation;
- (20) The director of transportation;
- (21) The president of the University of Hawaii;
- (22) The executive administrator of the board of regents of the University of Hawaii;
- (23) The administrator of the office of Hawaiian affairs;
- (24) The chief information officer;
- (25) The executive director of the agribusiness development corporation;
- (26) The executive director of the campaign spending commission;
- (27) The executive director of the Hawaii community development authority;
- (28) The executive director of the Hawaii housing finance and development corporation;
- (29) The president and chief executive officer of the Hawaii tourism authority;
- (30) The executive officer of the public utilities commission;
- (31) The state auditor;
- (32) The director of the legislative reference bureau;
- (33) The ombudsman;
- (34) The permanent employees of the legislature, other than persons employed in clerical, secretarial, or similar positions;
- (35) The administrative director of the courts;
- (36) The executive director of the state ethics commission;
- (37) The executive officer of the state land use commission;
- (38) The executive director of the natural energy laboratory of Hawaii authority;
- (39) The executive director of the Hawaii public housing authority; and
- (40) The first deputy to the chairperson of the commission on water resource management;

provided that this subsection shall not apply to any person who has held one of the positions listed above only on an interim or acting basis and for a period of less than one hundred eighty-one days.

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

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

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

ACT 189

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

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

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

(Approved July 6, 2021.)