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# A BILL FOR AN ACT

RELATING TO THE LEGISLATURE.

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

1           SECTION 1. The legislature finds that an intern,  
2 generally, is a trainee or apprentice who seeks to gain  
3 practical experience in an occupation or profession, under the  
4 supervision of a more experienced person. In contrast to the  
5 general concept of internships, the legislature believes that  
6 providing certain individuals who are advanced in their careers  
7 and who wish to intern at the legislature to learn about the  
8 legislative process is often beneficial to both the legislature  
9 and the private sector. A legislative internship provides an  
10 avenue for the communication of often specialized or technical  
11 information to the legislature and it fosters a better  
12 understanding of the public policy making process. Accordingly,  
13 during the legislative session, the legislature allows not only  
14 inexperienced students, but also individuals with considerable  
15 work experience in the private sector or with nonprofit  
16 organizations, to serve as interns at during a legislative  
17 session.



1           However, because the duties and responsibilities assigned  
2 to legislative interns by individual legislators generally  
3 relate to state or legislative issues, the legislature believes  
4 that legislative interns are de facto state employees who should  
5 be subject to the state ethics code.

6           Section 84-3, Hawaii Revised Statutes, defines an  
7 "employee", subject to the state code of ethics, as "any  
8 nominated, appointed, or elected officer or employee of the  
9 State, including members of boards, commissions, and committees,  
10 and employees under contract to the State or of the  
11 constitutional convention, but excluding legislators, delegates  
12 to the constitutional convention, justices and judges". The  
13 legislature notes that the state ethics commission has stated in  
14 an opinion that the definition of a state employee, as set forth  
15 in the state ethics code, is intentionally broad. The state  
16 ethics commission further stated that it believes that the  
17 definition of "employee" includes legislative interns because  
18 legislative interns are appointed to perform state duties.  
19 Although some legislative interns may not be compensated by the  
20 State, the state ethics commission noted that the definition of  
21 "employee" under the state ethics code includes state board and  
22 commission members who generally serve without compensation.



1 The state ethics commission further opined that section 84-1,  
2 Hawaii Revised Statutes, mandates that the state ethics code be  
3 "liberally construed", to effectuate the intent of the law.

4 The state ethics commission argued that it would make  
5 little sense for a legislative intern to be allowed to perform  
6 state duties, but not be subject to the state ethics code since  
7 such an interpretation of the law would allow an intern to act  
8 in situations where a conflict of interests exists or to  
9 disclose confidential state information with impunity.

10 The legislature also finds that the intent that legislative  
11 interns be subject to the state ethics code is also supported by  
12 article XIV of the Constitution of the State of Hawaii. Article  
13 XIV, in part, mandates that the state ethics code apply to all  
14 state employees, including board and commission members.  
15 Article XIV also calls for the "highest standards of ethical  
16 conduct" on the part of those in state government. The  
17 legislature concludes that both the Constitution of the State of  
18 Hawaii and the state ethics code support the application of the  
19 state code of ethics to legislative interns.

20 Under the state ethics code, legislative interns would be  
21 prohibited from making recommendations or taking official action  
22 regarding any company or organization they may work for, or with



1 respect to any situation that creates a conflict of interest.  
2 In addition, legislative interns would be prohibited from  
3 divulging confidential information, using state resources for  
4 private business purposes, and using their positions as interns  
5 to give themselves or others any unwarranted advantages or  
6 preferential treatment.

7 The legislature believes that providing a clear definition  
8 of legislative interns and certain other temporary staff of the  
9 legislature and clearly stating that the state ethics code  
10 applies to these persons is in the public interest and ensures  
11 that the proceedings and operations of the legislature are held  
12 to the highest ethical standards.

13 The purpose of this Act is to establish that employees of  
14 business entities who are loaned to the legislature as  
15 legislative interns or temporary staff are subject to the state  
16 ethics code.

17 SECTION 2. Chapter 22, Hawaii Revised Statutes, is amended  
18 by adding a new section to be appropriately designated and to  
19 read as follows:

20 **"§22- Certain legislative interns and temporary staff;**  
21 **subject to state ethics code.** (a) Any employee:



1        (1) Of a business entity that has business before the  
2        legislature; and

3        (2) Who is loaned by the business entity to the  
4        legislature to provide services to the legislature, a  
5        legislator, or legislative committee during any  
6        regular or special session as a legislative intern or  
7        temporary staff of the legislature,  
8        shall be subject to chapter 84.

9        (b) For the purposes of this section:

10       "Business entity" includes a sole proprietorship,  
11       corporation, limited liability company, association,  
12       partnership, joint stock company, joint venture, mutual fund,  
13       trust, mutual benefit society, or other similar form of business  
14       organization, whether organized for-profit or not-for-profit.

15       "Providing services to the legislature" means when an  
16       employee of a business entity is loaned by the business entity  
17       to the legislature, a legislator, or a legislative committee for  
18       a period of time to assist, for consideration, the legislature,  
19       a legislator, or a legislative committee in the performance of  
20       the legislature's, legislator's, or a legislative committee's  
21       duties, regardless of whether the consideration is provided by



1 the business entity, the legislature, a legislator, a  
2 legislative committee, or any combination thereof.

3 (c) This section shall apply regardless of whether the  
4 person is on paid or unpaid leave from the person's position at  
5 the business entity."

6 SECTION 3. New statutory material is underscored.

7 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

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JAN 22 2007



**Report Title:**

Legislative Interns and Temporary Staff; Ethics Code

**Description:**

Provides that employees loaned by business entities to the legislature as interns or temporary staff are subject to the state code of ethics under chapter 84, HRS.

