

JAN 25 2012

A BILL FOR AN ACT

RELATING TO THE STATE CODE OF ETHICS.

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

1 SECTION 1. The purpose of this Act is to allow persons
2 with knowledge and expertise the State needs to serve as members
3 of state advisory or working groups without being foreclosed by
4 the requirements, restrictions, or prohibitions imposed by the
5 State's Code of Ethics.

6 The legislature finds that the public interest is disserved
7 when persons with knowledge or experience the State needs must
8 forego providing that needed assistance, because they may stand
9 to gain financially as a result of the advice they give, or the
10 recommendations they make, to help state officials or agencies
11 formulate sound public policy, enact laws or adopt
12 administrative rules, or implement laws or rules.

13 The definition of "employee" in part II of chapter 84,
14 Hawaii Revised Statutes, is amended to except from that
15 definition and the provisions of the State's Code of Ethics,
16 persons who serve on advisory or working groups that are
17 convened solely for the purpose of commenting, sharing technical
18 knowledge or experience, or formulating recommendations.

S.B. NO. 2717

1 SECTION 2. 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 members of boards,
6 commissions, and committees, and employees under contract to the
7 State or of the constitutional convention, but excluding
8 legislators, delegates to the constitutional convention,
9 justices [~~and~~], judges [~~-~~], and members of groups convened by a
10 statute or resolution, an executive order or proclamation, or
11 the invitation of the legislature, or the governor or another
12 state officer, solely for the purpose of providing advice or
13 comments to, or formulating recommendations for, the
14 legislature, the governor, or a state department, agency, or
15 officer."

16 SECTION 3. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: 

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BY REQUEST

S.B. NO. 2717

Report Title:

Ethics Exception; Advisory Group Members Not Employees

Description:

Excepts members of groups convened solely to provide comments, share technical knowledge or expertise, or assist in formulating recommendations to, with or for the Legislature, Governor, or other state departments, agencies, or boards, from chapter 84, Hawaii Revised Statutes, State Ethics Code.

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

JUSTIFICATION SHEET

DEPARTMENT: Attorney General.

TITLE: A BILL FOR AN ACT RELATING TO THE STATE CODE OF ETHICS.

PURPOSE: The purpose of this Act is to amend the definition of "employee" that is used in part II of chapter 84, Hawaii Revised Statutes, the State's "Code of Ethics," to allow persons with knowledge and expertise that the State may need, to serve as members of advisory groups when their participation would otherwise be limited or foreclosed by the restrictions and prohibitions imposed by the Code of Ethics.

MEANS: Amend section 84-3, Hawaii Revised Statutes.

JUSTIFICATION: With recurring frequency, persons with technical knowledge or experience about a subject that the Legislature, the Governor, or the head of a state department and agency needs have declined requests to serve on advisory groups convened to assist the State in re-starting the State's economy, or improving State programs and operations to make them more efficient and effective.

The Legislature finds that the public interest is disserved when experts or persons with knowledge the State needs, decline to serve or are foreclosed from serving as members of advisory groups convened solely for the purpose of sharing knowledge or experiences, make recommendations, or comment on proposed courses of action because they would otherwise stand to gain financially, by the advice or comments they provide, or the recommendations they may make.

Impact on the public: Allow more persons to share their expertise with state officials and agencies.

Impact on the department and other agencies: Allow more agencies the benefit of community expertise and knowledge.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION:

OTHER AFFECTED
AGENCIES: State Ethics Commission.

EFFECTIVE DATE: Upon approval.