

JAN 18 2013

A BILL FOR AN ACT

RELATING TO THE ETHICS CODE.

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

1 SECTION 1. Section 84-13, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§84-13 **Fair treatment.** No legislator or employee shall
4 use or attempt to use the legislator's or employee's official
5 position to secure or grant unwarranted privileges, exemptions,
6 advantages, contracts, or treatment, for oneself or others;
7 including but not limited to the following:

8 (1) Seeking other employment or contract for services for
9 oneself by the use or attempted use of the
10 legislator's or employee's office or position.

11 (2) Accepting, receiving, or soliciting compensation or
12 other consideration for the performance of the
13 legislator's or employee's official duties or
14 responsibilities except as provided by law.

15 (3) Using state time, equipment or other facilities for
16 private business purposes.

17 (4) Soliciting, selling, or otherwise engaging in a
18 substantial financial transaction with a subordinate



1 or a person or business whom the legislator or
2 employee inspects or supervises in the legislator's or
3 employee's official capacity.

4 Nothing herein shall be construed to prohibit a legislator
5 from introducing bills and resolutions, [~~or to prevent a person~~
6 ~~from serving on a task force or from~~ serving on [~~a task force~~]
7 ~~committee,~~ committees, or from making statements or taking
8 ~~official~~ action [~~as a legislator, or a task force member or a~~
9 ~~task force member's designee or representative. Every~~
10 ~~legislator, or task force member or designee or representative~~
11 ~~of a task force member shall file a full and complete public~~
12 ~~disclosure of the nature and extent of the interest or~~
13 ~~transaction which the legislator or task force member or task~~
14 ~~force member's designee or representative believes may be~~
15 ~~affected by the legislator's or task force member's official~~
16 ~~action.] in the exercise of the legislator's legislative
17 functions.~~

18 Nothing herein shall be construed to prohibit a member of a
19 task force from taking official action as a task force member."

20 SECTION 2. Section 84-14, Hawaii Revised Statutes, is
21 amended by amending subsection (f) to read as follows:



1 "(f) Subsections (a), (b), and (d) shall not apply to a
2 task force member or the designee or representative of that task
3 force member whose service as a task force member would not
4 otherwise cause that member, designee, or representative to be
5 considered an employee[~~, if the task force member or the~~
6 ~~designee or representative of that task force member complies~~
7 ~~with the disclosure requirements under section 84-17]."~~

8 SECTION 3. Section 84-17, Hawaii Revised Statutes, is
9 amended by amending subsection (c) to read as follows:

10 "(c) The following persons shall file annually with the
11 state ethics commission a disclosure of financial interests:

12 (1) The governor, the lieutenant governor, the members of
13 the legislature, and delegates to the constitutional
14 convention; provided that delegates to the
15 constitutional convention shall only be required to
16 file initial disclosures;

17 (2) The directors and their deputies, the division chiefs,
18 the executive directors and the executive secretaries
19 and their deputies, the purchasing agents and the
20 fiscal officers, regardless of the titles by which the
21 foregoing persons are designated, of every state
22 agency and department;



- 1 (3) The permanent employees of the legislature and its
2 service agencies, other than persons employed in
3 clerical, secretarial, or similar positions;
- 4 (4) The administrative director of the State, and the
5 assistants in the office of the governor and the
6 lieutenant governor, other than persons employed in
7 clerical, secretarial, or similar positions;
- 8 (5) The hearings officers of every state agency and
9 department;
- 10 (6) The president, the vice presidents, assistant vice
11 presidents, the chancellors, and the provosts of the
12 University of Hawaii and its community colleges;
- 13 (7) The superintendent, the deputy superintendent, the
14 assistant superintendents, the complex area
15 superintendents, the state librarian, and the deputy
16 state librarian of the department of education;
- 17 (8) The administrative director and the deputy director of
18 the courts;
- 19 (9) The members of every state board or commission whose
20 original terms of office are for periods exceeding one
21 year and whose functions are not solely advisory;



1 (10) Candidates for state elective offices, including
2 candidates for election to the constitutional
3 convention, provided that candidates shall only be
4 required to file initial disclosures; [~~and~~]

5 (11) The administrator and assistant administrator of the
6 office of Hawaiian affairs[~~-~~]; and

7 (12) Members of task forces."

8 SECTION 4. Section 84-14, Hawaii Revised Statutes, is
9 amended by amending subsection (d) to read as follows:

10 "(d) The financial disclosure statements of the following
11 persons shall be public records and available for inspection and
12 duplication:

13 (1) The governor, the lieutenant governor, the members of
14 the legislature, candidates for and delegates to the
15 constitutional convention, the trustees of the office
16 of Hawaiian affairs, and candidates for state elective
17 offices;

18 (2) The directors of the state departments and their
19 deputies, regardless of the titles by which the
20 foregoing persons are designated; provided that with
21 respect to the department of the attorney general, the



- 1 foregoing shall apply only to the attorney general and
- 2 the first deputy attorney general;
- 3 (3) The administrative director of the State;
- 4 (4) The president, the vice presidents, the assistant vice
- 5 presidents, the chancellors, and the provosts of the
- 6 University of Hawaii;
- 7 (5) The members of the board of education and the
- 8 superintendent, the deputy superintendent, the state
- 9 librarian, and the deputy state librarian of the
- 10 department of education;
- 11 (6) The administrative director and the deputy director of
- 12 the courts; [and]
- 13 (7) The administrator and the assistant administrator of
- 14 the office of Hawaiian affairs[-]; and
- 15 (8) Members of task forces."

16 SECTION 5. Statutory material to be repealed is bracketed

17 and stricken. New statutory material is underscored.

18 SECTION 6. This Act shall take effect upon its approval.

19

INTRODUCED BY: *Shane Inoué*

By Request



S.B. NO. 42A

Report Title:

State Ethics Commission Package; Task Force Members; Ethics Code; Disclosure of Financial Interests

Description:

Clarifies that all task force members must file an annual disclosure of financial interests and makes those disclosures public records available for inspection and duplication.

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

