

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 84-12, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§84-12 Confidential information.** No legislator or  
4 employee shall disclose information which by law or practice is  
5 not available to the public and which the legislator or employee  
6 acquires in the course of the legislator's or employee's  
7 official duties, or use the information for the legislator's or  
8 employee's personal gain or for the benefit of anyone[; provided  
9 ~~that this section shall not preclude a person who serves as the~~  
10 ~~designee or representative of an entity that is a member of a~~  
11 ~~task force from disclosing information to the entity which the~~  
12 ~~person acquires as the entity's designee or representative]."~~

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

15           "**§84-13 Fair treatment.** No legislator or employee shall  
16 use or attempt to use the legislator's or employee's official  
17 position to secure or grant unwarranted privileges, exemptions,



1 advantages, contracts, or treatment, for oneself or others;  
2 including but not limited to the following:

- 3 (1) Seeking other employment or contract for services for  
4 oneself by the use or attempted use of the  
5 legislator's or employee's office or position.
- 6 (2) Accepting, receiving, or soliciting compensation or  
7 other consideration for the performance of the  
8 legislator's or employee's official duties or  
9 responsibilities except as provided by law.
- 10 (3) Using state time, equipment or other facilities for  
11 private business purposes.
- 12 (4) Soliciting, selling, or otherwise engaging in a  
13 substantial financial transaction with a subordinate  
14 or a person or business whom the legislator or  
15 employee inspects or supervises in the legislator's or  
16 employee's official capacity.

17 Nothing herein shall be construed to prohibit a legislator  
18 from introducing bills and resolutions, [~~or to prevent a person~~  
19 ~~from serving on a task force or from~~ serving on [~~a task force~~  
20 [~~committee,~~] committees, or from making statements or taking  
21 [~~official~~] action [~~as a legislator, or a task force member or a~~  
22 ~~task force member's designee or representative.~~ Every



1 ~~legislator, or task force member or designee or representative~~  
2 ~~of a task force member shall file a full and complete public~~  
3 ~~disclosure of the nature and extent of the interest or~~  
4 ~~transaction which the legislator or task force member or task~~  
5 ~~force member's designee or representative believes may be~~  
6 ~~affected by the legislator's or task force member's official~~  
7 ~~action.] in the exercise of the legislator's legislative~~  
8 ~~functions."~~

9 SECTION 3. Section 84-14, Hawaii Revised Statutes, is  
10 amended by amending subsection (f) to read as follows:

11 "(f) [~~Subsections (a), (b), and~~] Subsection (d) shall not  
12 apply to a task force member or the designee or representative  
13 of that task force member whose service as a task force member  
14 would not otherwise cause that member, designee, or  
15 representative to be considered an employee[, ~~if the task force~~  
16 ~~member or the designee or representative of that task force~~  
17 ~~member complies with the disclosure requirements under section~~  
18 ~~84-17]."~~

19 SECTION 4. Section 84-15, Hawaii Revised Statutes, is  
20 amended by amending subsection (b) to read as follows:

21 "(b) A state agency shall not enter into a contract with  
22 any person or business which is represented or assisted



1 personally in the matter by a person who has been an employee of  
2 the agency within the preceding two years and who participated  
3 while in state office or employment in the matter with which the  
4 contract is directly concerned. [~~This subsection shall not  
5 apply to any contract that is awarded in accordance with  
6 subsection (a) with a person or business represented or assisted  
7 by a person who was a member of a task force or served as the  
8 designee or representative of a task force member.~~]"

9 SECTION 5. Section 84-17, Hawaii Revised Statutes, is  
10 amended by amending subsection (c) to read as follows:

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

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

18 (2) The directors and their deputies, the division chiefs,  
19 the executive directors and the executive secretaries  
20 and their deputies, the purchasing agents and the  
21 fiscal officers, regardless of the titles by which the



- 1           foregoing persons are designated, of every state  
2           agency and department;
- 3           (3) The permanent employees of the legislature and its  
4           service agencies, other than persons employed in  
5           clerical, secretarial, or similar positions;
- 6           (4) The administrative director of the State, and the  
7           assistants in the office of the governor and the  
8           lieutenant governor, other than persons employed in  
9           clerical, secretarial, or similar positions;
- 10          (5) The hearings officers of every state agency and  
11          department;
- 12          (6) The president, the vice presidents, assistant vice  
13          presidents, the chancellors, and the provosts of the  
14          University of Hawaii and its community colleges;
- 15          (7) The superintendent, the deputy superintendent, the  
16          assistant superintendents, the complex area  
17          superintendents, the state librarian, and the deputy  
18          state librarian of the department of education;
- 19          (8) The administrative director and the deputy director of  
20          the courts;



1 (9) The members of every state board or commission whose  
2 original terms of office are for periods exceeding one  
3 year and whose functions are not solely advisory;

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

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

10 (12) Members of task forces."

11 SECTION 6. Section 84-17, Hawaii Revised Statutes, is  
12 amended by amending subsection (d) to read as follows:

13 "(d) The financial disclosure statements of the following  
14 persons shall be public records and available for inspection and  
15 duplication:

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

21 (2) The directors of the state departments and their  
22 deputies, regardless of the titles by which the



1           foregoing persons are designated; provided that with  
2           respect to the department of the attorney general, the  
3           foregoing shall apply only to the attorney general and  
4           the first deputy attorney general;

5           (3) The administrative director of the State;

6           (4) The president, the vice presidents, the assistant vice  
7           presidents, the chancellors, and the provosts of the  
8           University of Hawaii;

9           (5) The members of the board of education and the  
10          superintendent, the deputy superintendent, the state  
11          librarian, and the deputy state librarian of the  
12          department of education;

13          (6) The administrative director and the deputy director of  
14          the courts; [and]

15          (7) The administrator and the assistant administrator of  
16          the office of Hawaiian affairs[-]; and

17          (8) Members of task forces."

18          SECTION 7. Statutory material to be repealed is bracketed  
19          and stricken. New statutory material is underscored.

20          SECTION 8. This Act shall take effect upon its approval.

21

INTRODUCED BY: 



# S.B. NO. 430

**Report Title:**

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

**Description:**

Repeals task force member exemptions to certain conflict of interest and disclosure prohibitions of the State's code of ethics. Clarifies that all task force members must file annual disclosures of financial interests. Makes task force member disclosures of financial interests 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.*

