
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~~] that by law or
5 practice is not available to the public and [~~which~~] that the
6 legislator or employee acquires in the course of the
7 legislator's or employee's official duties, or use the
8 information for the legislator's or employee's personal gain or
9 for the benefit of anyone [~~; provided that this section shall not~~
10 ~~preclude a person who serves as the designee or representative~~
11 ~~of an entity that is a member of a task force from disclosing~~
12 ~~information to the entity which the person acquires as the~~
13 ~~entity's designee or representative]~~."

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

16 "**§84-13 Fair treatment.** No legislator or employee shall
17 use or attempt to use the legislator's or employee's official



1 position to secure or grant unwarranted privileges, exemptions,
2 advantages, contracts, or treatment, for oneself or others;
3 including but not limited to the following:

4 (1) Seeking other employment or contract for services for
5 oneself by the use or attempted use of the
6 legislator's or employee's office or position.

7 (2) Accepting, receiving, or soliciting compensation or
8 other consideration for the performance of the
9 legislator's or employee's official duties or
10 responsibilities except as provided by law.

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

13 (4) Soliciting, selling, or otherwise engaging in a
14 substantial financial transaction with a subordinate
15 or a person or business whom the legislator or
16 employee inspects or supervises in the legislator's or
17 employee's official capacity.

18 Nothing herein shall be construed to prohibit a legislator
19 from introducing bills and resolutions, [~~or to prevent a person~~
20 ~~from serving on a task force or from~~ serving on [a task force
21 ~~committee,~~] committees, or from making statements or taking



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

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

13 "(f) ~~[Subsections (a), (b), and] Subsection (d) shall not~~
14 ~~apply to a task force member or the designee or representative~~
15 ~~of that task force member whose service as a task force member~~
16 ~~would not otherwise cause that member, designee, or~~
17 ~~representative to be considered an employee[, if the task force~~
18 ~~member or the designee or representative of that task force~~
19 ~~member complies with the disclosure requirements under section~~
20 ~~84-17]."~~



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

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

13 SECTION 5. Section 84-17, Hawaii Revised Statutes, is
14 amended by amending subsections (c) and (d) to read as follows:

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

- 17 (1) The governor, the lieutenant governor, the members of
18 the legislature, and delegates to the constitutional
19 convention; provided that delegates to the
20 constitutional convention shall only be required to
21 file initial disclosures;



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



- 1 superintendents, the state librarian, and the deputy
2 state librarian of the department of education;
- 3 (8) The administrative director and the deputy director of
4 the courts;
- 5 (9) The members of every state board or commission whose
6 original terms of office are for periods exceeding one
7 year and whose functions are not solely advisory;
- 8 (10) Candidates for state elective offices, including
9 candidates for election to the constitutional
10 convention, provided that candidates shall only be
11 required to file initial disclosures; ~~and~~
- 12 (11) The administrator and assistant administrator of the
13 office of Hawaiian affairs[-]; and
- 14 (12) Members of task forces.
- 15 (d) The financial disclosure statements of the following
16 persons shall be public records and available for inspection and
17 duplication:
- 18 (1) The governor, the lieutenant governor, the members of
19 the legislature, candidates for and delegates to the
20 constitutional convention, the trustees of the office



- 1 of Hawaiian affairs, and candidates for state elective
2 offices;
- 3 (2) The directors of the state departments and their
4 deputies, regardless of the titles by which the
5 foregoing persons are designated; provided that with
6 respect to the department of the attorney general, the
7 foregoing shall apply only to the attorney general and
8 the first deputy attorney general;
- 9 (3) The administrative director of the State;
- 10 (4) The president, the vice presidents, the assistant vice
11 presidents, the chancellors, members of the board of
12 regents, and the provosts of the University of Hawaii;
- 13 (5) The members of the board of education and the
14 superintendent, the deputy superintendent, the state
15 librarian, and the deputy state librarian of the
16 department of education;
- 17 (6) The administrative director and the deputy director of
18 the courts;
- 19 (7) The administrator and the assistant administrator of
20 the office of Hawaiian affairs; and



- 1 (8) The members of the following state boards,
2 commissions, and agencies:
 - 3 (A) The board of directors of the agribusiness
4 development corporation established under section
5 163D-3;
 - 6 (B) The board of agriculture established under
7 section 26-16;
 - 8 (C) The state ethics commission established under
9 section 84-21;
 - 10 (D) The Hawaii community development authority
11 established under section 206E-3;
 - 12 (E) The Hawaiian homes commission established under
13 the Hawaiian Homes Commission Act of 1920, as
14 amended, and section 26-17;
 - 15 (F) The board of directors of the Hawaii housing
16 finance and development corporation established
17 under section 201H-3;
 - 18 (G) The board of land and natural resources
19 established under section 171-4;
 - 20 (H) The state land use commission established under
21 section 205-1;

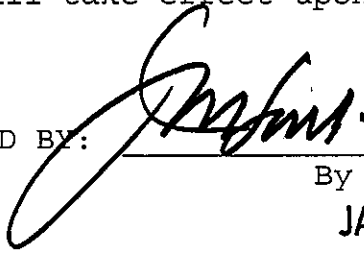


- 1 (I) The legacy land conservation commission
- 2 established under section 173A-2.4;
- 3 (J) The natural area reserves system commission
- 4 established under section 195-6;
- 5 (K) The board of directors of the natural energy
- 6 laboratory of Hawaii authority established under
- 7 section 227D-2;
- 8 (L) The board of directors of the Hawaii public
- 9 housing authority established under section
- 10 356D-3;
- 11 (M) The public utilities commission established under
- 12 section 269-2; and
- 13 (N) The commission on water resource management
- 14 established under section 174C-7[-]; and
- 15 (O) Members of task forces."

16 SECTION 6. Statutory material to be repealed is bracketed
 17 and stricken. New statutory material is underscored.

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

19

INTRODUCED BY:  _____
 By Request
 JAN 22 2015



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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.

