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# A BILL FOR AN ACT

RELATING TO ETHICS.

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

1           SECTION 1. Section 84-11, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§84-11 Gifts.** No legislator or employee shall solicit,  
4 accept, or receive, directly or indirectly, any gift, whether in  
5 the form of money, service, loan, travel, entertainment,  
6 hospitality, thing, or promise, or in any other form, under  
7 circumstances in which it can reasonably be inferred that the  
8 gift is intended to influence the legislator or employee in the  
9 performance of the legislator's or employee's official duties or  
10 is intended as a reward for any official action on the  
11 legislator's or employee's part[-]; provided that this section  
12 shall not apply to a teacher, counselor, administrator, coach,  
13 or other employee employed by the department of education or a  
14 public charter school who plans, organizes, or serves as a  
15 chaperone on a student educational trip and who receives a  
16 travel benefit, incentive, or gift from a tour or travel company  
17 that is to be used in conjunction with the same educational trip



1 on which the teacher, counselor, administrator, coach, or other  
2 employee employed by the department of education or a public  
3 charter school serves as a chaperone or plans or organizes."

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

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

- 11 (1) Seeking other employment or contract for services for  
12 oneself by the use or attempted use of the  
13 legislator's or employee's office or position[-];  
14 (2) Accepting, receiving, or soliciting compensation or  
15 other consideration for the performance of the  
16 legislator's or employee's official duties or  
17 responsibilities except as provided by law[-];  
18 (3) Using state time, equipment or other facilities for  
19 private business purposes[-]; or  
20 (4) Soliciting, selling, or otherwise engaging in a  
21 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 Paragraph (2) shall not apply to a teacher, counselor,  
5 administrator, coach, or other employee employed by the  
6 department of education or a public charter school who plans,  
7 organizes, or serves as a chaperone on a student educational  
8 trip and who receives a travel benefit, incentive, or gift from  
9 a tour or travel company that is to be used in conjunction with  
10 the same educational trip on which the teacher, counselor,  
11 administrator, coach, or other employee employed by the  
12 department of education or a public charter school serves as a  
13 chaperone or plans or organizes.

14 Nothing herein shall be construed to prohibit a legislator  
15 from introducing bills and resolutions, or to prevent a person  
16 from serving on a task force or from serving on a task force  
17 committee, or from making statements or taking official action  
18 as a legislator, or a task force member or a task force member's  
19 designee or representative. Every legislator, or task force  
20 member or designee or representative of a task force member  
21 shall file a full and complete public disclosure of the nature



1 and extent of the interest or transaction which the legislator  
2 or task force member or task force member's designee or  
3 representative believes may be affected by the legislator's or  
4 task force member's official action."

5 SECTION 3. Section 84-14, Hawaii Revised Statutes, is  
6 amended to read as follows:

7 "§84-14 Conflicts of interests. (a) No employee shall  
8 take any official action directly affecting:

9 (1) A business or other undertaking in which the employee  
10 has a substantial financial interest; or

11 (2) A private undertaking in which the employee is engaged  
12 as legal counsel, advisor, consultant, representative,  
13 or other agency capacity.

14 A department head who is unable to disqualify the  
15 department head's self on any matter described in paragraphs (1)  
16 and (2) will not be in violation of this subsection if the  
17 department head has complied with the disclosure requirements of  
18 section 84-17.

19 A person whose position on a board, commission, or  
20 committee is mandated by statute, resolution, or executive order  
21 to have particular qualifications shall only be prohibited from



1 taking official action that directly and specifically affects a  
2 business or undertaking in which the person has a substantial  
3 financial interest; provided that the substantial financial  
4 interest is related to the member's particular qualifications.

5 (b) No employee shall acquire financial interests in any  
6 business or other undertaking which the employee has reason to  
7 believe may be directly involved in official action to be taken  
8 by the employee.

9 (c) No legislator or employee shall assist any person or  
10 business or act in a representative capacity before any state or  
11 county agency for a contingent compensation in any transaction  
12 involving the State.

13 (d) No legislator or employee shall assist any person or  
14 business or act in a representative capacity for a fee or other  
15 compensation to secure passage of a bill or to obtain a  
16 contract, claim, or other transaction or proposal in which the  
17 legislator or employee has participated or will participate as a  
18 legislator or employee, nor shall the legislator or employee  
19 assist any person or business or act in a representative  
20 capacity for a fee or other compensation on such bill, contract,  
21 claim, or other transaction or proposal before the legislature



1 or agency of which the legislator or employee is an employee or  
2 legislator.

3 (e) No employee shall assist any person or business or act  
4 in a representative capacity before a state or county agency for  
5 a fee or other consideration on any bill, contract, claim, or  
6 other transaction or proposal involving official action by the  
7 agency if the employee has official authority over that state or  
8 county agency unless the employee has complied with the  
9 disclosure requirements of section 84-17.

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

17 (g) Subsections (a)(2) and (d) shall not apply regarding  
18 travel, incentives, or gifts to a teacher, counselor,  
19 administrator, coach, or other employee employed by the  
20 department of education or a public charter school who plans,  
21 organizes, or serves as a chaperone on a student educational



1 trip and who receives a travel benefit, incentive, or gift from  
2 a tour or travel company that is to be used in conjunction with  
3 the same educational trip on which the teacher, counselor,  
4 administrator, coach, or other employee employed by the  
5 department of education or a public charter school serves as a  
6 chaperone or plans or organizes."

7 SECTION 4. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

9 SECTION 5. This Act shall take effect upon its approval.



**Report Title:**

Ethics Code; Exemptions; Teachers; Educational Trips

**Description:**

Exempts teachers, counselors, administrators, coaches, or other employees employed by the Department of Education or a public charter school involved in educational trips from certain ethics code provisions. (HB2431 HD1)

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

