

JAN 23 2015

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.



1 (4) Soliciting, selling, or otherwise engaging in a
2 substantial financial transaction with a subordinate
3 or a person or business whom the legislator or
4 employee inspects or supervises in the legislator's or
5 employee's official capacity.

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

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



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

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

10 SECTION 3. Section 84-17, Hawaii Revised Statutes, is
11 amended by amending subsections (c) and (d) to read as follows:

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

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

19 (2) The directors and their deputies, the division chiefs,
20 the executive directors and the executive secretaries
21 and their deputies, the purchasing agents and the



- 1 fiscal officers, regardless of the titles by which the
2 foregoing persons are designated, of every state
3 agency and department;
- 4 (3) The permanent employees of the legislature and its
5 service agencies, other than persons employed in
6 clerical, secretarial, or similar positions;
- 7 (4) The administrative director of the State, and the
8 assistants in the office of the governor and the
9 lieutenant governor, other than persons employed in
10 clerical, secretarial, or similar positions;
- 11 (5) The hearings officers of every state agency and
12 department;
- 13 (6) The president, the vice presidents, assistant vice
14 presidents, the chancellors, and the provosts of the
15 University of Hawaii and its community colleges;
- 16 (7) The superintendent, the deputy superintendent, the
17 assistant superintendents, the complex area
18 superintendents, the state librarian, and the deputy
19 state librarian of the department of education;
- 20 (8) The administrative director and the deputy director of
21 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 (d) The financial disclosure statements of the following
12 persons shall be public records and available for inspection and
13 duplication:

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

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



1 respect to the department of the attorney general, the
2 foregoing shall apply only to the attorney general and
3 the first deputy attorney general;

4 (3) The administrative director of the State;

5 (4) The president, the vice presidents, the assistant vice
6 presidents, the chancellors, members of the board of
7 regents, and the provosts of the University of Hawaii;

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

12 (6) The administrative director and the deputy director of
13 the courts;

14 (7) The administrator and the assistant administrator of
15 the office of Hawaiian affairs; and

16 (8) The members of the following state boards,
17 commissions, and agencies:

18 (A) The board of directors of the agribusiness
19 development corporation established under section
20 163D-3;



- 1 (B) The board of agriculture established under
- 2 section 26-16;
- 3 (C) The state ethics commission established under
- 4 section 84-21;
- 5 (D) The Hawaii community development authority
- 6 established under section 206E-3;
- 7 (E) The Hawaiian homes commission established under
- 8 the Hawaiian Homes Commission Act of 1920, as
- 9 amended, and section 26-17;
- 10 (F) The board of directors of the Hawaii housing
- 11 finance and development corporation established
- 12 under section 201H-3;
- 13 (G) The board of land and natural resources
- 14 established under section 171-4;
- 15 (H) The state land use commission established under
- 16 section 205-1;
- 17 (I) The legacy land conservation commission
- 18 established under section 173A-2.4;
- 19 (J) The natural area reserves system commission
- 20 established under section 195-6;



1 (K) The board of directors of the natural energy
2 laboratory of Hawaii authority established under
3 section 227D-2;

4 (L) The board of directors of the Hawaii public
5 housing authority established under section
6 356D-3;

7 (M) The public utilities commission established under
8 section 269-2; and


9 (N) The commission on water resource management
10 established under section 174C-7[-]; and

11 (O) Members of task forces."

12 SECTION 4. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

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

15

INTRODUCED BY: 
By Request



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.

