

JAN 18 2019

A BILL FOR AN ACT

RELATING TO ETHICS.

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

1 SECTION 1. The legislature finds that a 2012 statutory
2 change intended to clarify the application of the state ethics
3 code to task force members had the unintended effect of also
4 changing the law with respect to legislators. This Act restores
5 longstanding protection for legislators when carrying out a
6 "legislative function."

7 The legislature also finds that a related 2012 statutory
8 change created an ambiguity regarding whether task force members
9 must file the same financial disclosure statements as state
10 officials. This Act makes clear that they do not.

11 Accordingly, the purpose of this Act is to provide
12 additional clarity and consistency in the administration and
13 enforcement of the State's ethics laws and to promote integrity
14 in state government by:

15 (1) Restoring previous statutory language protecting
16 legislators when carrying out a "legislative
17 function";



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- 1 (2) Clarifying the fair treatment laws with respect to
- 2 task force members and legislators by restoring
- 3 previous statutory language regarding a legislator's
- 4 "legislative function";
- 5 (3) Repeals language suggesting that task force members
- 6 need to file the same financial disclosure statements
- 7 required of other state officials; and
- 8 (4) Clarifying the existing requirement that task force
- 9 members publicly disclose conflicts of interest by
- 10 requiring the state ethics commission to adopt rules
- 11 regarding these disclosures.

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

14 "**§84-13 Fair treatment.** (a) No legislator or employee
15 shall use or attempt to use the legislator's or employee's
16 official position to secure or grant unwarranted privileges,
17 exemptions, advantages, contracts, or treatment, for oneself or
18 others; including but not limited to the following:

- 19 (1) Seeking other employment or contract for services for
- 20 oneself by the use or attempted use of the
- 21 legislator's or employee's office or position.



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

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

7 (4) Soliciting, selling, or otherwise engaging in a
8 substantial financial transaction with a subordinate
9 or a person or business whom the legislator or
10 employee inspects or supervises in the legislator's or
11 employee's official capacity.

12 (b) Nothing [herein] in this section shall be construed to
13 prohibit a legislator from introducing bills and resolutions,
14 ~~[or to prevent a person from serving on a task force or]~~ from
15 serving on a task force committee, or from making statements or
16 taking ~~[official]~~ action ~~[as a legislator, or a task force~~
17 ~~member or a task force member's designee or representative.]~~ in
18 the exercise of the legislator's legislative functions. Every
19 legislator~~[, or task force member or designee or representative~~
20 ~~of a task force member shall file a full and complete public~~
21 ~~disclosure of]~~ shall publicly disclose the nature and extent of



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1 the interest or transaction [~~which~~] that the legislator [~~or task~~
2 ~~force member or task force member's designee or representative]~~
3 believes may be affected by [~~the legislator's or task force~~
4 ~~member's official action.~~] legislative action.

5 (c) Nothing in this section shall be construed to prevent
6 a person from:

7 (1) Serving on a task force or a task force committee; or

8 (2) Making statements or taking official action as a task

9 force member or a task force member's designee or

10 representative;

11 provided that every task force member or designee or

12 representative of a task force member shall publicly disclose

13 the nature and extent of any interest or transaction that the

14 task force member or task force member's designee or

15 representative believes may be affected by the task force

16 member's official action.

17 (d) The state ethics commission shall adopt rules pursuant

18 to chapter 91 to effectuate the purposes of this section."

19 SECTION 3. Section 84-14, Hawaii Revised Statutes, is

20 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 designee
6 or representative of that task force member complies with the
7 disclosure requirements under section 84-17.] Nothing in this
8 section shall be construed to prevent a person from:

9 (1) Serving on a task force or a task force committee; or

10 (2) Making statements or taking official action as a task
11 force member or a task force member's designee or
12 representative;

13 provided that every task force member or designee or
14 representative of a task force member shall publicly disclose
15 the nature and extent of any interest or transaction that the
16 task force member or task force member's designee or
17 representative believes may be affected by the task force
18 member's official action. The state ethics commission shall
19 adopt rules pursuant to chapter 91 to effectuate the purposes of
20 this subsection."



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1 SECTION 4. The state ethics commission, in its discretion,
2 may make any changes that it deems necessary to its internal
3 procedures or forms to aid in the implementation of this Act.

4 SECTION 5. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

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

7

INTRODUCED BY: *Wm. D. ...*
By Request



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Report Title:

State Ethics Commission Package; Legislators; Legislative Function; Task Force Members; Disclosures

Description:

Restores statutory protection for legislators when carrying out a legislative function. Clarifies public disclosure requirements for task force members.

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

