



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

September 15, 2020

GOV. MSG. NO. 1181

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Thirtieth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirtieth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

I am transmitting herewith HB2124 HD1 SD2, without my approval and with the statement of objections relating to the measure.

HB2124 HD1 SD2

RELATING TO THE CODE OF ETHICS.

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

EXECUTIVE CHAMBERS

HONOLULU

September 15, 2020

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2124

Honorable Members
Thirtieth Legislature
State of Hawai'i

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2124, entitled "A Bill for an Act Relating to the Code of Ethics."

The purpose of House Bill No. 2124 is to amend the State Ethics Code to prohibit the Governor, the Lieutenant Governor, and other high-level government officials, including the members of certain boards and commissions, from representing any person or business for a fee or other consideration regarding any legislative or administrative action for twelve months after termination from their respective positions.

The current post-employment law, section 84-18, Hawaii Revised Statutes, prohibits former high-level government officials from representing others for pay before (1) their own agencies or (2) other agencies on the same matters on which they worked prior to terminating their employment. This bill expands the prohibition to apply to not only the Governor, the Lieutenant Governor, and other former government officials, but also to the members of certain boards and commissions, and prohibits them from representing any person or business regarding any legislative or administrative action before other state agencies for twelve months after termination from their respective positions.

This bill is objectionable because most of the boards and commissions listed in this bill have members who serve voluntarily without compensation. The additional restrictions imposed on volunteer board and commission members who fulfill an important role in protecting our community through their service without compensation will make it significantly more challenging to attract and recruit the most qualified individuals for service on boards and commissions.

STATEMENT OF OBJECTIONS
HOUSE BILL NO. 2124
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For the foregoing reason, I am returning House Bill No. 2124 without my approval.

Respectfully,

A handwritten signature in black ink, appearing to read "David Y. Ige". The signature is fluid and cursive, with a large, sweeping flourish at the end.

DAVID Y. IGE
Governor of Hawai'i

A BILL FOR AN ACT

RELATING TO THE CODE OF ETHICS.

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

1 SECTION 1. The legislature finds that it is in the public
2 interest to maintain a distinct wall of separation between
3 lobbyists and the State's elected officials and certain other
4 government employees.

5 Accordingly, the purpose of this Act is to promote good
6 government by prohibiting elected officials, employees of the
7 legislature, and certain other high-ranking state officials from
8 representing other interests before the State and colleagues
9 with whom they have served, for twelve months after termination
10 from their respective government positions.

11 SECTION 2. Section 84-18, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "**§84-18 Restrictions on post employment.** (a) No former
14 legislator or employee shall disclose any information [~~which~~]
15 that by law or practice is not available to the public and
16 [~~which~~] that the former legislator or employee acquired in the
17 course of the former legislator's or employee's official duties



1 or use the information for the former legislator's or employee's
2 personal gain or the benefit of anyone.

3 (b) No former legislator, within twelve months after
4 termination of the former legislator's employment, shall
5 represent any person or business for a fee or other
6 consideration, on ~~[matters]~~:

7 (1) Matters in which the former legislator participated as
8 a legislator ~~[or on matters]~~;

9 (2) Matters involving official action by the
10 legislature~~[-]~~; or

11 (3) Any administrative action, as defined in section 97-1.

12 (c) No former employee, within twelve months after
13 termination of the former employee's employment, shall represent
14 any person or business for a fee or other consideration, on
15 matters in which the former employee participated as an employee
16 or on matters involving official action by the particular state
17 agency or subdivision thereof with which the former employee had
18 actually served. This section shall not apply to a former task
19 force member who, but for service as a task force member, would
20 not be considered an employee.



1 (d) This section shall not prohibit any agency from
2 contracting with a former legislator or employee to act on a
3 matter on behalf of the State within the period of limitations
4 stated herein, and shall not prevent [~~such~~] that legislator or
5 employee from appearing before any agency in relation to [~~such~~]
6 that employment.

7 (e) Subject to the restrictions imposed in subsections (a)
8 through (d), the following individuals shall not represent any
9 person or business for a fee or other consideration regarding
10 any legislative or administrative action, as defined in section
11 97-1, for twelve months after termination from their respective
12 positions:

- 13 (1) The governor;
14 (2) The lieutenant governor;
15 (3) The administrative director of the State;
16 (4) The attorney general;
17 (5) The comptroller;
18 (6) The chairperson of the board of agriculture;
19 (7) The director of finance;
20 (8) The director of business, economic development and
21 tourism;



- 1 (9) The director of commerce and consumer affairs;
- 2 (10) The adjutant general;
- 3 (11) The chairperson of the board of education;
- 4 (12) The superintendent of education;
- 5 (13) The chairperson of the Hawaiian homes commission;
- 6 (14) The director of health;
- 7 (15) The director of human resources development;
- 8 (16) The director of human services;
- 9 (17) The director of labor and industrial relations;
- 10 (18) The chairperson of the board of land and natural
11 resources;
- 12 (19) The director of public safety;
- 13 (20) The director of taxation;
- 14 (21) The director of transportation;
- 15 (22) The president of the university of Hawaii;
- 16 (23) The trustees and the administrator of the office of
17 Hawaiian affairs;
- 18 (24) The chief information officer;
- 19 (25) The members of the board of directors and the
20 executive director of the agribusiness development
21 corporation;



- 1 (26) The members and the executive director of the campaign
- 2 spending commission;
- 3 (27) The members and the executive director of the Hawaii
- 4 community development authority;
- 5 (28) The members of the board of directors and the
- 6 executive director of the Hawaii housing finance and
- 7 development corporation;
- 8 (29) The members of the board of directors and the
- 9 president and chief executive officer of the Hawaii
- 10 tourism authority;
- 11 (30) The members and the executive officer of the public
- 12 utilities commission;
- 13 (31) The state auditor;
- 14 (32) The director of the legislative reference bureau;
- 15 (33) The ombudsman;
- 16 (34) The permanent employees of the legislature, other than
- 17 persons employed in clerical, secretarial, or similar
- 18 positions;
- 19 (35) The administrative director of the courts; and



1 (36) Every executive director, director, or administrator
2 of a board, authority, or commission listed in section
3 84-17(d).

4 [~~(e)~~ ~~This section~~] (f) Subsections (b) through (e) shall
5 not apply to any person who is employed by the State for a
6 period of less than one hundred and eighty-one days.

7 [~~(f)~~] (g) For the purposes of this section, "represent"
8 means to engage in direct communication on behalf of any person
9 or business with a legislator, a legislative employee, a
10 particular state agency or subdivision thereof, or their
11 employees."

12 SECTION 3. If any provision of this Act, or the
13 application thereof to any person or circumstance, is held
14 invalid, the invalidity does not affect other provisions or
15 applications of the Act that can be given effect without the
16 invalid provision or application, and to this end the provisions
17 of this Act are severable.


18 SECTION 4. This Act does not affect rights and duties that
19 matured, penalties that were incurred, and proceedings that were
20 begun before its effective date.

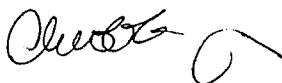


THE SENATE OF THE STATE OF HAWAI‘I

Date: July 6, 2020
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirtieth Legislature of the State of Hawai‘i, Regular Session of 2020.


President of the Senate


Clerk of the Senate

HB No. 2124, HD 1, SD 2

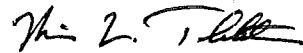
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: July 10, 2020
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirtieth Legislature of the State of Hawaii, Regular Session of 2020.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives