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# A BILL FOR AN ACT

RELATING TO THE STATE ETHICS CODE.

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

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

3           "**§84-2 Applicability.** This chapter shall apply to every  
4 nominated, appointed, or elected officer, employee, and  
5 candidate to elected office of the State and for election to the  
6 constitutional convention, but excluding justices and judges[+] ]  
7 except as otherwise provided; provided that in the case of  
8 elected delegates and employees of the constitutional  
9 convention, this chapter shall apply only to the enforcement and  
10 administration of the code of ethics adopted by the  
11 constitutional convention."

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

14           "**§84-14 Conflicts of interests.** (a) No legislator,  
15 employee, justice, or judge shall take any official action  
16 directly affecting:



- 1 (1) A business or other undertaking in which the employee  
2 has a substantial financial interest; or  
3 (2) A private undertaking in which the employee is engaged  
4 as legal counsel, advisor, consultant, representative,  
5 or other agency capacity.

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

11 A person whose position on a board, commission, or  
12 committee is mandated by statute, resolution, or executive order  
13 to have particular qualifications shall only be prohibited from  
14 taking official action that directly and specifically affects a  
15 business or undertaking in which the person has a substantial  
16 financial interest; provided that the substantial financial  
17 interest is related to the member's particular qualifications.

18 (b) No legislator, employee, justice, or judge shall  
19 acquire financial interests in any business or other undertaking  
20 which the employee has reason to believe may be directly  
21 involved in official action to be taken by the employee.



1 (c) No legislator [~~or~~], employee, justice, or judge shall  
2 assist any person or business or act in a representative  
3 capacity before any state or county agency for a contingent  
4 compensation in any transaction involving the State. (d) No  
5 legislator or employee shall assist any person or business or  
6 act in a representative capacity for a fee or other compensation  
7 to secure passage of a bill or to obtain a contract, claim, or  
8 other transaction or proposal in which the legislator or  
9 employee has participated or will participate as a legislator or  
10 employee, nor shall the legislator or employee assist any person  
11 or business or act in a representative capacity for a fee or  
12 other compensation on such bill, contract, claim, or other  
13 transaction or proposal before the legislature or agency of  
14 which the legislator or employee is an employee or legislator.

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



1 (f) Nothing in this section shall be construed to prevent  
2 a person from:

3 (1) Serving on a task force; or

4 (2) Making statements or taking official action as a task  
5 force member or a task force member's designee or  
6 representative;

7 provided that every task force member or designee or  
8 representative of a task force member shall publicly disclose  
9 the nature and extent of any interest or transaction that the  
10 task force member or task force member's designee or  
11 representative believes may be affected by the task force  
12 member's official action. The state ethics commission shall  
13 adopt rules pursuant to chapter 91 to effectuate the purposes of  
14 this subsection.

15 (g) Nothing in this section shall be construed to prohibit  
16 a legislator from introducing bills and resolutions, from  
17 servicing on a committee, or from making statements or taking  
18 action in the exercise of the legislator's legislative  
19 functions."



1 SECTION 3. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

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

6 SECTION 5. This Act shall take effect on January 1, 2050.



**Report Title:**

State Ethics Code; Conflicts of Interests

**Description:**

Amends the certain parts of the conflicts of interests provision of the state ethics code to include members of the legislature and justices and judges of all state courts. Effective 1/1/2050. (HD1)

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

