

## ACT 165

H.B. NO. 1475

A Bill for an Act Relating to Mandatory Ethics Training.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The legislature finds that requiring all state legislators and employees to be aware of and knowledgeable about the state ethics code is in the best interests of the State. Regular training on the state ethics code will ensure that state legislators and employees are aware of current ethics laws and will increase the public's confidence in state government.

Accordingly, the purpose of this Act is to establish live and online ethics training courses to be designed and administered by the state ethics commission and make ethics training mandatory for all state legislators and employees.

SECTION 2. Section 84-42, Hawaii Revised Statutes, is amended to read as follows:

**“~~[[§84-42]]~~ Mandatory ethics training course.** ~~[All state officers and employees enumerated in section 84-41]~~ (a) Legislators, members of the board of education, trustees of the office of Hawaiian affairs, the governor, the lieutenant governor, executive department heads and deputies, and every other person whose financial disclosure statement is a public record pursuant to section 84-17(d) shall complete [an] a live ethics training course administered by the state

ethics commission [as provided in this part. For the purposes of this part, “ethics training” includes education and training in:

- (1) The ethics laws set forth in this chapter; and
- (2) The lobbying laws set forth in chapter 97.] within ninety days of taking office and at least once every four years thereafter.

(b) All other employees shall complete either a live or an online ethics training course developed pursuant to section 84-43(c) and administered by the state ethics commission within ninety days of becoming an employee and at least once every four years thereafter.”

SECTION 3. Section 84-43, Hawaii Revised Statutes, is amended to read as follows:

**“§84-43 Ethics training [course.] courses; live and online.** (a) The state ethics commission shall establish, design, supervise, and conduct live and online ethics training courses for [~~the officers and employees to whom this part applies.~~] all persons required to complete training under section 84-42.

(b) The live ethics training course may be conducted in person or via videoconference and shall include:

- (1) Explanations and discussions of the ethics laws, administrative rules, and relevant internal policies;
- (2) Specific technical and legal requirements;
- (3) The underlying purposes and principles of ethics laws;
- (4) Examples of practical application of the laws and principles; and
- (5) A question-and-answer participatory segment regarding common problems and situations.

The state ethics commission shall develop the methods and prepare any materials necessary to implement the live ethics training course.

(c) The online ethics training course shall include explanations, discussions, and examples of the practical application of ethics laws and principles as the state ethics commission deems appropriate. The state ethics commission shall develop the methods and prepare any materials necessary to implement the online ethics training course, which may include previously recorded ethics training courses originally conducted either in person or via videoconference and any other prerecorded material authorized by the state ethics commission.

[~~(e)~~] (d) The state ethics commission shall:

- (1) [~~Administer~~] Design and administer the live ethics training [course;] courses;
- (2) Designate those of its legal staff who are to conduct the live ethics training course; [and]
- (3) Notify each [~~officer~~] legislator or employee [~~enumerated in section 84-41~~], either directly or via the employee’s employing agency, that their attendance or participation in [this] an applicable ethics training course is mandatory[.]; provided that a legislator’s or employee’s non-receipt of notice shall not be a defense to a charge concerning a violation of this chapter; and

(4) Design and administer the online ethics training course.

[~~(d)~~] (e) The state ethics commission may repeat the live course as necessary to accommodate all persons who are required to attend.

[~~(e)~~] (f) Each state agency shall provide to the state ethics commission in a timely manner the names and electronic mail addresses of those persons required to take the applicable course [~~in a timely manner~~] and shall assist the commission by providing adequate meeting facilities, equipment, and technical support as needed for the ethics training [~~course.] courses.”~~

SECTION 4. Section 84-41, Hawaii Revised Statutes, is repealed.

SECTION 5. Notwithstanding any law to the contrary, all state legislators and employees who are in active service on the effective date of this Act shall successfully complete a live or an online ethics training course, as applicable, within twelve months following the effective date of this Act and at least once every four years thereafter; provided that the requirement to successfully complete an ethics training course within the twelve month period immediately following the effective date of this Act shall not apply to those state legislators or employees who, within the past three years from the effective date of this Act, have successfully completed a live or an online ethics training course, as applicable.

SECTION 6. Statutory material to be repealed is bracketed and stricken.<sup>1</sup> New statutory material is underscored.

SECTION 7. This Act shall take effect on January 1, 2023.

(Approved June 27, 2022.)

**Note**

1. Edited pursuant to HRS §23G-16.5.