

JAN 20 2012

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 it is authorized to
2 establish task forces on an ad hoc basis to serve information-
3 gathering functions, such as investigating and discussing policy
4 issues and making non-binding recommendations to the legislature
5 for proposed legislation, and do not perform adjudicatory or
6 regulatory functions. Private-sector members of these task
7 forces are selected to represent particular industries and areas
8 of interest, and contribute their knowledge and experience to
9 assist the task force in accomplishing its purpose and
10 objectives. Moreover, task force members serve without pay and
11 are not entitled to public employee benefits and pensions for
12 their service on the task force.

13 The purpose of this Act is to clarify that a person serving
14 on a task force established by the legislature for the purpose
15 of recommending possible legislation is exempt from the conflict
16 of interest law under the state ethics code.

17 SECTION 2. Section 84-3, Hawaii Revised Statutes, is
18 amended as follows:

2012-0287 SB SMA-1.doc



1 1. By amending the definition of "employee" to read:
2 "Employee" means any nominated, appointed, or elected
3 officer or employee of the State, including members of boards,
4 commissions, and committees, and employees under contract to the
5 State or of the constitutional convention, but excluding
6 legislators, delegates to the constitutional convention,
7 justices and judges[-], and members of task forces or working
8 groups established by the legislature for the purpose of
9 recommending possible legislation."

10 2. By amending the definition of "state agency" to read:
11 "State agency" includes the State, the legislature and its
12 committees, all executive departments, boards, commissions,
13 committees, bureaus, offices, the University of Hawaii, and all
14 independent commissions and other establishments of the state
15 government, but excluding the courts[-], and task forces or
16 working groups established by the legislature for the purpose of
17 recommending possible legislation."

18 SECTION 3. Section 84-14, Hawaii Revised Statutes, is
19 amended by amending subsection (a) to read as follows:

20 (a) No employee shall take any official action directly
21 affecting:



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

6 A department head who is unable to disqualify [~~himself~~]
7 oneself on any matter described in items (1) and (2) above will
8 not be in violation of this subsection if [~~he~~] the department
9 head has complied with the disclosure requirements of section
10 84-17[~~+~~and].

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 [~~he~~] the person has a
16 substantial financial interest; provided that the substantial
17 financial interest is related to the member's particular
18 qualifications. This section shall not apply to a person
19 serving on a task force or working group established by the
20 legislature for the purpose of recommending possible
21 legislation."



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

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

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INTRODUCED BY:

[Signature]
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S.B. NO. 2560

Report Title:

Conflict of Interest; Task Force Members; Ethics Code

Description:

Exempts a person serving on a task force or working group established by the legislature for the purpose of recommending possible legislation from the conflict of interest law under the state ethics code and clarifies that an employee, as defined in the ethics code, does not include such persons.

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