

JAN 22 2016

A BILL FOR AN ACT

RELATING TO ETHICS.

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

1 SECTION 1. Section 84-11, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§84-11 Gifts. No legislator or employee shall solicit,
4 accept, or receive, directly or indirectly, any gift, whether in
5 the form of money, service, loan, travel, entertainment,
6 hospitality, thing, or promise, or in any other form, under
7 circumstances in which it can reasonably be inferred that the
8 gift is intended to influence the legislator or employee in the
9 performance of the legislator's or employee's official duties or
10 is intended as a reward for any official action on the
11 legislator's or employee's part[-]; provided that this section
12 shall not apply to a teacher employed by the department of
13 education or a public charter school who plans, organizes, or
14 serves as a chaperone on a student educational trip and who
15 receives a travel benefit, incentive, or gift from a tour or
16 travel company that is to be used in conjunction with the same



1 educational trip on which the teacher serves as a chaperone or
2 plans or organizes."

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

5 "§84-13 Fair treatment. No legislator or employee shall
6 use or attempt to use the legislator's or employee's official
7 position to secure or grant unwarranted privileges, exemptions,
8 advantages, contracts, or treatment, for oneself or others;
9 including but not limited to the following:

- 10 (1) Seeking other employment or contract for services for
11 oneself by the use or attempted use of the
12 legislator's or employee's office or position[-];
13 (2) Accepting, receiving, or soliciting compensation or
14 other consideration for the performance of the
15 legislator's or employee's official duties or
16 responsibilities except as provided by law[-];
17 (3) Using state time, equipment or other facilities for
18 private business purposes[-]; or
19 (4) Soliciting, selling, or otherwise engaging in a
20 substantial financial transaction with a subordinate
21 or a person or business whom the legislator or



1 employee inspects or supervises in the legislator's or
2 employee's official capacity.

3 Paragraph (2) shall not apply to a teacher employed by the
4 department of education or a public charter school who plans,
5 organizes, or serves as a chaperone on a student educational
6 trip and who receives a travel benefit, incentive, or gift from
7 a tour or travel company that is to be used in conjunction with
8 the same educational trip on which the teacher serves as a
9 chaperone or plans or organizes.

10 Nothing herein shall be construed to prohibit a legislator
11 from introducing bills and resolutions, or to prevent a person
12 from serving on a task force or from serving on a task force
13 committee, or from making statements or taking official action
14 as a legislator, or a task force member or a task force member's
15 designee or representative. Every legislator, or task force
16 member or designee or representative of a task force member
17 shall file a full and complete public disclosure of the nature
18 and extent of the interest or transaction which the legislator
19 or task force member or task force member's designee or
20 representative believes may be affected by the legislator's or
21 task force member's official action."



1 SECTION 3. Section 84-14, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§84-14 Conflicts of interests. (a) No employee shall
4 take any official action directly affecting:

5 (1) A business or other undertaking in which the employee
6 has a substantial financial interest; or

7 (2) A private undertaking in which the employee is engaged
8 as legal counsel, advisor, consultant, representative,
9 or other agency capacity.

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

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



1 (b) No employee shall acquire financial interests in any
2 business or other undertaking which the employee has reason to
3 believe may be directly involved in official action to be taken
4 by the employee.

5 (c) No legislator or employee shall assist any person or
6 business or act in a representative capacity before any state or
7 county agency for a contingent compensation in any transaction
8 involving the State.

9 (d) No legislator or employee shall assist any person or
10 business or act in a representative capacity for a fee or other
11 compensation to secure passage of a bill or to obtain a
12 contract, claim, or other transaction or proposal in which the
13 legislator or employee has participated or will participate as a
14 legislator or employee, nor shall the legislator or employee
15 assist any person or business or act in a representative
16 capacity for a fee or other compensation on such bill, contract,
17 claim, or other transaction or proposal before the legislature
18 or agency of which the legislator or employee is an employee or
19 legislator.

20 (e) No employee shall assist any person or business or act
21 in a representative capacity before a state or county agency for



1 a fee or other consideration on any bill, contract, claim, or
2 other transaction or proposal involving official action by the
3 agency if the employee has official authority over that state or
4 county agency unless the employee has complied with the
5 disclosure requirements of section 84-17.

6 (f) Subsections (a), (b), and (d) shall not apply to a
7 task force member or the designee or representative of that task
8 force member whose service as a task force member would not
9 otherwise cause that member, designee, or representative to be
10 considered an employee, if the task force member or the designee
11 or representative of that task force member complies with the
12 disclosure requirements under section 84-17.

13 (g) Subsections (a)(2) and (d) shall not apply regarding
14 travel, incentives, or gifts to a teacher employed by the
15 department of education or a public charter school who plans,
16 organizes, or serves as a chaperone on a student educational
17 trip and who receives a travel benefit, incentive, or gift from
18 a tour or travel company that is to be used in conjunction with
19 the same educational trip on which the teacher serves as a
20 chaperone or plans or organizes."



S.B. NO. 2425

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:

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S.B. NO. 2425

Report Title:

Ethics Code; Exemptions; Teachers; Educational Trips

Description:

Exempts teachers involved in educational trips from certain ethics code provisions.

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

