

JAN 19 2018

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# 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 a 2012 statutory  
2 change designed to clarify the application of the ethics code to  
3 task force members had the unintended effect of changing the law  
4 with respect to legislators as well. This Act restores  
5 longstanding language that protects legislators when carrying  
6 out a "legislative function."

7           The legislature further finds that a related 2012 statutory  
8 change created an ambiguity regarding whether task force members  
9 must file financial disclosures. This Act clarifies that task  
10 force members need not file the same financial disclosures as  
11 state officials.

12           Accordingly, the purpose of this Act is to provide  
13 additional clarity and consistency in the administration and  
14 enforcement of the State's ethics laws and to promote integrity  
15 in state government, by:



- 1       (1) Restoring previous statutory language protecting
- 2             legislators when carrying out a "legislative
- 3             function;"
- 4       (2) Clarifying the fair treatment laws with respect to
- 5             task force members and legislators by restoring
- 6             previous statutory language regarding a legislator's
- 7             "legislative function;"
- 8       (3) Clarifying that task force members need not file the
- 9             financial disclosure forms required of other state
- 10            officials; and
- 11       (4) Clarifying the existing requirement that task force
- 12             members publicly disclose conflicts of interest by
- 13             requiring the state ethics commission to adopt rules
- 14             for this public disclosure.

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

17       "§84-13 Fair treatment. (a) No legislator or employee  
18 shall use or attempt to use the legislator's or employee's  
19 official position to secure or grant unwarranted privileges,  
20 exemptions, advantages, contracts, or treatment, for oneself or  
21 others; including but not limited to the following:



- 1           (1) Seeking other employment or contract for services for  
2           oneself by the use or attempted use of the  
3           legislator's or employee's office or position.
- 4           (2) Accepting, receiving, or soliciting compensation or  
5           other consideration for the performance of the  
6           legislator's or employee's official duties or  
7           responsibilities except as provided by law.
- 8           (3) Using state time, equipment or other facilities for  
9           private business purposes.
- 10          (4) Soliciting, selling, or otherwise engaging in a  
11          substantial financial transaction with a subordinate  
12          or a person or business whom the legislator or  
13          employee inspects or supervises in the legislator's or  
14          employee's official capacity.

15          **(b)** Nothing ~~[herein]~~ in this section shall be construed to  
16 prohibit a legislator from introducing bills and resolutions,  
17 ~~[or to prevent a person from serving on a task force or]~~ from  
18 serving on a task force committee, or from making statements or  
19 taking ~~[official]~~ action ~~[as a legislator, or a task force~~  
20 ~~member or a task force member's designee or representative.]~~ in  
21 the exercise of the legislator's legislative functions. Every



1 ~~legislator[, or task force member or designee or representative~~  
2 ~~of a task force member]~~ shall ~~[file a full and complete public~~  
3 ~~disclosure of]~~ publicly disclose the nature and extent of the  
4 interest or transaction which the legislator ~~[or task force~~  
5 ~~member or task force member's designee or representative]~~  
6 believes may be affected by ~~[the legislator's or task force~~  
7 ~~member's official action.]~~ legislative action. The state ethics  
8 commission shall establish rules to provide for this public  
9 disclosure.

10 (c) Nothing in this section shall be construed to prevent  
11 a person from serving on a task force or a task force committee,  
12 or from making statements or taking official action as a task  
13 force member or a task force member's designee or  
14 representative. Every task force member or designee or  
15 representative of a task force member shall publicly disclose  
16 the nature and extent of any interest or transaction which the  
17 task force member or task force member's designee or  
18 representative believes may be affected by the task force  
19 member's official action. The state ethics commission shall  
20 establish rules to provide for this public disclosure."



1 SECTION 3. Section 84-14, Hawaii Revised Statutes, is  
2 amended by amending subsection (f) to read as follows:

3 "(f) [~~Subsections (a), (b), and (d) shall not apply to a~~  
4 ~~task force member or the designee or representative of that task~~  
5 ~~force member whose service as a task force member would not~~  
6 ~~otherwise cause that member, designee, or representative to be~~  
7 ~~considered an employee, if the task force member or the designee~~  
8 ~~or representative of that task force member complies with the~~  
9 ~~disclosure requirements under section 84-17.] Nothing in this  
10 section shall be construed to prevent a person from serving on a  
11 task force or a task force committee, or from making statements  
12 or taking official action as a task force member or a task force  
13 member's designee or representative. Every task force member or  
14 designee or representative of a task force member shall publicly  
15 disclose the nature and extent of any interest or transaction  
16 which the task force member or task force member's designee or  
17 representative believes may be affected by the task force  
18 member's official action. The state ethics commission shall  
19 establish rules to provide for this public disclosure."~~



# S.B. NO. 2143

1 SECTION 4. The state ethics commission, in its discretion,  
2 may make any changes to internal procedures or forms that it  
3 deems necessary to implement this Act.

4 SECTION 5. If any provision of this Act, or the  
5 application thereof to any person or circumstance, is held  
6 invalid, the invalidity does not affect other provisions or  
7 applications of the Act that can be given effect without the  
8 invalid provision or application, and to this end the provisions  
9 of this Act are severable.

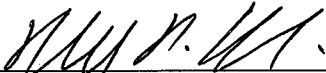
10 SECTION 6. This Act does not affect rights and duties that  
11 matured, penalties that were incurred, and proceedings that were  
12 begun before its effective date.

13 SECTION 7. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

15 SECTION 8. This Act shall take effect upon its approval.

16

INTRODUCED BY:

  
By Request



# S.B. NO. 2143

**Report Title:**

State Ethics Commission Package; Task Force Members;  
Clarification; Financial Disclosures.

**Description:**

Clarifies the fair treatment provisions of the State Ethics Code regarding safeguards for legislative functions, participation on task forces, and disclosures of conflicts of interest. Clarifies that task force members need not file the same financial disclosures as state officials.

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

