



THE HIGH ROAD

"Preserving public confidence in public servants."

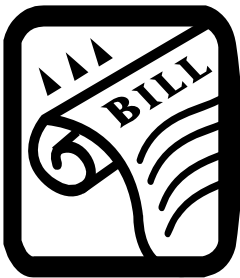
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Hawaii State Ethics Commission

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2006 Legislature Considers Ethics Bills

Should a state employee take official action affecting a company that is owned by the employee's own son or daughter? Should the State Ethics Commission have the power to fine state employees for violations of the ethics laws? These and other ethics questions are now before the 2006 Legislature as it considers the following bills:



Conflicts of interests. A bill that broadens the conflicts-of-interests law by prohibiting state employees from taking action affecting a business in which a sibling, parent, emancipated child, or household member has a financial interest. (SB 627, SD 1)

Financial disclosure reporting. A bill that requires public financial disclosure statements to be filed by members of the Board of Regents, the Board of Land and Natural Resources, the Board of Agriculture, the Hawaiian Homes Commission, the Stadium Authority, the Hawaii Community Development Authority, the Hawaii Tourism Authority, the Natural Energy Laboratory of Hawaii Authority, and the Hawaii Paroling Authority. (SB 627, SD 1)

Fines for ethics violations. A bill that authorizes the State Ethics Commission to impose administrative fines for violations of the ethics laws. (SB 439, HD 1)



Campaign contributions by lobbyists. A bill that prohibits lobbyists, employers and clients of lobbyists, and political action committees on which lobbyists sit from making campaign contributions to the governor, lieutenant governor, or a legislator when the legislature is in session. (SB 1061)



State Court Affirms Decision Against Union Posting of Campaign Materials on State Premises

A state circuit court has affirmed a decision by the Hawaii Labor Relations Board concerning the posting of campaign materials by union representatives on state premises. The case arose when a state employee, acting as a union shop steward, posted a union notice that contained campaign materials (including political endorsements) on a department bulletin board. Department supervisors asked the employee to remove the campaign materials that were posted. The supervisors based their actions on a campaign restrictions flyer issued by the Hawaii State Ethics Commission. The flyer discussed the ethics code's prohibition against the use of state premises for campaign purposes.

The employee's union filed a complaint against the supervisors and the department with the Hawaii Labor Relations Board. The Board upheld the actions of the supervisors and dismissed the complaint, concluding that the materials posted by the employee constituted campaign materials which could not be posted on state premises. In a written decision, the Board held that "State employees . . . are duty bound to comply with the campaign restrictions set forth in the State Ethics Code as it applies to the posting on State premises of Union notices that contain campaign materials." *Hawaii Labor Relations Board Decision No. 453.*

The union appealed the Board's decision to state circuit court. On February 13, 2006, the court affirmed the Board's decision. Copies of the decision of the Hawaii Labor Relations Board and the circuit court order affirming the Board's decision are posted on the State Ethics Commission's website at www.hawaii.gov/ethics. The union has filed a notice of appeal of the circuit court ruling with the Hawaii Supreme Court.





The Lobbyists Law: Frequently Asked Questions

What is the lobbyists law?

In Hawaii, lobbyists and certain organizations that lobby must disclose information about their lobbying activities under the State Lobbyists Law, Chapter 97, Hawaii Revised Statutes. The Hawaii State Ethics Commission administers this law, which has two basic requirements: First, it requires that lobbyists register with the Commission. Second, it requires that lobbyists and other individuals or organizations involved in lobbying activities file reports with the Commission listing their lobbying expenditures and contributions.

What is "lobbying" ?

"Lobbying" means communicating directly or through an agent, or soliciting others to communicate, with any official in the legislative or executive branch, for the purpose of influencing any legislative or administrative action or a ballot issue.



Who must register as a lobbyist with the State Ethics Commission?

Individuals who are paid to lobby the State legislature or executive branch must register with the Commission if they spend over \$750 lobbying in any of three reporting periods, or more than five hours in any month lobbying.

I am a volunteer lobbyist for a non-profit organization. Do I have to register as a lobbyist?

No. Individuals who lobby without compensation do not need to register.

I'm a director of a state agency. I need to testify on bills being heard that will affect my state agency. Do I need to register as a lobbyist?



No. The lobbyists law does not apply to any federal, state, or county official or employee who is acting in his or her official capacity, unless this official or employee contracts for the services of a lobbyist.

I am a salaried employee of a company. Part of my duties include lobbying on behalf of the company. Do I have to register as a lobbyist?

Perhaps. By receiving a salary for duties that include lobbying, you are compensated to lobby.

If you also spend over \$750 in a reporting period lobbying or over five hours in a month lobbying, then you must register as a lobbyist.

How do I register as a lobbyist?

You must complete a lobbyist registration form and file it with the State Ethics Commission. The form requires you to identify the organization that you represent and provide written authorization by the organization for you to lobby on its behalf. There is no fee for registering.



What is an expenditures and contributions statement?

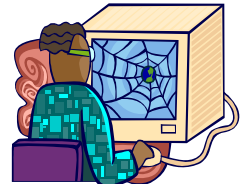
An expenditures and contributions statement is a report of money spent and received for the purpose of lobbying. The report includes amounts spent on lobbying materials, media advertising, compensation for a lobbyist's services, and other lobbying expenditures. The report also includes sources and amounts of contributions received for the purpose of lobbying.

Who is required to file lobbying expenditures and contributions statements?

Expenditures and contributions statements must be filed with the State Ethics Commission by registered lobbyists, individuals or organizations who spend \$750 or more lobbying in a six-month period, and individuals or organizations who employ or hire lobbyists. Expenditures and contributions statements are due on January 31, March 31, and May 31 of each year.

Where can I learn more about the lobbying activities that go on in Hawaii?

Visit the Commission's web site. Lists of registered lobbyists, lobbyist registrations, and lobbying expenditures and contributions reports are posted on the web site.



The High Road is a publication of the Hawaii State Ethics Commission.

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