



# THE HIGH ROAD

*"Preserving public confidence in public servants."*

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Hawaii State Ethics Commission

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## 2012 Legislative Report

Bills relating to ethics are in the legislative hopper again this year. Here are some of the bills that have received hearings at the legislature:

Bills to exempt task force members from the ethics laws. The State Ethics Code applies to members of state boards, commissions, and committees. Several bills were introduced this year to exempt task force members from the ethics code. Legislators have expressed a concern that the ethics laws may deter private sector employees from serving on task forces. The State Ethics Commission testified that the bills were too broadly worded and would unintentionally exempt members of many other boards and commissions from the State Ethics Code. The Commission also expressed concerns that the bill will allow task force members to accept gifts that are offered to influence or reward their actions as members of the task force, will not require members to report those gifts, and will allow members to take action in their capacity as task force members on matters in which they have a financial interest. Two of the bills are currently still alive at the legislature. (HB 2455 HD 1 and HB 2175 HD 2)

Bill to allow state officials to accept tickets to charitable events. This bill creates an exemption to the State Ethics Code's gifts law by allowing state legislators and employees to accept complimentary tickets to charitable events from charitable entities. At a hearing before the House Committee on Judiciary, the State Ethics Commission testified in strong opposition to the bill,

along with good government groups such as the League of Women Voters of Hawaii, Americans for Democratic Action, and Common Cause Hawaii. After the hearing, the Committee on Judiciary deferred further action on the bill; it is dead for this session. (HB 2457)

The State Ethics Commission also testified on other bills before the legislature, including a bill that would create additional conflicts-of-interests restrictions for the Land Use Commission (HB 1730), and bills that would establish a new charter school law for Hawaii's public charter school system. (SB 2115 and HB 2010)

All written testimonies of the State Ethics Commission are posted on the Commission's website.

## Ethics Quiz



Tina is a state division head who oversees a contract between her department and a private consultant. For Christmas, Tina receives a smartphone from the consultant. Tina knows that she cannot accept this gift, but what should she do with the smartphone?

- A. Give the smartphone to one of the hard-working employees in her division.
- B. Donate the smartphone to her favorite charity because employees are allowed to accept any gift as long as they donate it to charity.
- C. Return the smartphone to the consultant because employees may not accept prohibited gifts.

Answer: The correct answer is **C**: Tina should return the smartphone to the consultant. Under the State Ethics Code, this is a prohibited gift. Tina may not accept this gift or give it away to someone else, such as another employee. A legislator or employee who receives a prohibited gift should return the gift to the donor. If this is not possible, seek advice from the State Ethics Commission. In some situations, a prohibited gift may be donated to a school or to charity (without being claimed as a charitable donation for tax purposes). For example, a gift of perishable food may be donated to a homeless shelter. This does not mean that legislators and employees are allowed to accept any gift as long as they donate the gift to charity. Legislators and employees may not accept gifts that are prohibited by the State Ethics Code and must, whenever possible, return a prohibited gift to the donor.

### **Financial Disclosure Forms Available on Website**

If you are one of the over 1,700 state officials and employees who are required to file an annual financial disclosure statement with the State Ethics Commission, you will not receive a “hard copy” of the disclosure form in the mail this year. Instead, we mailed you a link directing you to our website for the disclosure form, which is a fillable PDF form, and instructions. We encourage you to complete the form online, print out the completed form, sign it, and file the original with the State Ethics Commission. Currently, the State Ethics Commission’s system does not allow for electronic filing. Here is the link again: <http://hawaii.gov/ethics/forms/findisc>. Use the long form, Form D-201. Instructions for Form D-201 are also found on our website.

Remember, your financial disclosure statement is due by May 31, 2012!



Please join us on Twitter! Our tweets will keep you informed and in the loop on what we are up to from day to day. Be the first to receive news and announcements from the State Ethics Commission, learn the status of ethics bills we are tracking during the legislative session (including hearing dates) and get reminders on ethics and lobbying disclosure filing deadlines. It’s easy to sign up: go to our website, [www.hawaii.gov/ethics](http://www.hawaii.gov/ethics), and click on the link, “Follow Us on Twitter.”



### **Stay Tuned for the Next Issue**

Fund raisers, sign waving, and other campaign activities will soon be in full swing in Hawaii for the 2012 elections. State legislators and employees are reminded that the State Ethics Code prohibits the use of state government resources -- such as state work time, state equipment, and state offices -- for campaign purposes. Learn more about the State Ethics Code’s campaign restrictions for state officials and employees in our next issue of *The High Road*.

<b><i>The High Road</i></b> is a publication of the Hawaii State Ethics Commission.	
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