



“The people of Hawaii believe that public officers and employees must exhibit the highest standards of ethical conduct and that these standards come from the personal integrity of each individual in government.”

— Hawaii State Constitution, Art. XIV

The High Road

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

Issue 2017-1

February 2017



State Ethics Commission’s Legislative Package for 2017

The State Ethics Commission has proposed a number of changes to the State’s ethics and lobbyists laws as part of the Commission’s 2017 legislative package. Among the changes sought by the Commission are the following:

- Clarify procedures for providing advice; educating employees, lobbyists, and the general public; and resolving investigations (HB No. 509; SB No. 875)
- Restore statutory language protecting legislators when carrying out a “legislative function” and clarify the ethics laws with respect to task force members (HB No. 510; SB No. 1089)
- Increase maximum penalties that the Commission may impose for violations of the ethics code and lobbyists law to account for inflation and remove language from the lobbyists law which states that violations of the law must be “willful” (HB No. 508; SB No. 1090)
- Increase fines for failure to file a financial disclosure statement on time to account for inflation and reduce costly mailing re-

quirements for the Commission when notifying individuals who have not filed their financial disclosures on time (HB No. 852; SB No. 856)

- Clarify the definition of “lobbying” and other terms in the lobbyists law; allow an employer of a lobbyist the ability to terminate the lobbyist’s registration with the Commission if the lobbyist does not do so; clarify that individuals who prepare Grant In Aid applications need not register as lobbyists (unless they otherwise engage in lobbying); and require other measures to increase transparency in lobbying (HB No. 511; SB No. 853)
- Clarify that the State Ethics Commission may employ its own attorneys (HB 512; SB 872)

The Commission’s omnibus bill also includes all the above changes to the ethics code and lobbyists law (HB No. 290; SB No. 458).

The Commission’s 2017 legislative package is posted on the Commission’s website at <http://ethics.hawaii.gov/main/2017ethicslegpackage/>.

Don't Leave Ethics Behind When Travelling on State Business

If you are planning to travel on state business this year, remember that the State Ethics Code applies to your actions before, during, and after your trip. Here are some ethics travel reminders for state employees.



at <http://files.hawaii.gov/ethics/advice/AO1988-9.pdf>. See also **Comptroller's Memorandum No. 1992-9** <http://tinyurl.com/DAGS-air-miles>, issued to department heads in 1992 regarding "Travel Benefits Relating to Frequent Flyer Type Programs."

Use frequent flyer benefits that you earn from state travel for state business. The ethics code prohibits state employees from misusing state travel privileges to obtain benefits for their personal use. Where at all possible, frequent flyer benefits (such as travel miles or points) earned by an employee from state travel must be used by the employee for state business or, if the benefits are transferable, must be transferred to another state employee to use for state business. If benefits cannot be used for state business, they may be used for personal travel without violating the ethics code but only if the State has established a policy to allow this. State employees should consult with their agencies about applicable state policies regarding the use of state travel benefits for personal travel. For more information about the requirements of the State Ethics Code, see **Advisory Opinion No. 88-9** on the Commission's website

Do not use your state position to obtain travel upgrades for yourself. Although your trip may be for a state purpose, travel upgrades to business or first class are generally viewed as a personal benefit. The ethics code prohibits employees from using their state positions to obtain travel upgrades for themselves. For more information, see **Advisory Opinion No. 95-1** on the Commission's website at <http://files.hawaii.gov/ethics/advice/AO1995-1.pdf>. The ethics code does not prohibit employees from using their personal mileage points earned from non-state travel to upgrade themselves when traveling on state business, but mileage points earned from state travel must be used for a state purpose and not for personal upgrades.



Commissioners:
Susan DeGuzman,
Chair
David O'Neal,
Vice Chair
Ruth Tschumy
Melinda Wood
Reynaldo Grauly

Executive Director:
Daniel Gluck

Address:
1001 Bishop Street
Suite 970
Honolulu, HI 96813

Telephone:
(808) 587-0460

Fax:
(808) 587-0470

Email:
ethics@hawaiiethics.org

Web Site:
<http://ethics.hawaii.gov>

“The purpose of this chapter is to . . . establish an ethics commission which will . . . render advisory opinions and enforce the provisions of this law so that public confidence in public servants will be preserved.”

*— Preamble,
Hawaii Re-
vised Statutes
Chapter 84
(State Ethics
Code)*

If a private organization offers to pay for your travel, check with the State Ethics Commission for guidance before your trip. Ethics issues may arise when a private organization offers to pay for a state employee’s travel expenses, such as airfare and lodging. The gifts law prohibits an employee from accepting any gift, including a gift of travel, if it appears the gift is intended to influence or reward official action. Many trips that are related to an employee’s official duties and serve a state purpose may be accepted under the ethics code, but employees should check with the State Ethics Commission before accepting an offer of free travel. Employees who request ethics guidance will be asked to complete a travel questionnaire form. The information on the form will enable the Commission’s staff to assist employees by advising whether their travel raises any ethics issues. The form, “Request for Guidance Regarding Travel Expenses Paid By Non-State Entities,” is available on the Commission’s website at <http://ethics.hawaii.gov/wp-content/uploads/2014/03/Travel-Questionnaire.pdf>.

Do not accept gifts during your trip that may be prohibited by the ethics code. Employees who travel on state business are sometimes invited out to dinners, recreational activities (such as golf), or other social events as guests of private organizations. These invitations are generally considered gifts and in some situations may be prohibited by the ethics code. Contact the Commission’s office for further guidance as to any gifts that may be offered to you during your state travel.



Remember that after your trip, you may be required to file a gifts disclosure statement to report a gift of travel or other gifts that you received during your trip. Most gifts of travel must be reported on a gifts disclosure statement to be filed with the State Ethics Commission. Other gifts received during an employee’s trip may also need to be reported. Contact the Commission if you have questions about the reporting requirements and whether they apply to a trip that you have taken. Gifts disclosure forms and instructions are available on the Commission’s website at http://ethics.hawaii.gov/gifts_form/.

Finally, make sure that your travel also complies with other applicable state travel rules and policies.



ETHICS TRAINING SCHEDULE FOR 2017

The State Ethics Commission is finalizing its ethics training schedule for 2017. Training sessions will be offered on Oahu and the neighbor islands, and are open to all state employees. The Commission’s training schedule and registration information will soon be posted on the Commission’s website. Check back with us and plan to attend one of our training sessions this year!