



HAWAII STATE ETHICS COMMISSION

State of Hawaii · Bishop Square, 1001 Bishop Street, ASB Tower 970 · Honolulu, Hawaii 96813

NOTICE OF MEETING OF THE HAWAII STATE ETHICS COMMISSION

Date: March 21, 2019

Time: 10:00 a.m.

Place: Hawaii State Ethics Commission Conference Room
American Savings Bank Tower
1001 Bishop Street, Suite 960
Honolulu, Hawaii 96813

A G E N D A

CALL TO ORDER

- I. Consideration and Approval of the Minutes of the February 21, 2019 Meeting

- II. Executive Director's Report
 1. Education / Training Report
 2. Guidance and Assignment Statistics – February 2019
Attachment 2: 2019 Guidance and Assignment Statistics / Website Traffic
 3. Miscellaneous Office Projects / Updates
 - a. Possible state-wide ethics conference
 - b. Staff – hiring update

III. 2019 Legislative Session

1. Ethics Commission bills (supporting all):

[HB169](#): Clarifies the State Ethics Code by clarifying provisions regarding gift disclosure statements, retention of financial disclosure statements, and ethics training. (Senate companion, S.B.142, is dead.)

[HB170](#): Restores statutory protection for legislators when carrying out a legislative function. Clarifies public disclosure requirements for task force members. (Senate companion, S.B.143, is dead.)

[SB144](#): Removes statutory remnants from when violations of the lobbyist law resulted in criminal penalties. Allows the state ethics commission to assess an administrative fine pursuant to a settlement agreement. (House companion, H.B.171, is dead.)

2. Budget bills (supporting all):

[HB1](#): Appropriates funds to provide for the expenses of the Legislature, Auditor, Legislative Reference Bureau, Ombudsman, and Ethics Commission. (Signed into law as Act 001 on February 28, 2019.)

[HB348](#): Makes appropriations for public employment cost items of and cost adjustments for employees of various legislative agencies. Appropriates funds.

3. Other bills (still alive):

[HB361](#): Prohibits any Governor or county mayor, while holding those offices, to maintain any other employment or receive any emolument, beginning on the sixty-first calendar day after their election or appointment to office.

[HB391](#): Relating to Ethics. Establishes restrictions on the participation in political activities of certain state employees and officers. Imposes penalties for violations.

[HB615](#): Amends the Board of Education membership by inviting the exclusive representative for bargaining unit (5) (teachers and other personnel of the Department of Education) to appoint a nonvoting public school teacher representative to the Board. (Senate companion, S.B. 340, was deferred.)

[HB1381](#): Prohibits former legislators and executive branch employees subject to senate confirmation from engaging in lobbying for 24 months after termination of employment as a legislator or executive branch employee. Effective 7/1/2021.

[HB1382](#): Defines "contract with the State". Eliminates campaign fundraising on the property of persons that have accepted legislatively appropriated funds, or received or rendered services to the State, with an aggregate value of \$100,000.

[SB955](#): Relating to Public Financial Disclosure Statement. Requires financial disclosure statements of state agency executive directors to be public records available for inspection and duplication.

4. Other bills (no longer alive):

[HB199](#): Relating to Post-Employment. Allows former employees of charter schools to represent the nonprofit organization that supports the charter school that employed the former employee through business or financial transactions.

[SB55](#): Short Form Bill (Relating to Ethics).

[SB447](#): Relating to Elections. Prohibits campaign contributions from certain entities to members of the legislature during the legislative session, for five days following adjournment sine die, and during a special session. Prohibits a member of the legislature from knowingly soliciting or accepting a contribution from a lobbyist or a lobbyist's principal during a legislative session, for five days following adjournment sine die, and during a special session. Prohibits fundraisers for any member of the legislature to be held during any regular legislative session, for five calendar days following adjournment sine die, and during a special session.

[SB1055](#): Relating to Financial Disclosure Statements. Requires the governor, lieutenant governor, members of the legislature, governor-appointed executive of each principal department,

president of the University of Hawaii, superintendent of education, administrative director of the State, administrative director of the courts, and the administrator of the office of Hawaiian affairs to disclose any income of \$1,000 or more received from a business or service, the name of the person or business from whom the income was received, date the income was received, and a description of the services or goods rendered.

[SB1056](#): Relating to Lobbyists. Requires lobbyists and specified individuals to file two additional reports to the Hawaii State Ethics Commission, including one report on the second Friday in August and one report on the first Monday in November in general election years, similarly to the filing frequency that candidates and the treasurer of candidate committees are required to file pursuant to section 11-334, Hawaii Revised Statutes.

[SB1416](#): Establishes procedures for the custody, inventory, and care of protocol gifts received by legislators on behalf of the State or either house of the legislature.

IV. *Akana v. Hawaii State Ethics Commission and Daniel Gluck, Civil No. 18-1-1019-06 (JHA)*

Discussion of case status.

The Commission may convene an executive session pursuant to Hawaii Revised Statutes section 92-5(a)(4) to consult with the Commission's attorneys on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities.

V. *Akana v. Hawaii State Ethics Commission and Daniel Gluck, Civil No. 19-1-0379-03 (JHA)*

Discussion of case status.

The Commission may convene an executive session pursuant to Hawaii Revised Statutes section 92-5(a)(4) to consult with the Commission's attorneys on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities.

Attachment 1: 2019-03-07 Notice of Appeal – Statement of Case

Attachment 2: 2019-03-13 Motion to Stay and Declaration

VI. Administrative Rules

Review of proposed edits made after consultation with the Department of the Attorney General.

Attachment 1: Revised proposed amendments to Hawaii Administrative Rules, Title 21, Chapters 1-10

VII. Evaluation of Executive Director Daniel Gluck

The Hawaii State Ethics Commission may convene an executive session pursuant to Hawaii Revised Statutes section 92-5(a)(2) to discuss matters relating to the evaluation of an employee.

VIII. Adjournment

If you need an auxiliary aid/service or other accommodation due to a disability, please contact the Hawaii State Ethics Commission by telephone at (808) 587-0460, by facsimile at (808) 587-0470 (fax), or via email at ethics@hawaiiethics.org. Requests made as early as possible will allow adequate time to fulfill your request.

Upon request, this notice is available in alternate formats such as large print, Braille, or electronic copy.

Any interested person may submit data, views, or arguments in writing to the Commission on any agenda item. An individual or representative wishing to testify may notify any staff member of the Commission prior to the meeting or, during the meeting itself, may inform a Commissioner or Commission staff of a desire to testify. Testimony must be related to an item that is on the agenda, and the testifier shall identify the agenda item to be addressed by the testimony.