



## HAWAI‘I STATE ETHICS COMMISSION

State of Hawai‘i · Bishop Square, 1001 Bishop Street, ASB Tower 970 · Honolulu, Hawai‘i 96813

### **NOTICE OF PUBLIC HEARING ON PROPOSED ADMINISTRATIVE RULES**

Pursuant to Hawai‘i Revised Statutes (“HRS”) Chapter 91, and the Governor’s March 16, 2020 Supplemental Emergency Proclamation regarding COVID-19, notice is hereby given that the Hawai‘i State Ethics Commission (“Commission”) will hold a public hearing to hear all persons interested in the proposals to amend Title 21, Hawai‘i Administrative Rules (“HAR”).

### **SCHEDULE OF PUBLIC HEARING**

The public hearing is scheduled as follows:

Date: Thursday, May 7, 2020

Time: 9:00 a.m.

Location: Via videoconference: <https://bit.ly/HSECMay72020> *(Note: If you have any technical difficulties, please call the Commission office at (808) 587-0460 and we will be happy to assist you.)*

Members of the public may join via videoconference, or may also join via telephone only:

Phone number: (808) 829-4853

Conference ID: 198 567 175#

If conditions allow, one or more Commissioners may convene in person at the Commission’s Conference Room, 1001 Bishop Street #960, Honolulu, HI 96813. That decision will not be made until the date of the hearing. Regardless, the entire hearing will be accessible to the public via videoconference and telephone conference.

### **AGENDA OF PUBLIC HEARING**

- I. Call to Order
- II. Purpose of the Public Hearing
- III. Outline of Proceedings
- IV. Public Testimony
- V. Discussion by Commission
- VI. Announcement of Decision by Commission (or Deferral to Subsequent Meeting)
- VII. Adjournment

### **TOPICS OF PROPOSED RULES**

The proposals include amendments to existing provisions of HAR, Title 21, chapters 1-6; adoption of new rules within HAR, Title 21, chapters 1-6, and adoption of four new chapters (HAR, Title 21, chapters 7-10). Overall, the proposals would address the Commission's operations and procedures (including issuance of advisory opinions, procedures for investigating and settling cases, and contested case hearing procedures); provide greater clarity to various provisions of the State Ethics Code, HRS chapter 84 (including but not limited to the gifts law, gifts reporting law, fair treatment law, and conflicts of interests law); and various provisions of the Lobbyists law, HRS chapter 97 (including but not limited to reporting and registration requirements for lobbyists).

The proposed amendments include provisions relating to the following:

1. HAR, Title 21, chapter 1: the Commission's operations, including provisions on general principles guiding the Commission's actions; definitions of terms used throughout the commission's rules; confidentiality; staffing; disqualification of commissioners; adjudicatory functions; and the commission's role in educating state officials and the public about ethics and lobbying matters.
2. HAR, Title 21, chapter 2: filing of documents, issuance of subpoenas, computation of time and continuances, and service of process.
3. HAR, Title 21, chapter 3: financial disclosure statements, including definitions; public access to certain financial disclosure records; amended disclosures; exit disclosures; administrative penalties for failure to file forms; and destruction of records.
4. HAR, Title 21, chapter 4: the Commission's procedures for giving advice on ethics and lobbying matters, including advisory opinions.
5. HAR, Title 21, chapter 5: the Commission's procedures for investigating cases, issuing charges, issuing further statements of alleged violations, conducting contested case hearings, and settling cases.
6. HAR, Title 21, chapter 6: procedures for petitions for rulemaking and declaratory orders.
7. HAR, Title 21, chapter 7: gifts and fair treatment, including definitions; prohibitions on certain kinds of gifts and allowances for other types of gifts; valuation of gifts; and gifts disclosure statements.
8. HAR, Title 21, chapter 8: conflicts of interests.
9. HAR, Title 21, chapter 9: post-employment restrictions.

10. HAR, Title 21, chapter 10: lobbying, including provisions on registration requirements for lobbyists; termination of lobbying registration; exclusions from registration requirements; clarifications as to what activities constitute “lobbying”; the circumstances under which contributions are deemed made for the purpose of lobbying; and a requirement that expenditures be reported on an accrual basis (rather than a cash basis).

### **PUBLIC TESTIMONY**

All interested persons shall be afforded the opportunity to submit data, views, or arguments, orally or in writing, on the proposed administrative rules at the time of the public hearing. Persons wishing to submit written testimony may do so by emailing their testimony to [ethics@hawaiiethics.org](mailto:ethics@hawaiiethics.org) (preferred), or by sending their testimony via facsimile to (808) 587-0470.

All written testimony shall be submitted and must be received no later than 12:00 noon on May 6, 2020 (the day before the public hearing). Interested persons are encouraged to submit their testimony in advance of the public hearing, as this will give the Commission more time to read and consider the testimony.

The Commission may impose a time limit for each person presenting testimony at the hearing.

Upon request, this notice is available in alternate formats such as large print, Braille, or electronic copy. If you need an auxiliary aid/service or other accommodation due to a disability, please contact the Commission’s staff by telephone at (808) 587-0460, by facsimile at (808) 587-0470 (fax), or via email at [ethics@hawaiiethics.org](mailto:ethics@hawaiiethics.org). Requests made as early as possible will allow adequate time to fulfill your request.

### **AVAILABILITY OF COPIES OF THE PROPOSED RULES AND OTHER RELATED INFORMATION**

The proposed rules may be viewed and downloaded free of charge from the Commission’s website at [https://ethics.hawaii.gov/wp-content/uploads/2020/02/AdminRules\\_Hearing.pdf](https://ethics.hawaii.gov/wp-content/uploads/2020/02/AdminRules_Hearing.pdf). An Impact Statement, giving comments and examples on some of the proposed rules, is available on the Commission’s website at [https://ethics.hawaii.gov/wp-content/uploads/2020/02/ImpactStatement\\_Hearing.pdf](https://ethics.hawaii.gov/wp-content/uploads/2020/02/ImpactStatement_Hearing.pdf). A copy of the proposed rules may also be e-mailed to any person who requests a copy from the Commission via e-mail ([ethics@hawaiiethics.org](mailto:ethics@hawaiiethics.org)), phone (808-587-0460), or facsimile (808-587-0470).

Decision-making on the proposed administrative rules will either take place at the conclusion of the public hearing or at a properly noticed meeting of the Hawai‘i State Ethics Commission. A tentative date and time of the decision-making meeting may be announced at the public hearing.