



*“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 Article XIV*

**Hawaii State  
Ethics Commission**

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# The High Road

*The High Road* is a publication of the Hawai'i State Ethics Commission

**Issue 2021-1**

**January 2021**

## **What's New in This Issue of *The High Road*? A Lot!**

*Read about our new laws, new administrative rules and lobbying reminders for a new legislative session.*

### **New Ethics Laws Enacted**

As reported in the September 2020 issue of *The High Road*, the Legislature passed several ethics bills last year. Three ethics bills have become law:

- [Act 29 \(H.B. 1673 H.D.1 S.D.1\)](#) clarifies the rulemaking responsibilities of the State Ethics Commission and the Legislature regarding a legislator's disclosure of potential conflicts of interests.
- [Act 39 \(H.B. 2125, H.D.2, S.D.1\)](#) requires financial disclosure filers to report the names of clients they assist or represent for pay before state agencies and updates the law to provide for electronic filing of disclosures.
- [Act 75 \(H.B. 361, H.D.1, S.D.2\)](#) prohibits the Governor and the mayor of each county from having any other employment or a controlling interest in a business while holding office. Act 75 also prohibits the Governor and mayors from receiving any emolument (any payment other than the salaries for their service as Governor or mayor, pension or retirement income, rental income, or other forms of passive income) while holding office.



### **New Administrative Rules Clarify State Ethics and Lobbyists Laws**

The State Ethics Commission's [new administrative rules](#), found in Hawai'i Administrative Rules ("HAR") Title 21, were signed by the Governor in November and took effect on November 28, 2020. The new rules provide updated procedures for the Commission's issuance of advisory opinions, investigations, and contested case hearings. The rules also clarify many of the ethics and lobbyists laws administered by the Commission. Some of the topics addressed by the new rules include:

**Gifts to State Employees** – Prohibited and Acceptable Gifts; Invitations to Events; Offers of Travel (HAR Title 21, Chapter 7)

*continued on page 2*

*“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,  
Hawai‘i Revised  
Statutes Chapter 84  
(State Ethics Code)*

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## **NEW ADMINISTRATIVE RULES** *continued from page 1*

**Fair Treatment** – Prohibited Use of State Resources for Private Business Purposes; Prohibited and Permissible Use of State Resources for Fundraising (HAR Title 21, Chapter 7)

**Conflicts of Interests** – Serving as a Director or Officer of a Private Organization in an Employee’s State Capacity; Personal Service Contracts Between an Employee and an Employee’s Agency (HAR Title 21, Chapter 8)

**Post-Employment Restrictions and Contracts** – Determining a Former Employee’s Agency or Subdivision for purposes of the Post-Employment Law; Agency Director’s Responsibility to Enforce Contracts Sections of the State Ethics Code (HAR Title 21, Chapter 9)

**Lobbying** – Registration of Lobbyists; Activities Included and Not Included as Time Spent Lobbying; Exclusions from Lobbyist Registration Requirement; Background Work in Support of Lobbying; Reporting of Lobbying Contributions and Expenditures; Included and Excluded Expenditures; Accounting Issues in Reporting Lobbying Contributions and Expenditures (HAR Title 21, Chapter 10)

The new administrative rules and an Impact Statement with additional commentary on the new rules are posted on the Commission’s website [here](#).



## **Filing Deadlines Reminder!**

### **February 1, 2021**

→ 2021 Financial Disclosure Statements for State Legislators

→ Lobbying Expenditures and Contributions Reports for May 1 – December 31, 2020

File your forms [here](#).

<b>FEBRUARY 2021</b>						
SUN	MON	TUE	WED	THU	FRI	SAT
	1 <b>Feb 1st</b>	2	3	4	5	6
7	8	9	10	11	12	13
14 Valentine's Day	15 Presidents' Day	16	17	18	19	20
21	22	23	24	25	26	27
28						

## Hawai'i State Ethics Commission

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LOBBYIST REGISTRATION EXPENDITURES REPORTS FAQs/INSTRUCTIONS

WELCOME TO THE HAWAII STATE ETHICS COMMISSION'S LOBBYING E-FILING SYSTEM

12/7/2020 Ethics Commission to Lobbyists Memorandum

**LOBBYIST REGISTRATION**

E-Filing System Updates (January 2021)

- A new Termination button that allows you to terminate your lobbyist registrations electronically;
- Updated list views of lobbyist registrations and expenditure reports; and

2021 Lobbying Filing Deadlines

**Monday, February 1**

- Lobbying Expenditures and Contributions Reports for May 1-December 31, 2020

**Wednesday, March 31**

- Lobbying Expenditures and Contributions Reports for January 1-February 28, 2021

## Lobbyists, Are You Registered for the 2021-2022 Biennium?

Individuals who are paid to lobby the Legislature and who meet certain threshold requirements must register as lobbyists for the 2021-2022 legislative biennium. The Lobbyists Law, HRS Chapter 97, requires you to register with the State Ethics Commission if you are paid to lobby and you meet one of the following lobbying thresholds:

- You receive or expect to receive \$1,000 or more for lobbying in a calendar year, or
- You lobby for more than five hours in any month, or
- You lobby for more than ten hours in a calendar year, or
- You spend \$1,000 or more lobbying during any lobbying reporting period.

You must register with the Commission within five days of becoming a lobbyist. If you were registered as a lobbyist in 2020 and plan to continue your lobbying activities this year, you must file a new registration for 2021-2022. Your registration will be valid for the next two years, through the end of 2022 (unless you terminate your registration earlier).

Go to the Commission's website for more information and instructions on how to use the Commission's e-filing system to file a lobbyist registration form: <https://hawaiiethics.force.com/lobbying/s/>. Not sure whether you are required to register as a lobbyist? Contact the Commission's office for guidance at (808) 587-0460 or [ethics@hawaiiethics.org](mailto:ethics@hawaiiethics.org).

### Lobbying Quiz

**Question:** Are state officials who testify on behalf of their agencies on bills before the Legislature required to register as lobbyists with the State Ethics Commission?

**Answer:** No. The Lobbyists Law, HRS Chapter 97, requires paid lobbyists who meet certain threshold requirements to register with the State Ethics Commission. However, the Lobbyists Law does not apply to federal, state, or county officials acting in their official capacities. Therefore, state officials who appear before the Legislature to testify on bills in their official capacities are not required to register as lobbyists. (Note, however, that the Lobbyists Law will require registration and reporting of lobbying expenditures if a state agency contracts for the services of a private-sector lobbyist.)