



HAWAI'I STATE ETHICS COMMISSION

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

NOTICE OF MEETING OF THE HAWAI'I STATE ETHICS COMMISSION

Date: February 18, 2021

Time: 9:00 a.m.

Location: Via Videoconference or Phone:

Videoconference: [Join Zoom Meeting](#)

Phone: +1 (408) 638-0968 or +1 (669) 900-6833

Meeting ID: 981 7698 9262

Password: 538581

Due to COVID-19, this meeting will be held via videoconference and phone conference. All members of the public are invited to join this meeting using the above information; anyone wishing to testify may do so during the conference call, or may submit written testimony in advance of the meeting via e-mail, fax, or mail. To avoid excessive noise/feedback, please mute your telephone except to testify.

In person:

Hawai'i State Ethics Commission Conference Room
American Savings Bank Tower
1001 Bishop Street, Suite 960
Honolulu, Hawai'i 96813

***Note: Commission Chair Tschumy intends to be present in the Commission conference room; other Commissioners and staff will appear remotely, via videoconference, and members of the public are encouraged to attend via videoconference or telephone. Staff will make every effort to accommodate members of the public who wish to testify in person at the Commission's Conference Room, but staff will limit the number of people allowed in the Conference Room at any given time. If you wish to attend in person, you must wear a mask and must remain more than six feet away from every other person in attendance.*

A G E N D A

CALL TO ORDER

- I. Consideration and Approval of the Minutes of the January 21, 2021 Meeting
- II. Consideration and Approval of the Minutes of the February 4, 2021 Meeting
- III. Executive Director's Report
 1. 2020 Annual Report
Attachment 2: 2020 Annual Report
 2. Education / Training Report
Attachment 3: 2021 Training Attendance / Schedule
Attachment 4: Online Training Completions by Department
 3. Guidance and Assignment Statistics – January 2021
Attachment 5: 2021 Guidance and Assignment Statistics / Website Traffic
 4. Ethics Survey of State Employees
 5. Miscellaneous Office Projects / Updates
- IV. 2021 Legislative Session
 - i. Gifts and gifts reporting
 - i. [H.B. 1108](#) Authorizes legislators and legislative employees to accept gifts of aloha from lobbyists or their clients. Defines "gifts of aloha" as anything of value, including a meal, whose fair market value is \$25 or less.
 - ii. [H.B. 1163](#) Prohibits legislators from soliciting, accepting, or receiving, directly or indirectly, any individual gift in the form of hospitality exceeding a value of twenty-five dollars. Reduces the aggregate value of a gift that must be reported by a legislator or

government employee, or spouse or dependent child of a legislator or government employee.

- iii. [H.B. 645](#) Exempts expenditures for meals or beverages with a total value of under \$25 from reporting requirements when provided to a public official at an informational meeting or presentation or goodwill event with non-lobbyists.
 - iv. [S.B. 991](#) Exempts expenditures for meals or beverages with a total value of under \$25 from reporting requirements when provided to a public official at an informational meeting or presentation or goodwill event with non-lobbyists.
 - v. [S.B. 1326](#) Exempts "gifts of aloha", the value of which does not exceed twenty-five dollars, from the prohibition against accepting gifts in the state code of ethics.
- ii. Public accountability agency
 - i. [H.B. 1341](#) Establishes the office of public accountability to assume oversight and administrative responsibility for the office of the auditor, office of the ombudsman, office of information practices, Hawaii state ethics commission, and campaign spending commission. Requires the salaries of the auditor, director of LRB, executive director of the Hawaii state ethics commission, and ombudsman to be set by the legislature. Appropriates funds.
 - ii. [S.B. 1350](#) Establishes the office of public accountability to assume oversight and administrative responsibility for the office of the auditor, office of the ombudsman, office of information practices, Hawaii state ethics commission, and campaign spending commission. Appropriates funds.
 - iii. [S.B. 1351](#) Establishes the office of public accountability to assume oversight and administrative responsibility for the office of the auditor, office of the ombudsman, office of information practices, Hawaii state ethics commission, and campaign spending commission. Appropriates funds.
- iii. Post-employment
 - i. [H.B. 671](#) Prohibits certain state officials and employees from representing certain interests before the State for 12 months after termination from their respective positions. Effective 1/1/2022.

- ii. [S.B. 158](#) Prohibits certain state officials and employees from representing certain interests regarding any state administrative or legislative action for 12 months after termination from their respective positions.

- iv. Conflicts of interests
 - i. [H.B. 672](#) Amends certain parts of the conflicts of interests law in the state ethics code to include members of the legislature. Clarifies that the conflicts of interests law does not prohibit legislators from introducing legislation, serving on a committee, making statements, or taking action in the exercise of their legislative functions.
 - ii. [H.B. 798](#) Specifies that nonprofits with a legislator on its governing board shall not be eligible to receive a grant pursuant to chapter 42F, Hawaii Revised Statutes.
 - iii. [S.B. 556](#) Specifies that nonprofits with a legislator on its governing board shall not be eligible to receive a grant pursuant to chapter 42F, Hawaii Revised Statutes. Effective 01/01/2022.

- v. Financial Disclosures
 - i. [S.B. 554](#) Removes the need for government officials and board members to disclose specific financial interest amounts that exceed \$100,000.

- vi. Fair Treatment
 - i. [H.B. 1244](#) Exempts from the fair treatment provisions of the Ethics Code, the mere reuse of an image documenting a historical, governmental event.

- vii. Lobbyist Law
 - i. [S.B. 557](#) Expands the definition of "administrative action" in lobbyist law to include granting or denying applications for business or development-related permits, licenses, or approvals. Clarifies that lobbying laws apply to lobbying by the executive branch. Effective 9/1/2021.
 - ii. [H.B. 741](#) Increases the retention period for certain Hawaii state ethics commission records from 4 years to 5 years.

- viii. Budget
 - i. [H.B. 1](#) Appropriates funds to provide for the expenses of the Legislature, Auditor, Legislative Reference Bureau, Ombudsman, and Ethics Commission.
- ix. Short form bills
 - i. Examples: [H.B. 584](#), [H.B. 646](#), [S.B. 82](#)
- x. Other
 - i. [H.B. 10](#) Requires the board of education to invite 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.
 - ii. [H.B. 343](#) Requires any state agency that does not have hearings officers on its staff to arrange with the department of commerce and consumer affairs to have its contested case hearings heard by hearings officers of the department. Allows the department of commerce and consumer affairs to charge a fee for conducting these hearings.
 - iii. [H.B. 356](#) Requires meetings of the judicial council to be open to the public.
 - iv. [H.B. 670](#) Authorizes forfeiture of certain ERS benefits, pursuant to court order, for state or county employees and designated beneficiaries who are convicted of an employment-related felony.
 - v. [H.B. 1064](#) / [S.B. 1218](#) Removes the sunset provision in Act 38, Session Laws of Hawaii 2017 (technology transfer).
 - vi. [H.B. 1075](#) Beginning 11/1/2022, prohibits the lieutenant governor, while holding the office of the lieutenant governor, from maintaining any other employment, maintaining a controlling interest in a business, or receiving any emolument, beginning on the sixty-first calendar day after election or appointment to office.
 - vii. [S.B. 610](#) Prohibits a public member of any board or commission under DCCA's purview from being engaged in the occupation that the board or commission regulates or having other direct legal or financial interests in the regulated occupation. Specifies that public members represent the public interest.

- viii. [HB 396](#) Allows nonprofit organizations to establish an applicant governing board and develop a charter application for a start-up or conversion charter school; provided that (1) the governing board operates separately from the nonprofit organization and (2) the governing board may include members of the nonprofit organization, but such members shall not constitute a majority of the governing board's members
- ix. [H.B. 1220](#) Amends the appointing authority for members to the charter school commission board to consist of the governor, the senate president, the senate minority leader, the speaker of the house of representatives, and the minority leader of the house of representatives. Permits governing boards of postsecondary institutions and county and state agencies to authorize public charter schools. Clarifies charter application notice requirements. Clarifies authorizer compliance requirements in cases of an appeal.

- V. *Akana v. Hawaii State Ethics Commission and Daniel Gluck*, Civil No. 18-1-1019-06 (JHA); *Akana v. Hawaii State Ethics Commission*, Civil No. 19-1-0379-03 (JHA); *State of Hawaii, Ethics Commission v. Rowena Akana*, Civil No. 20-1-0453 (BIA)

Discussion of case status.

The Hawai'i State Ethics Commission may convene an executive session pursuant to Hawai'i 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.

- VI. Adjournment