



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 3, 2022

Time: 9:00 a.m.

Location: Via Videoconference or Phone:

Videoconference: [Join Zoom Meeting](#)

Phone: +1 (669) 900-6833 or +1 (253) 215-8782

Meeting ID: 811 6088 7757

Passcode: 742922

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 meeting or may submit written testimony in advance of the meeting via e-mail, fax, or mail. To avoid excessive noise/feedback, please mute your phone/device except to testify. If the Commission's videoconference connection is lost during the meeting, members of the public should check the Commission's website (www.ethics.hawaii.gov) for reconnection information.

In person:

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

***Note: 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. 2022 Legislative Session – Commission's input/guidance on legislative matters

Attachment 1: February 4, 2021 Notice of Meeting of the Hawai'i State Ethics Commission

All 2021 bills of interest carry over into the 2022 legislative session. Attachment 1 is provided to describe previously introduced bills of interest, although in many cases the Ethics Commission has already developed a policy position and submitted testimony.

New bills of interest, introduced in 2022, are described briefly below. The blue house or senate bill number is a clickable hyperlink that goes directly to the bill language online. If the hyperlink does not work, bills can be looked up at "capitol.hawaii.gov" and the bill number can be looked up a box on the far left.

a) Hawaii State Ethics Commission measures.

- i) [HB 1475](#) (2022). Requires all new state employees to complete ethics training either live or online within 90 days of the start of employment and every 4 years thereafter. Requires existing employees who have not received ethics training within the immediately preceding 3 years to complete live or online ethics training within 12 months of the Act's effective date and at least once every 4 years thereafter. Specifies that certain state officers shall complete live ethics training.
- ii) [SB 2039](#) (2022). Companion bill to HB 1475.

b) Gifts and gifts reporting.

- i) [HB 1871](#) (2022). Exempts foreign protocol gifts; gifts of aloha; invitations to attend charitable/community events; and meals from the gift law (Haw. Rev. Stat. § 84-11). Defines gifts of aloha as gifts of a perishable nature below an undefined value or gifts of a durable nature designed to honor the legislator, such as plaques, that do not have resale value.
- ii) [SB 2714](#) (2022). Appears to be a companion bill to HB 1871.
- iii) [HB 2069](#) (2022). Governor's package. Requires a written record of protocol gifts, which must be given to the state archives at the end of each fiscal year.

All recorded gifts are defined as state property. Describes how gifts are to be maintained or transferred.

- iv) [SB3037](#) (2022). Companion bill to HB 2069.
- c) Public accountability agency (no new bills introduced)
- d) Post-employment (no new bills introduced)
- e) Conflicts of interests
 - i) [HB 1786](#) (2022). Requires the state workforce development board and local workforce development boards to develop a conflict of interest policy consistent with federal law and Haw. Rev. Stat. Chapter 84.
 - ii) [HB 2159](#) (2022). Governor's package. As above, requires workforce development board to develop a written conflict of interest policy consistent with federal law and Haw. Rev. Stat. Chapter 84.
 - iii) [SB 3127](#) (2022). Companion bill to HB 2159.
 - iv) [HB 1820](#) (2022). Establishes a Hawaii Gaming Control Commission. Requires the creation of a code of ethics that is "separate from and in addition to any standards of conduct set forth pursuant to chapter 84."
- f) Financial Disclosures
 - i) [HB 1849](#) (2022). Requires all "amounts" reported by a non-paid volunteer member to be redacted/non-public.
 - ii) [SB 2123](#) (2022). Appears to be a companion bill to HB 1849.
 - iii) [SB 2776](#) (2022). Women's Corrections Implementation Commission – exempted from financial disclosure requirements in Haw. Rev. Stat. §§ 84-13 & 17.
 - iv) [HB 1749](#) (2022). Supportive Housing Task Force – exempted from financial disclosure requirements of Haw. Rev. Stat. § 84-17.
 - v) [HB 1820](#) (2022). Also listed above. Creates a Hawaii Gaming Control Commission, requires the executive director, assistants, officers, and

employees to file a financial disclosure requirement pursuant to Haw. Rev. Stat. § 84-17.

g) Fair Treatment (no new bills introduced).

h) Lobbyist Law (no new bills introduced).

i) Budget

i) [HB 2500](#) (2022). Appropriates funds for, among other things, the Ethics Commission. Proposes \$1,419,815 for fiscal year 2022-23.

ii) [HB 2355](#) (2022). Appropriates funds for legislative agencies. Amounts are blank.

j) Short form bills

i) See, generally, HB 1398, HB 1910, HB 1912, HB 2008 related to government, government reform, ethics, or government operations. These bills are blanks that could be filled in later.

k) Other

i) [SB 2138](#) (2022). Adds "intern" into the definition of employee for purposes of being regulated by the Ethics Code.

ii) [HB 1933](#) (2022). Establishes conflict of interest requirements for non-state employees working with children pursuant to a contract with the state.

iii) [SB 2405](#) (2022). Prohibits state agencies/departments from barring employees from holding elective public office per se, but must rather conduct a case-by-case analysis.

iv) [HB 1593](#) (2022). Creates a personnel exchange program for the exchange or movement of civil service employees between the State, counties, and certain organizations. Requires employees to comply with Haw. Rev. Stat. Chapter 84 (even for county employees) for the duration of the assignment.

II. Consideration and Approval of a Draft Quick Guide for Legislators

No action requested at this time. In the process of considering/drafting guidance to provide clarity about gifts received from non-lobbyists who may raise matters of general public interest but would not directly benefit from official action.

III. Adjournment

****As noted above, the blue house or senate bill number above is a clickable hyperlink that goes directly to the bill language online. If the hyperlink does not work, bills can be looked up at "capitol.hawaii.gov" and the bill number can be looked up a box on the far left.*

If you need an auxiliary aid/service or other accommodation due to a disability, please contact the Hawai'i 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.

NOTICE OF MEETING OF THE
HAWAII STATE ETHICS COMMISSION

Date: February 4, 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: 997 2385 1598
Password: 768076

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:

Hawaii State Ethics Commission Conference Room
American Savings Bank Tower
1001 Bishop Street, Suite 960
Honolulu, Hawaii 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. 2021 Legislative Session – Commission’s position on proposed bills
 - a. 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.
 - b. 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.

c. 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.

d. 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.

e. 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.

f. 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.

g. 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.

h. Budget

- i. [H.B. 1](#) Appropriates funds to provide for the expenses of the Legislature, Auditor, Legislative Reference Bureau, Ombudsman, and Ethics Commission.

i. Short form bills

- i. Examples: [H.B. 584](#), [H.B. 646](#), [S.B. 82](#)

j. 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. 356](#) Requires meetings of the judicial council to be open to the public.
- iii. [H.B. 1064](#) / [S.B. 1218](#) Removes the sunset provision in Act 38, Session Laws of Hawaii 2017 (technology transfer).
- iv. [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.

II. Personnel/Staffing

The Hawai'i State Ethics Commission may convene an executive session pursuant to Hawai'i Revised Statutes section 92-5(a)(2) to discuss matters relating to the evaluation of an employee, and/or pursuant to 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.

III. Adjournment

****Please note that there are no attachments to this agenda nor are there other materials for this meeting. The bills may be accessed by clicking on the hyperlinks above.****

If you need an auxiliary aid/service or other accommodation due to a disability, please contact the Hawai'i 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.