

SUNSHINE LAW MEETING



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: October 19, 2022

Time: 9:00 a.m.

Location: Zoom Videoconference or Phone:

Videoconference: [Join Zoom Meeting](https://us06web.zoom.us/j/89640088541?pwd=dVFHV3ljTWJneW1FTkg1MVgvRGtyQT09)
<https://us06web.zoom.us/j/89640088541?pwd=dVFHV3ljTWJneW1FTkg1MVgvRGtyQT09>

Phone: +1 (346) 248-7799 or +1 (408) 638-0968

Meeting ID: 896 4008 8541

Passcode: 125998

Public Meeting Location:

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

Pursuant to Hawai'i Revised Statutes section 92-3.7, the State Ethics Commission will meet remotely using interactive conference technology. The public may either attend the meeting in person, at the public meeting location above, or participate remotely by using the above Zoom meeting information. If participating remotely, please mute your phone/device except while testifying. If the Commission's videoconference connection is lost during the meeting, please go to the Commission's website (www.ethics.hawaii.gov) for more information, including reconnection information.

Masks are encouraged for everyone attending the meeting in person.

Public meeting materials for this meeting are available on the Commission's website at: www.ethics.hawaii.gov.

A G E N D A

CALL TO ORDER

- I. Consideration and Approval of the Minutes of the September 21, 2022 Meeting
- II. Executive Director's Report
 1. Education / Training Report
Attachment 1: 2022 Training Attendance / Schedule
Attachment 2: Online Training Completions by Department
 2. Guidance and Assignment Statistics – September 2022
Attachment 3: 2022 Guidance and Assignment Statistics / Website Traffic
 3. Update regarding 2022 Financial Disclosure Filings
 4. Financial Report for FY 2022-2023 (July 1, 2022 – September 30, 2022)
Attachment 4: Q1 Financial Report FY 2022-2023
 5. September Issue of The High Road
Attachment 5: The High Road, Issue No. 2022-3
 6. Miscellaneous Office Projects / Updates
- III. Update on Commission to Improve Standards of Conduct
Attachment 1: Proposed Legislation or Rule Changes to Submit to the Commission to Improve Standards of Conduct

- IV. *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 and/or the Department of the Attorney General on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities.

- V. Adjournment

Public Testimony

Anyone wishing to testify may do so during the meeting or may submit written testimony in advance of the meeting by email (ethics@hawaiiethics.org), facsimile (fax) (808-587-0470), or U.S. postal mail (State Ethics Commission, 1001 Bishop Street, American Savngs Bank Tower, Suite 970, Honolulu, Hawai'i 96813). Public testimony must be related to an item that is on the agenda and the testifier must identify the agenda item to be addressed by the testimony. Pursuant to Hawai'i Revised Statutes section 92-3 and Hawai'i Administrative Rules section 21-1-6(c), oral testimony is limited to three minutes per testifier per agenda item, subject to the reasonable discretion of the Chair.

Auxiliary Aid or Accomodation Due to a Disability

If you require an auxiliary aid or accommodation due to a disability, please contact the State Ethics Commission at (808) 587-0460 or email the Commission at ethics@hawaiiethics.org as soon as possible, preferably at least 48 hours prior to the meeting. 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.

SUNSHINE LAW MEETING
AGENDA ITEM I

CONSIDERATION AND APPROVAL OF THE MINUTES OF THE
SEPTEMBER 21, 2022 MEETING

Attachment 1: Sunshine Law Meeting Minutes of the September 21, 2022
Hawai'i State Ethics Commission Meeting

SUNSHINE LAW MEETING
MINUTES OF THE HAWAII STATE ETHICS COMMISSION

STATE OF HAWAII

Date: September 21, 2022

Time: 9:00 a.m.

Location: Held via Zoom video and audio conference

Public Meeting Location

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

Present: State Ethics Commission Members

Wesley F. Fong, Chair (present in conference room)
Reynard D. Gaulty, Vice Chair (via video conference)
Harry J. McCarthy, Commissioner (via video conference)
Beverly Tobias, Commissioner (via video conference)
Robert Hong, Commissioner (via video conference)

State Ethics Commission Staff

Robert D. Harris, Executive Director (present in conference room)
Susan D. Yoza, Associate Director (via video conference)
Nancy C. Neuffer, Staff Attorney (via video conference)
Kee M. Campbell, Staff Attorney (via video conference)
Jennifer M. Yamanuha, Staff Attorney (via video conference)
Patrick W.C. Lui, Computer Specialist (via audio conference)

CALL TO ORDER

Chair Fong called the meeting to order at 9:00 a.m. and confirmed that in addition to himself, Vice Chair Gaulty, Commissioners McCarthy, Tobias, and Hong, and staff were present. All Commissioners and all staff participating via video or audio conference confirmed no one was in the room with them at their respective remote locations.

1 Chair Fong announced that if the Commission's video conference connection
2 was lost during the meeting, the meeting would be recessed and reconvened after the
3 connection was restored; members of the public were asked to check the Commission's
4 website (www.ethics.hawaii.gov) for information about reconnecting to the meeting.
5 Chair Fong also announced that if the meeting was continued to a later date or
6 terminated, information about this would be posted on the Commission's website.
7
8

9 **Agenda Item No. I: Consideration and Approval of the Minutes of the July 20,**
10 **2022 Meeting**

11
12 Commissioner McCarthy made and Commissioner Hong seconded a motion to
13 approve the minutes of the July 20, 2022, meeting. The motion carried (Fong,
14 McCarthy, Tobias, and Hong voting aye; Gaulty abstaining).
15
16

17 **Agenda Item No. II: Consideration and Approval of the Minutes of the August 17,**
18 **2022 Meeting**

19
20 Vice Chair Gaulty made and Commissioner Hong seconded a motion to approve
21 the minutes of the August 17, 2022, meeting. The motion carried (Fong, Gaulty, and
22 Hong voting aye; McCarthy and Tobias abstaining).
23
24

25 **Agenda Item No. III: Executive Director's Report**

26
27 Executive Director Harris reviewed the training, guidance, and assignment
28 statistics for August and upcoming trainings for September.
29
30

31 **Agenda Item No. IV: Update on Commission to Improve Standards of Conduct**

32
33 Executive Director Harris said the Commission to Improve Standards of Conduct
34 ("Standards Commission") will meet every week in October to review draft bills and
35 other proposals. He hopes to present some of the draft bills for the Ethics Commission's
36 review and consideration at the next Commission meeting.
37

38 Executive Director Harris discussed proposals to address legislator conflicts of
39 interests. He said one of the proposals is to tighten up language in the House and
40 Senate rules for addressing conflicts such that recusal from votes and discussions
41 would be the default practice where a legislator has a conflict of interest. In narrow
42 circumstances where a legislator is needed for a vote, or where there is a legitimate
43 question as to whether there is a conflict of interest, a full vote by the governing body
44 would be required. This would provide public notice of the issues and vote.
45

46 Chair Fong asked staff to summarize the legislative history of Act 119 (2019
47 Haw. Sess. Laws) and how it evolved to Act 29 (2020 Haw. Sess. Laws). Executive

1 Director Harris said this was a follow-up to a question that Vice Chair Gaulty had raised
2 and asked Associate Director Yoza to explain what happened.
3

4 Associate Director Yoza said in 2019, the Legislature passed a bill that became
5 Act 119. The new law required legislators to publicly disclose potential conflicts of
6 interest and gave the Commission rule-making authority for the disclosure of conflicts by
7 legislators. After Act 119 became law, the Commission's former executive director sent
8 a draft administrative rule to the House Speaker and Senate President, asking for their
9 feedback. The draft rule included procedures for the disclosure of conflicts by
10 legislators. Staff did not receive any feedback about the draft rule, but was later
11 informed that the Legislature wanted to repeal the provision in the law that gave the
12 Commission rulemaking authority regarding the disclosure of conflicts by legislators.
13 This led to a new law in 2020, Act 29, which gave rule-making authority to the House
14 and Senate for the disclosure of conflicts by legislators and further provided that any
15 rules issued by the Commission would be pre-empted by the rules adopted by the
16 House and Senate for the disclosure of conflicts by legislators.
17

18 Vice Chair Gaulty spoke about his experience with conflicts issues as a state
19 representative. He said whenever legislators disclosed conflicts by rising and stating,
20 "Mr. Speaker, I have a conflict," the ruling was always the same – that there was no
21 conflict. Vice Chair Gaulty said his experience as a state senator was the same. He felt
22 this made a mockery of the conflict-of-interest rules and left the public in a bad position.
23 He said this issue is bigger than the Ethics Commission and for any change to occur,
24 this issue must be taken up by the Standards Commission.
25

26 Executive Director Harris summarized other measures that were drafted by staff
27 for consideration by the Standards Commission, including a nepotism bill and proposed
28 revisions to the House and Senate rules on conflicts of interests. He discussed issues
29 that may be raised by some of these measures, including whether the Ethics
30 Commission or the Legislature has jurisdiction over this area.
31

32 Executive Director Harris said the Standards Commission and the Ethics
33 Commission will both have an opportunity to review draft bills and other proposals in
34 October. Further discussion followed as to whether the Commission will have an
35 opportunity to review some of the proposals before they are presented to the Standards
36 Commission. The Commissioners agreed they would like to have this opportunity.
37

38 Commissioner McCarthy said he hoped the proposals can be reviewed at the
39 next meeting in October. He said this would be a good opportunity for the Commission
40 to get behind and support the proposals. The other Commissioners agreed. Executive
41 Director Harris said the Standards Commission would gladly accept input from the
42 Ethics Commission on the proposals.
43

44 Executive Director Harris said the intent is to get the best proposals possible with
45 a final report from the Standards Commission and a blessing from the "blue ribbon"
46 committee endorsing it. This will have a fair amount of public and media attention and
47 there will be some level of pressure on the Legislature to consider the proposals.

1
2 Vice Chair Gaulty noted that time is of the essence and said the Commission
3 could schedule a special meeting to review the draft proposals if necessary.
4

5 Vice Chair Gaulty made and Commissioner Tobias seconded a motion for the
6 Commission to review the draft proposals before they are presented to the Standards
7 Commission. The motion carried unanimously (Fong, Gaulty, McCarthy, Tobias, and
8 Hong).
9

10 Executive Director Harris said he would check on the Standards Commission's
11 timeframe. If it does not appear there will be time for the Ethics Commission to review
12 the proposals before they are presented to the Standards Commission, he will schedule
13 a special meeting by the Ethics Commission. He explained that he might put all of the
14 Ethics Commission concepts together for review at that time, including mandatory
15 education and gifts rules for lobbyists.
16

17 Chair Fong said he believed what the Ethics Commission is doing is very
18 important for the state and he hoped the counties would also follow through. He thanked
19 staff for its work on this.
20
21

22 **Agenda Item No. V: Consideration of Collection Efforts for Candidates Who**
23 **Failed to File Disclosure Statements Under Haw. Rev. Stat. § 84-17(j)**
24

25 Executive Director Harris said the State Ethics Code requires candidates to file a
26 financial disclosure statement and if they fail to file on time, they must be assessed a
27 \$50.00 fine and their names must be published. He said the names of the delinquent
28 candidates were posted on the Commission's website.
29

30 Executive Director Harris said that out of 30 candidates who were fined, 11
31 candidates have not paid their fines. He said six candidates still have not filed a
32 disclosure statement, including one candidate who is running in the general election.
33 Out of the 11 candidates with unpaid fines, five are still in the running.
34

35 Executive Director Harris said two letters were sent to each of these candidates,
36 and some phone calls have been made as well. He said staff's collection efforts should
37 continue with one more letter to the candidates and more phone calls.
38

39 Executive Director Harris explained that the Commission's governing statute
40 states these fines shall be collected by the Commission and deposited into the general
41 fund. He asked the Commission to discuss how far it wishes to go in its collection
42 efforts. He said this was a policy matter for the Commission to decide. He also said he
43 had some concerns about spending hundreds of dollars to chase a \$50 fine.
44

45 Vice Chair Gaulty recommended the Commission publicize the name of the
46 individual who is still running for office. He said that publicity will force that person to

1 comply. He said posting the person's name on the Commission's website was a first
2 step and the media might help with further publicity.

3
4 Vice Chair Gaulty said the other candidates who are no longer running for office
5 presented a dilemma because the Commission did not want to spend a lot of money or
6 state resources to collect \$50. He asked whether the Commission can just refer those
7 cases to the Attorney General's office for collection.

8
9 Executive Director Harris said the Commission would first have to issue an order
10 and this would require further proceedings. Once the Commission issues an order, it
11 can refer the matter to the Attorney General's office. He said it was his understanding
12 that a bench warrant might be issued against the person. He also said the Attorney
13 General's office indicated it will handle collection efforts if the Commission asks.

14
15 Executive Director Harris said staff will do more follow-up and will place calls to
16 each of the remaining candidates. He said staff can also issue another press release.

17
18 Chair Fong said if all these things are done and the candidates still have not paid
19 their fines, he would refer the matter to the AG's office for collection. Vice Chair Gaulty
20 and Commissioner Tobias agreed.

21
22 Commissioner Hong said he agreed with Executive Director Harris and believed
23 it was overkill to refer these cases to the Attorney General's office. Commissioner Hong
24 said the first step should be to publicize the list of candidates for the media. The next
25 step should be referring this to the House or Senate Ethics Committee whose job is to
26 provide oversight if the candidates are elected. He said this would be better than having
27 the Attorney General's office chase down \$50.00 with a bench warrant. He also said the
28 Commission might face a backlash for spending thousands of dollars to collect a \$50
29 fine.

30
31 Vice Chair Gaulty made and Commissioner McCarthy seconded a motion for
32 staff to follow up as discussed by Executive Director Harris, and any remaining
33 candidates who have not paid their fines will be referred to the Attorney General's office.
34 The motion carried (Fong, Gaulty, McCarthy, and Tobias voting aye; Hong voting nay).

35
36
37 **Agenda Item No. VI: Akana v. Hawaii State Ethics Commission and Daniel Gluck,**
38 **Civil No. 18-1-1019-06 (JHA); Akana v. Hawaii State Ethics Commission, Civil No.**
39 **19-1-0379-03 (JHA); State of Hawaii, Ethics Commission v. Rowena Akana,**
40 **Civil No. 20-1-0453 (BIA)**

41
42 There was no update on the Akana case.
43

1 **ADJOURNMENT OF SUNSHINE LAW MEETING**

2
3 At approximately 10:03 a.m., Commissioner McCarthy made and Commissioner
4 Tobias seconded a motion to adjourn the meeting. The motion carried unanimously
5 (Fong, Gaulty, McCarthy, Tobias, and Hong voting).
6

7 The meeting was adjourned at 10:03 a.m.
8

9
10 Minutes approved on _____.

SUNSHINE MEETING
AGENDA ITEM II

EXECUTIVE DIRECTOR'S REPORT
October 19, 2022

1. Education / Training Report

Attachment 1: 2022 Training Attendance / Schedule

Attachment 2: Online Training Completions by Department

2. Guidance and Assignment Statistics – September 2022

Attachment 3: 2022 Guidance and Assignment Statistics / Website Traffic

3. Update regarding 2022 Financial Disclosure Filings

4. Financial Report for FY 2022-2023 (July 1, 2022 – September 30, 2022)

Attachment 4: Q1 Financial Report FY 2022-2023

5. September Issue of The High Road

Attachment 5: The High Road, Issue No. 2022-3

6. Miscellaneous Office Projects / Updates

HAWAII STATE ETHICS COMMISSION 2022 EDUCATION PROGRAM (Ethics Workshops and Presentations)		
DATE	PRESENTATIONS	NUMBER OF PARTICIPANTS
1/5/2022	Lobbyists Law Training, Zoom	88
1/10/2022	General Ethics Training, ERS, Teams	24
1/11/2022	Lobbyists Law Training, Zoom	54
1/11/2022	General Ethics Training, Senate Staff, Zoom	54
1/13/2022	General Ethics Training, Senate Staff, Zoom	31
1/25/2022	General Ethics Training, Zoom	188
2/23/2022	General Ethics Training, Judiciary, Zoom	61
2/24/2022	General Ethics Training, Judiciary, Zoom	65
3/9/2022	General Ethics Training, House Members, Zoom	47
3/31/2022	General Ethics Training, DOD, Zoom	20
4/1/2022	General Ethics Training, UH School of Law, Zoom	45
4/4/2022	General Ethics Training, DCCA, Zoom	22
4/21/2022	General Ethics Training, State Public Charter School Commission, Zoom	30
5/19/2022	General Ethics Training, Zoom	270
7/14/2022	General Ethics Training, Zoom, GOV	14
7/15/2022	General Ethics Training, Zoom, GOV	10
7/18/2022	General Ethics Training, Zoom, GOV	20
7/19/2022	General Ethics Training, Zoom, GOV	20
8/4/2022	Ethics for State Board and Commission members, Zoom	59

HAWAII STATE ETHICS COMMISSION**2022 EDUCATION PROGRAM****(Ethics Workshops and Presentations)**

DATE	PRESENTATIONS	NUMBER OF PARTICIPANTS
8/18/2022	General Ethics Training, Zoom	188
9/22/2022	Ethics for State Board and Commission members, Zoom	95
9/29/2022	General Ethics Training, Zoom	275
10/5/2022	Ethics for State Board and Commission members, Zoom	103
10/20/2022	General Ethics Training, Zoom	
11/3/2022	General Ethics Training, Zoom	
12/7/2022	Ethics for State Government Attorneys, Zoom	
12/8/2022	Ethics for State Government Attorneys, Zoom	
12/16/2022	General Ethics Training, Zoom	
TOTAL	28 Presentations	1783 participants

Online Training Completions by Department

Department/Agency	2022 Total	Overall Total
Department of Accounting and General Services (DAGS)	24	91
Department of Agriculture (DOA)	13	67
Department of Budget and Finance (B&F)	33	34
Department of Business, Economic Development and Tourism (DBEDT)	39	105
Department of Commerce and Consumer Affairs (DCCA)	43	90
Department of Defense (DOD)	36	109
Department of Education (DOE)	115	342
Department of Hawaiian Home Lands (DHHL)	11	11
Department of Health (DOH)	255	484
Department of Human Resources Development (DHRD)	5	9
Department of Human Services (DHS)	1	205
Department of Labor and Industrial Relations (DLIR)	121	162
Department of Land and Natural Resources (DLNR)	12	87
Department of Public Safety (DPS)	24	68
Department of Taxation (TAX)	147	148
Department of the Attorney General (ATG)	136	253
Department of Transportation (DOT)	96	377
Executive Office on Early Learning	1	1
Hawai'i Health Systems Corporation (HHSC)	0	41
Hawai'i State Ethics Commission (HSEC)	2	2
Hawai'i State Public Library System (HSPLS)	1	2
House of Representatives (REP)	1	1
Judiciary (JUD)	80	137
Office of Hawaiian Affairs (OHA)	42	104
Office of the Auditor (AUD)	0	3
Office of the Governor (GOV)	10	19
Office of the Lieutenant Governor (LTG)	1	5
Office of the Ombudsman (OMB)	3	5
Other (Please fill-in "Other Department/Agency")	39	96
Public Charter School (SPCSC)	25	44
Research Corporation of the University of Hawai'i (RCUH)	42	51
Senate (SEN)	1	5
University of Hawai'i-Community Colleges (UOHC)	230	307
University of Hawai'i-Hilo (UOHH)	48	51
University of Hawai'i-Manoa (UOHM)	555	671
University of Hawai'i-System (UOH)	118	162
University of Hawai'i-West Oahu (UOHW)	98	165
Total Employee Certificates of Completion Issued	2408	4514
Board and Commission	2022 Total	Overall Total
Agribusiness Development Corporation	3	3
Board of Agriculture	0	1
Board of Barbering and Cosmetology	2	2
Board of Certification of Operating Personnel in Wastewater Treatment Plants	2	2
Board of Chiropractic Examiners	1	1
Board of Dentistry	8	8
Board of Education	0	7
Board of Electricians and Plumbers	1	2
Board of Land and Natural Resources	2	4
Board of Nursing	1	1
Board of Physical Therapy	3	3
Board of Professional Engineers, etal	2	2
Board of Public Accountancy	1	1
Board of Registration	2	2
Board of Speech Pathology and Audiology	1	1
Board of Taxation Review	1	2
Board on Geographic Names	1	1
Boxing Commission	0	1

Online Training Completions by Department

Board and Commission	2022 Total	Overall Total
Campaign Spending Commission	2	2
Commission on Water Resource Management	2	3
Contractors License Board	3	3
Disability and Communication Access Board	1	1
Elections Commission	2	2
Elevator Mechanics Licensing Board	1	1
Employees' Retirement System	1	1
Festival of the Pacific Arts & Culture	4	4
Hawai'i Board of Optometry	3	3
Hawai'i Climate Change Mitigation and Adaptation Commission	1	1
Hawai'i Employer-Union Health Benefits Trust Fund	0	1
Hawai'i Health Systems Corporation-Corporation	0	1
Hawai'i Health Systems Corporation-East Hawai'i	2	2
Hawai'i Health Systems Corporation-Oahu	1	1
Hawai'i Health Systems Corporation-West Hawai'i	3	3
Hawai'i Housing Finance and Development Corporation	0	1
Hawai'i Law Enforcement Standards Board	1	1
Hawai'i Medical Board	2	2
Hawai'i Public Housing Authority	6	6
Hawai'i State Emergency Response Commission	1	1
Hawai'i State Ethics Commission	1	3
Hawai'i Teacher Standards Board	7	7
Hawai'i Technology Development Corporation	3	3
Hawai'i Tourism Authority	1	1
Hawaiian Homes Commission	2	2
Hoisting Machine Operators Advisory Board	1	1
Island Burial Council - Kauai/Niihau	0	3
Island Burial Council - Molokai	1	1
Island Burial Council - Oahu	1	2
King Kamehameha Celebration Commission	3	3
Land Use Commission	2	2
Legacy Land Conservation Commission	0	1
Medical Education Council	0	1
Motor Vehicle Industry Licensing Board	2	2
Motor Vehicle Repair Industry Board	1	1
National and Community Service, Hawai'i Commission for	1	1
Natural Energy Laboratory of Hawai'i	1	1
Office of Hawaiian Affairs	1	1
Other (Please fill-in "Other Board/Commission")	52	69
Pest Control Board	3	3
Real Estate Commission	2	2
Soil and Water Conservation District Boards	5	7
Stadium Authority Commission	3	3
State Council on Developmental Disabilities	1	1
State Foundation on Culture and the Arts	2	2
State Public Charter School Commission	2	2
Statewide Health Coordinating Council	2	2
University of Hawai'i Board of Regents	3	5
Total Board and Commission Certificates of Completion Issued	170	216

Total Certificates of Completion Issued

2578

4730

As of October 5, 2022, 11:00 PM

2022	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Year to date
Training statistics													
# of In-Person Trainings	0	0	0	0	0	0	0	0	0				0
# of People Trained In Person	0	0	0	0	0	0	0	0	0				0
# of On-Line Trainings (Self-Directed)	35	44	142	73	442	106	139	227	781	589			2578
# of Training Webinars	6	2	2	3	1	0	4	2	2	1			23
# of Participants in Training Webinars	439	126	67	97	270	0	64	247	370	103			1783
Attorney of the Day	76	87	116	66	79	104	100	112	102				842
New assignments													
Advisory Opinion	0	0	0	0	0	0	0	0	1				1
Complaint	5	18	23	21	25	9	17	39	23				180
Gifts/Invitations/Travel	5	5	17	14	15	12	17	24	26				135
Guidance	6	3	3	0	0	0	3	2	6				23
Judicial Selection Comm'n	0	3	3	0	2	5	6	1	3				23
Training Request	0	0	0	0	0	0	0	0	0				0
Record Request	1	0	1	3	0	0	2	0	2				9
Project/Other	5	3	2	2	2	1	1	1	2				19
Total	22	32	49	40	44	27	46	67	63	0	0	0	390
Closed Assignments													
Advisory Opinion	0	0	1	1	0	0	0	0	0				2
Complaint	4	6	19	21	11	4	12	19	21				117
Gifts/Invitations/Travel	5	7	14	18	13	12	15	22	24				130
Guidance	3	5	1	4	0	0	1	1	3				18
Judicial Selection Comm'n	0	3	3	0	2	5	4	0	4				21
Training Request	0	0	0	0	0	0	0	0	0				0
Record Request	1	0	1	3	0	0	0	0	2				7
Project/Other	6	4	1	1	1	1	0	2	2				18
Total	19	25	40	48	27	22	32	44	56	0	0	0	313
Anti-Fraud	2	5	2	6	9	4	3	8	4				43

HAWAII STATE ETHICS COMMISSION FINANCIAL REPORT
 FY 2023 (MONTH ENDING: September 30, 2022)
 Appropriation Symbol: G-23-393-Y6

	Amount Appropriated FY 2022-2023	Expenditures for Qtr. End 9/30/2022	Expenditures for Qtr. End 12/31/2022	Expenditures for Qtr. End 3/31/2023	Expenditures for Qtr. End 6/30/2023	Expenditures Year-To-Date Totals	% of Budget Expended
A. PERSONNEL SERVICES							
Staff Salaries	\$ 1,061,285.00	\$ 218,466.29 ²	\$ 0.00	\$ 0.00	\$ 0.00	218,466.29	20.6%
Total Personnel Services	\$ 1,061,285.00	\$ 218,466.29	\$ 0.00	\$ 0.00	\$ 0.00	\$ 218,466.29	20.6%
B. OTHER CURRENT EXPENSES							
Office Expenses	14,500.00	2,485.77	0.00	0.00	0.00	2,485.77	17.1%
Intrastate Transportation and Travel	9,250.00	3.00	0.00	0.00	0.00	3.00	0.0%
Out-of-State Travel	12,660.00	1,187.34	0.00	0.00	0.00	1,187.34	0.0%
Equipment Rental and Maintenance	33,700.00	3,207.89	0.00	0.00	0.00	3,207.89	9.5%
Dues, Subscriptions, Training	16,410.00	801.89	0.00	0.00	0.00	801.89	4.9%
Newspaper Advertisements	1,100.00	0.00	0.00	0.00	0.00	0.00	0.0%
Comm'n Mtgs, Investigations, Hrgs	10,500.00	0.00	0.00	0.00	0.00	0.00	0.0%
Consulting Services	27,000.00	0.00	0.00	0.00	0.00	0.00	0.0%
Office Rent	154,410.00	19,582.24	0.00	0.00	0.00	19,582.24	12.7%
Total Other Current Expenses	\$ 279,530.00	\$ 27,268.13	\$ 0.00	\$ 0.00	\$ 0.00	\$ 27,268.13	9.8%
C. CAPITAL OUTLAY							
Office Furniture and Equipment	79,000.00	0.00	0.00	0.00	0.00	0.00	0.0%
Total Capital Outlay	\$ 79,000.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	0.0%
GRAND TOTAL (A+B+C)	\$ 1,419,815.00 ¹	\$ 245,734.42	\$ 0.00	\$ 0.00	\$ 0.00	\$ 245,734.42	17.3%

General Fund Allocation **\$ 1,419,815.00**
 Total Expenditures as of September 30, 2022 \$ 245,734.42
 Balance as of September 30, 2022 \$1,174,080.58

¹ \$1,419,815 awarded by Act 1, SLH 2022 - Appropriation 393.

² \$26,372.50 additional award from Appropriation 181 for the Cost Adjustments for LEG employees excluded from CBA.

HAWAII STATE ETHICS COMMISSION FINANCIAL REPORT
FY 2023 (QUARTER ENDING: September 30, 2022)
Appropriation Symbol: G-22-396-Y6

	Amount Appropriated FY 2022-2023	Expenditures for Qtr. End 9/30/2022	Expenditures for Qtr. End 12/31/2022	Expenditures for Qtr. End 3/31/2023	Expenditures for Qtr. End 6/30/2023	Year-To-Date Expenditures Totals	% of Budget Expended
A. ACCRUED VACATION/VACATION TRANSFERS							
Vacation Payout	\$ 16,553.00 ¹	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	0.0%
Total Accrued Vacation/Vacation Transfers	\$ 16,553.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	0.0%
GRAND TOTAL	\$ 16,553.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	0.0%

Appropriation for Accrued Vacation/Vacation Transfer Payments	\$ 16,553.00
Total Expenditures as of September 30, 2022.	\$ 0.00
Balance as of September 30, 2022	\$ 16,553.00

¹ Funds for accrued vacation and vacation transfer payments appropriated by Act 1, SLH 2022, for \$16,553.00.

ISSUE 2022-3 | SEPTEMBER 2022

THE HIGH ROAD



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



The people of Hawai'i 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.



— Hawai'i State Constitution
Article XIV

State Ethics Commission Welcomes Newest Member Robert Hong



The State Ethics Commission welcomes Dr. Robert Hong as its newest member. Dr. Hong is a retired clinical cardiologist and professor at the John A. Burns School of Medicine. He completed his undergraduate degree from Stanford University and received his doctorate in Medicine at the University of California – San Francisco. Dr. Hong's many

professional accomplishments include creating the first ACGME-certified postgraduate fellowship in cardiovascular disease in the State of Hawai'i. He also received the Peter C.P. Char Excellence in Education, Program Director's Award in 2013 and 2016. Dr. Hong retired in 2022 after 35 years of practicing medicine and holding numerous medical administrative positions. Welcome, Commissioner Hong!

Commissioners:

Wesley Fong, Chair
Reynard Gaulty, Vice Chair
Harry McCarthy
Beverley Tobias
Robert Hong

Executive Director:

Robert Harris

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Honolulu, HI 96813
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 @HawaiiEthics

Prohibited Transactions Between Supervisors and Subordinates

A state supervisor hired a subordinate employee to do electrical work on the supervisor's home. The supervisor paid several hundred dollars to the subordinate employee for the job and all work was performed during non-state work hours. Is there an ethics problem here? Yes. Although the subordinate employee's privately paid services did not involve the use of state work time, this was a prohibited financial transaction between a supervisor and a subordinate employee.

The State Ethics Code's fair treatment law prohibits employees from using their state positions to obtain unwarranted advantages for themselves. The law specifically prohibits substantial financial transactions between a state employee and a subordinate, or someone the state employee supervises or inspects. These financial transactions are prohibited because individuals supervised or inspected by state employees generally have unequal bargaining power when dealing with a supervisor or inspector. As a result, state employees may receive an unfair advantage in private financial transactions due to their official authority over other parties. Complaints may also arise that individuals who enter into private financial transactions with state employees receive preferential treatment when supervised or inspected by the employees.

Here are a few examples of prohibited transactions between state employees and individuals they supervise or inspect:

- A state supervisor rents a townhouse to a subordinate employee
- A state supervisor who owns a private business hires subordinate employees to work part-time for the business
- A state supervisor enters into a business partnership with a subordinate employee
- A state inspector provides private instruction for pay to a business regulated by the inspector
- A state inspector sells a security system to a business regulated by the inspector

State employees sometimes do not realize these private financial transactions are prohibited by the State Ethics Code. To avoid unforeseen problems, contact the State Ethics Commission for advice before entering into a private financial transaction with your supervisor or with someone you supervise or inspect.



Commission on Improving Standards of Conduct

The House of Representatives created the Commission to Improve Standards of Conduct to, among other things, review and assess existing state laws and rules involving the Code of Ethics, lobbying laws, campaign finance laws, and related laws. A final report is due to the Legislature on December 2, 2022.

The Commission has been meeting regularly and is in the process of developing a final list of proposed bills. Ideas under discussion currently include requiring mandatory training of lobbyists, tightening up conflicts of interest regulations for legislators, and increasing disclosure of financial interests related to lobbyists or lobbying organizations.

Interested in learning more before these recommendations are finalized, or submitting comments? More information can be found at <https://bit.ly/3LVYSKI> (or go to capitol.hawaii.gov and click on the "House" button. Look for "Commission to Improve Standards of Conduct" under "House Special Committees").

Planning to Retire or Leave State Employment?

If you are planning to retire or otherwise leave state employment soon, be sure to add the following to your checklist of things to do before you leave:

Exit Financial Disclosure. If you file an annual financial disclosure statement because of your state position, you may be required to file an exit disclosure statement when you leave state service. Check the date of your last financial disclosure filing with the Commission. If when you leave state service it has been over six months (180 days) since your last disclosure was filed, you must file an exit disclosure statement. Your exit disclosure will be due within 30 days of leaving your state position. For more information about the financial disclosure filing requirements, visit our website: <https://tinyurl.com/5e8bfe94>

Gifts Disclosure Statement. File a gifts disclosure statement for any gifts you received that must be reported. If you were a state legislator or employee for any portion of the period from June 1, 2022 through May 31, 2023, and if you received any gifts during this period that must be reported,

you must file a gifts disclosure statement. The filing deadline for your gifts disclosure statement is June 30, 2023, but we encourage you to file earlier to avoid missing the deadline after you leave state service. For more information about gifts and gifts reporting requirements, visit our website: <https://tinyurl.com/2s42rhm2>.

Post-Employment Restrictions. Finally, be informed about the State Ethics Code post-employment restrictions and how those restrictions will apply to you. This is especially important if you plan to engage in private business activities after you leave state service and if you anticipate interacting with your former state agency on behalf of your business, a private employer, or private clients. For more information, review our *Quick Guide on Post-Employment Laws* <https://tinyurl.com/2ek8y72f>.

Contact the State Ethics Commission if you have questions about any of these requirements and how they apply to you.



Mandatory Ethics Training for All State Employees

Hawai'i has a new mandatory ethics training law for state officials and employees. **Act 165** (<https://tinyurl.com/bdewy6xf>) requires all state legislators, employees, and board and commission members to take an ethics training course within ninety days of taking state office or becoming an employee, and at least once every four years thereafter. The new law takes effect on January 1, 2023. More information about the ethics training requirements will be sent to all state agencies in the coming weeks.

"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)

SUNSHINE LAW MEETING
AGENDA ITEM III

UPDATE ON COMMISSION TO IMPROVE STANDARDS OF CONDUCT

Attachment 1: Proposed Legislation or Rule Changes to Submit to the
Commission to Improve Standards of Conduct

HOUSE OF REPRESENTATIVES
THIRTY-SECOND LEGISLATURE, 2023
STATE OF HAWAII

H.B. NO.

A BILL FOR AN ACT

MAKING AN APPROPRIATION FOR COUNTY ETHICS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the house of
2 representatives adopted House Resolution No. 9, Regular Session
3 of 2022, to establish the commission to improve standards of
4 conduct. The resolution requests the commission ensure state
5 laws and rules relating to standards of conduct of public
6 officers and employees contain clear standards, enforcement, and
7 penalties and provide recommendations to increase awareness of,
8 compliance with, and deterrent effects of the code of ethics,
9 lobbying laws, campaign finance laws, and other relevant laws
10 and rules.

11 Pursuant to House Resolution No. 9, the commission to
12 improve standards of conduct convened regularly throughout 2022
13 to diligently review, discuss, and consider the issues
14 presented, submitted an interim report to the house of
15 representatives outlining areas of immediate and long-term
16 focus, then continued its work with input from the public and

1 invited individuals and agencies to issue a final report with
2 various recommendations and accompanying proposed legislation.

3 The legislature also finds that the strength and stability
4 of our democratic government rely upon the public's trust in
5 government institutions, including the expectation that officers
6 act ethically with prudence, integrity, and sound judgement.
7 Therefore, an essential goal of the commission was to provide
8 recommendations that would help restore public trust in state
9 government and increase the level of transparency in its
10 operations and accountability of individuals.

11 Accordingly, the purpose of this Act is to implement
12 recommendations of the commission to improve standards of
13 conduct relating to adequate funding for county ethics boards.

14 SECTION 2. There is appropriated out of the general
15 revenues of the State of Hawaii the sum of \$ or so
16 much thereof as may be necessary for fiscal year 2023-2024 as a
17 grant-in-aid to the board of ethics of the county of Kauai.

18 The sum appropriated shall be expended by the county of
19 Kauai for the purposes of this Act.

20 SECTION 3. There is appropriated out of the general
21 revenues of the State of Hawaii the sum of \$ or so

1 much thereof as may be necessary for fiscal year 2023-2024 as a
2 grant-in-aid to the board of ethics of the county of Maui.

3 The sum appropriated shall be expended by the county of
4 Maui for the purposes of this Act.

5 SECTION 4. There is appropriated out of the general
6 revenues of the State of Hawaii the sum of \$ or so
7 much thereof as may be necessary for fiscal year 2023-2024 as a
8 grant-in-aid to the board of ethics of the county of Hawaii.

9 The sum appropriated shall be expended by the county of
10 Hawaii for the purposes of this Act.

11 SECTION 5. This Act shall take effect on July 1, 2023.

12

INTRODUCED BY: _____

Report Title:

Commission to Improve Standards of Conduct; Counties; Ethics Boards; Grant-in-aid; Appropriation

Description:

Provides grants in aid to several counties' boards of ethics.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

A BILL FOR AN ACT

RELATING TO LEGISLATIVE ALLOWANCE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the house of
2 representatives adopted House Resolution No. 9, Regular Session
3 of 2022, to establish the commission to improve standards of
4 conduct. The resolution requests the commission ensure state
5 laws and rules relating to standards of conduct of public
6 officers and employees contain clear standards, enforcement, and
7 penalties and provide recommendations to increase awareness of,
8 compliance with, and deterrent effects of the code of ethics,
9 lobbying laws, campaign finance laws, and other relevant laws
10 and rules.

11 Pursuant to House Resolution No. 9, the commission to
12 improve standards of conduct convened regularly throughout 2022
13 to diligently review, discuss, and consider the issues
14 presented, submitted an interim report to the house of
15 representatives outlining areas of immediate and long-term
16 focus, then continued its work with input from the public and

1 invited individuals and agencies to issue a final report with
2 various recommendations and accompanying proposed legislation.

3 The legislature also finds that the strength and stability
4 of our democratic government rely upon the public's trust in
5 government institutions, including the expectation that officers
6 act ethically with prudence, integrity, and sound judgement.
7 Therefore, an essential goal of the commission was to provide
8 recommendations that would help restore public trust in state
9 government and increase the level of transparency in its
10 operations and accountability of individuals.

11 Accordingly, the purpose of this Act is to implement
12 recommendations of the commission to improve standards of
13 conduct by requiring each house of the legislature to post a
14 report of the legislative allowance expenditures for each member
15 of the respective house on the legislature's website.

16 SECTION 2. Section 24-1, Hawaii Revised Statutes, is
17 amended to read as follows:

18 **"§24-1 Allowance for incidental expenses. (a)** Each
19 member of the legislature shall receive an annual allowance of
20 \$7,500, which amount is to cover incidental expenses connected
21 with legislative duties and the amount shall be payable in a

1 manner prescribed by the respective rules of each house;
2 provided that when the legislative salary is increased, the
3 legislative allowance shall be increased by the same percentage.

4 (b) Each house of the legislature shall post on the
5 legislature's website, on a rolling basis and in a manner
6 prescribed by the respective rules of each house, a report of
7 the legislative allowance expenditures for each member of the
8 respective house."

9 SECTION 3. New statutory material is underscored.

10 SECTION 4. This Act shall take effect upon its approval.

11

INTRODUCED BY: _____

Report Title:

Commission to Improve Standards of Conduct; Legislative Allowance; Expenditure Report

Description:

Requires each house of the legislature to post a report of the legislative allowance expenditures for each member of the respective house on the legislature's website.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

A BILL FOR AN ACT

RELATING TO FINANCIAL DISCLOSURES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the house of
2 representatives adopted House Resolution No. 9 (2022) to
3 establish the commission to improve standards of conduct. The
4 resolution requests the commission ensure state laws and rules
5 relating to standards of conduct of public officers and
6 employees contain clear standards, enforcement, and penalties
7 and provide recommendations to increase awareness of, compliance
8 with, and deterrent effects of the code of ethics, lobbying
9 laws, campaign finance laws, and other relevant laws and rules.

10 Pursuant to House Resolution No. 9, the commission to
11 improve standards of conduct convened regularly throughout 2022
12 to diligently review, discuss, and consider the issues
13 presented, submitted an interim report to the house of
14 representatives outlining areas of immediate and long-term
15 focus, then continued its work with input from the public and
16 invited individuals and agencies to issue a final report with
17 various recommendations and accompanying proposed legislation.

1 The legislature also finds that the strength and stability
2 of our democratic government rely upon the public's trust in
3 government institutions, including the expectation that officers
4 act ethically with prudence, integrity, and sound judgement.
5 Therefore, an essential goal of the Commission was to provide
6 recommendations that would help restore public trust in state
7 government and increase the level of transparency in its
8 operations and accountability of individuals.

9 Accordingly, the purpose of this Act is to implement
10 recommendations of the commission to improve standards of
11 conduct by requiring all members of the legislature to disclose
12 certain relationships with lobbyists or lobbying organizations
13 in their financial disclosures.

14 SECTION 2. Section 84-17, Hawaii Revised Statutes, is
15 amended to read as follows:

16 **"§84-17 Requirements of disclosure.** (a) For the purposes
17 of this section, "disclosure period" refers to the period from
18 January 1 of the preceding calendar year to the time of the
19 filing of the employee's or legislator's disclosure of financial
20 interests.

1 (b) The disclosure of financial interest required by this
2 section shall be filed:

3 (1) By any person enumerated in subsection (c), except a
4 member of the legislature, between January 1 and May
5 31 of each year;

6 (2) By a member of the legislature between January 1 and
7 January 31 of each year;

8 (3) Within thirty days of a person's election or
9 appointment to a state position enumerated in
10 subsection (c); or

11 (4) Within thirty days of separation from a state position
12 if a prior financial disclosure statement for the
13 position was not filed within the one hundred eighty
14 days preceding the date of separation;

15 provided that candidates for state elective offices or the
16 constitutional convention shall file the required statements no
17 later than twenty days prior to the date of the primary election
18 for state offices or the election of delegates to the
19 constitutional convention.

20 (c) The following persons shall file annually with the
21 state ethics commission a disclosure of financial interests:

- 1 (1) The governor, the lieutenant governor, the members of
2 the legislature, and delegates to the constitutional
3 convention; provided that delegates to the
4 constitutional convention shall only be required to
5 file initial disclosures;
- 6 (2) The directors and their deputies, the division chiefs,
7 the executive directors and the executive secretaries
8 and their deputies, the purchasing agents and the
9 fiscal officers, regardless of the titles by which the
10 foregoing persons are designated, of every state
11 agency and department;
- 12 (3) The permanent employees of the legislature and its
13 service agencies, other than persons employed in
14 clerical, secretarial, or similar positions;
- 15 (4) The administrative director of the State, and the
16 assistants in the office of the governor and the
17 lieutenant governor, other than persons employed in
18 clerical, secretarial, or similar positions;
- 19 (5) The hearings officers of every state agency and
20 department;

- 1 (6) The president, the vice presidents, assistant vice
2 presidents, the chancellors, and the provosts of the
3 University of Hawaii and its community colleges;
- 4 (7) The superintendent, the deputy superintendent, the
5 assistant superintendents, the complex area
6 superintendents, the state librarian, and the deputy
7 state librarian of the department of education;
- 8 (8) The administrative director and the deputy director of
9 the courts;
- 10 (9) The members of every state board or commission whose
11 original terms of office are for periods exceeding one
12 year and whose functions are not solely advisory;
- 13 (10) Candidates for state elective offices, including
14 candidates for election to the constitutional
15 convention, provided that candidates shall only be
16 required to file initial disclosures;
- 17 (11) The administrator and assistant administrator of the
18 office of Hawaiian affairs;
- 19 (12) The Hawaii unmanned aerial systems test site chief
20 operating officer[+];[+] and

1 (13) The members of the school facilities board appointed
2 by the governor.

3 (d) The financial disclosure statements of the following
4 persons shall be public records and available for inspection and
5 duplication:

6 (1) The governor, the lieutenant governor, the members of
7 the legislature, candidates for and delegates to the
8 constitutional convention, the trustees of the office
9 of Hawaiian affairs, and candidates for state elective
10 offices;

11 (2) The directors of the state departments and their
12 deputies, regardless of the titles by which the
13 foregoing persons are designated; provided that with
14 respect to the department of the attorney general, the
15 foregoing shall apply only to the attorney general and
16 the first deputy attorney general;

17 (3) The administrative director of the State;

18 (4) The president, the vice presidents, the assistant vice
19 presidents, the chancellors, members of the board of
20 regents, and the provosts of the University of Hawaii;

- 1 (5) The members of the board of education and the
2 superintendent, the deputy superintendent, the state
3 librarian, and the deputy state librarian of the
4 department of education;
- 5 (6) The administrative director and the deputy director of
6 the courts;
- 7 (7) The administrator and the assistant administrator of
8 the office of Hawaiian affairs; and
- 9 (8) The members of the following state boards,
10 commissions, and agencies:
- 11 (A) The board of directors of the agribusiness
12 development corporation established under section
13 163D-3;
- 14 (B) The board of agriculture established under
15 section 26-16;
- 16 (C) The state ethics commission established under
17 section 84-21;
- 18 (D) The Hawaii community development authority
19 established under section 206E-3;

- 1 (E) The Hawaiian homes commission established under
2 the Hawaiian Homes Commission Act of 1920, as
3 amended, and section 26-17;
- 4 (F) The board of directors of the Hawaii housing
5 finance and development corporation established
6 under section 201H-3;
- 7 (G) The board of land and natural resources
8 established under section 171-4;
- 9 (H) The state land use commission established under
10 section 205-1;
- 11 (I) The legacy land conservation commission
12 established under section 173A-2.4;
- 13 (J) The natural area reserves system commission
14 established under section 195-6;
- 15 (K) The board of directors of the natural energy
16 laboratory of Hawaii authority established under
17 section 227D-2;
- 18 (L) The board of directors of the Hawaii public
19 housing authority established under section
20 356D-3;

1 (M) The public utilities commission established under
2 section 269-2;

3 (N) The commission on water resource management
4 established under section 174C-7; and

5 (O) The stadium authority established under section
6 109-1.

7 (e) The information on the financial disclosure statements
8 shall be confidential, except as provided in subsection (d).
9 The commission shall not release the contents of the disclosures
10 except as may be permitted pursuant to this chapter. Any person
11 who releases any confidential information shall be subject to
12 section 84-31(c).

13 (f) Candidates for state elective offices, including
14 candidates for election to the constitutional convention, shall
15 only be required to disclose their own financial interests. The
16 disclosures of financial interests of all other persons
17 designated in subsection (c) shall state, in addition to the
18 financial interests of the person disclosing, the financial
19 interests of the person's spouse and dependent children. All
20 disclosures shall include:

1 (1) The source and amount of all income of \$1,000 or more
2 received, for services rendered, by the person in the
3 person's own name or by any other person for the
4 person's use or benefit during the preceding calendar
5 year and the nature of the services rendered; provided
6 that required disclosure under this paragraph for the
7 income source of the spouse or dependent child of a
8 person subject to subsection (d) shall be limited to
9 the name of the business or other qualifying source of
10 income, and need not include the income source's
11 address; provided further that other information that
12 may be privileged by law or individual items of
13 compensation that constitute a portion of the gross
14 income of the business or profession from which the
15 person derives income need not be disclosed;

16 (2) The amount and identity of every ownership or
17 beneficial interest held during the disclosure period
18 in any business having a value of \$5,000 or more or
19 equal to ten per cent of the ownership of the business
20 and, if the interest was transferred during the
21 disclosure period, the date of the transfer; provided

1 that an interest in the form of an account in a
2 federal or state regulated financial institution, an
3 interest in the form of a policy in a mutual insurance
4 company, or individual items in a mutual fund or a
5 blind trust, if the mutual fund or blind trust has
6 been disclosed pursuant to this paragraph, need not be
7 disclosed;

8 (3) Every officership, directorship, trusteeship, or other
9 fiduciary relationship held in a business during the
10 disclosure period, the term of office and the annual
11 compensation;

12 (4) The name of each creditor to whom the value of \$3,000
13 or more was owed during the disclosure period and the
14 original amount and amount outstanding; provided that
15 debts arising out of retail installment transactions
16 for the purchase of consumer goods need not be
17 disclosed;

18 (5) The street address and, if available, the tax map key
19 number, and the value of any real property in which
20 the person holds an interest whose value is \$10,000 or
21 more, and, if the interest was transferred or obtained

1 during the disclosure period, a statement of the
2 amount and nature of the consideration received or
3 paid in exchange for such interest, and the name of
4 the person furnishing or receiving the consideration;
5 provided that disclosure shall not be required of the
6 street address and tax map key number of the person's
7 residence;

8 (6) The names of clients assisted or represented before
9 state agencies, except in ministerial matters, for a
10 fee or compensation during the disclosure period and
11 the names of the state agencies involved; and

12 (7) The amount and identity of every creditor interest in
13 an insolvent business held during the disclosure
14 period having a value of \$5,000 or more.

15 (g) In addition to the disclosures required under
16 subsection (f), each member of the legislature shall also
17 disclose the name of any person that is subject to section 97-3
18 and that is:

19 (1) A business partner of the member;

20 (2) An employer of the member;

21 (3) An officer or director of the member's employer; or

1 (4) A client of the member, member's partner, or member's
2 employer, where the client provided at least \$5,000 of
3 income during the preceding calendar year.

4 As used in this subsection:

5 "Member" means a member of the legislature.

6 "Member's partner" means a member's spouse under chapter
7 572, civil union partner under chapter 572B, or reciprocal
8 beneficiary under chapter 572C.

9 [~~g~~] (h) Where an amount is required to be reported, the
10 person disclosing may indicate whether the amount is at least
11 \$1,000 but less than \$10,000; at least \$10,000 but less than
12 \$25,000; at least \$25,000 but less than \$50,000; at least
13 \$50,000 but less than \$100,000; at least \$100,000 but less than
14 \$150,000; at least \$150,000 but less than \$250,000; at least
15 \$250,000 but less than \$500,000; at least \$500,000 but less than
16 \$750,000; at least \$750,000 but less than \$1,000,000; or
17 \$1,000,000 or more. An amount of stock may be reported by
18 number of shares.

19 [~~h~~] (i) The state ethics commission shall provide a
20 method for filing financial disclosure statements. The

1 commission may require that financial disclosure statements be
2 filed electronically.

3 ~~[(i)]~~ (j) Failure of a legislator, a delegate to the
4 constitutional convention, or employee to file a disclosure of
5 financial interests as required by this section shall be a
6 violation of this chapter. Any legislator, delegate to a
7 constitutional convention, or employee who fails to file a
8 disclosure of financial interests when due shall be assessed an
9 administrative fine of \$75. The state ethics commission, upon
10 the expiration of the time allowed for filing, may post on its
11 website for public inspection a list of all persons who have
12 failed to file financial disclosure statements. The state
13 ethics commission shall notify a person, by in-person service,
14 electronic mail to the person's state electronic mail address,
15 or first class mail, of the failure to file, and the disclosure
16 of financial interests shall be submitted to the state ethics
17 commission not later than 4:30 p.m. on the tenth day after
18 notification of the failure to file has been mailed to the
19 person. If a disclosure of financial interests has not been
20 filed within ten days of the due date, an additional
21 administrative fine of \$10 for each day a disclosure remains

1 unfiled shall be added to the administrative fine. All
2 administrative fines collected under this section shall be
3 deposited in the State's general fund. Any administrative fine
4 for late filing shall be in addition to any other action the
5 state ethics commission may take under this chapter for
6 violations of the state ethics code. The state ethics
7 commission may waive any administrative fines assessed under
8 this subsection for good cause shown.

9 ~~[(+j+)]~~ (k) The chief election officer, upon receipt of the
10 nomination paper of any person seeking a state elective office,
11 including the office of delegate to the constitutional
12 convention, shall notify the state ethics commission of the name
13 of the candidate for state office and the date on which the
14 person filed the nomination paper. The state ethics commission,
15 upon the expiration of the time allowed for filing, shall
16 release to the public a list of all candidates who have failed
17 to file financial disclosure statements and shall immediately
18 assess a late filing penalty fee against those candidates of
19 \$50, which shall be collected by the state ethics commission and
20 deposited into the general fund. The state ethics commission
21 may investigate, initiate, or receive charges as to whether a

1 candidate's financial disclosure statement discloses the
2 financial interests required to be disclosed. After proceeding
3 in conformance with section 84-31, the state ethics commission
4 may issue a decision as to whether a candidate has complied with
5 section 84-17(f) and this decision shall be a matter of public
6 record."

7 SECTION 3. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 begun before its effective date.

10 SECTION 4. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 5. This Act shall take effect upon its approval.

13

INTRODUCED BY: _____

Report Title:

Commission to Improve Standards of Conduct; Financial
Disclosure; Legislators; Lobbyists

Description:

Requires all members of the legislature to disclose certain
relationships with lobbyists or lobbying organizations in their
financial disclosures.

*The summary description of legislation appearing on this page is for informational purposes only and is
not legislation or evidence of legislative intent.*

A BILL FOR AN ACT

RELATING TO LOBBYISTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the house of
2 representatives adopted House Resolution No. 9 (2022) to
3 establish the commission to improve standards of conduct. The
4 resolution requests the commission ensure state laws and rules
5 relating to standards of conduct of public officers and
6 employees contain clear standards, enforcement, and penalties
7 and provide recommendations to increase awareness of, compliance
8 with, and deterrent effects of the code of ethics, lobbying
9 laws, campaign finance laws, and other relevant laws and rules.

10 Pursuant to House Resolution No. 9, the commission to
11 improve standards of conduct convened regularly throughout 2022
12 to diligently review, discuss, and consider the issues
13 presented, submitted an interim report to the house of
14 representatives outlining areas of immediate and long-term
15 focus, then continued its work with input from the public and
16 invited individuals and agencies to issue a final report with
17 various recommendations and accompanying proposed legislation.

1 The legislature also finds that the strength and stability
2 of our democratic government rely upon the public's trust in
3 government institutions, including the expectation that officers
4 act ethically with prudence, integrity, and sound judgement.
5 Therefore, an essential goal of the commission was to provide
6 recommendations that would help restore public trust in state
7 government and increase the level of transparency in its
8 operations and accountability of individuals.

9 Accordingly, the purpose of this Act is to implement
10 recommendations of the commission to improve standards of
11 conduct by amending the information contained in the statement
12 of expenditures reports that lobbyists and other individuals are
13 required to file with the Hawaii state ethics commission.

14 SECTION 2. Section 97-3, Hawaii Revised Statutes, is
15 amended by amending subsection (c) to read as follows:

16 "(c) The statement shall contain the following
17 information:

- 18 (1) The name and address of each person with respect to
19 whom expenditures for the purpose of lobbying in the
20 total sum of \$25 or more per day was made by the

1 person filing the statement during the statement
2 period and the amount or value of the expenditure;

3 (2) The name and address of each person with respect to
4 whom expenditures for the purpose of lobbying in the
5 aggregate of \$150 or more was made by the person
6 filing the statement during the statement period and
7 the amount or value of the expenditures;

8 (3) The total sum or value of all expenditures for the
9 purpose of lobbying made by the person filing the
10 statement during the statement period; provided that
11 the sum or value of each expenditure is itemized in
12 the following categories, as applicable:

13 (A) Preparation and distribution of lobbying
14 materials;

15 (B) Media advertising;

16 (C) Compensation paid to lobbyists;

17 (D) Fees paid to consultants for services;

18 (E) Entertainment and events;

19 (F) Receptions, meals, food, and beverages;

20 (G) Gifts;

21 (H) Loans;

1 (I) Interstate transportation, including incidental
2 meals and lodging; and
3 (J) Other disbursements;
4 (4) The name and address of each person making
5 contributions to the person filing the statement for
6 the purpose of lobbying in the total sum of \$25 or
7 more during the statement period and the amount or
8 value of the contributions; and
9 (5) The ~~[subject area]~~ identity, by bill number,
10 resolution number, or other similar identifier, of the
11 legislative ~~[and]~~ or administrative action that was
12 commented on, supported by, or opposed by the person
13 filing the statement during the statement period."

14 SECTION 3 Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 4. This Act shall take effect upon its approval.
17

INTRODUCED BY: _____

Report Title:

Commission to Improve Standards of Conduct; Lobbyists;
Disclosure; Statement of Expenditures; Reporting; Hawaii State
Ethics Commission

Description:

Amends the information in the statement of expenditures reports that lobbyists and other individuals are required to file with the Hawaii state ethics commission to include the identity, by bill number, resolution number, or other similar identifier, of the legislative or administrative action that was commented on, supported by, or opposed by the person filing the statement.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

A BILL FOR AN ACT

RELATING TO MANDATORY LOBBYIST TRAINING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the house of
2 representatives adopted House Resolution No. 9 (2022) to
3 establish the commission to improve standards of conduct. The
4 resolution requests the commission ensure state laws and rules
5 relating to standards of conduct of public officers and
6 employees contain clear standards, enforcement, and penalties
7 and provide recommendations to increase awareness of, compliance
8 with, and deterrent effects of the code of ethics, lobbying
9 laws, campaign finance laws, and other relevant laws and rules.

10 Pursuant to House Resolution No. 9, the commission to
11 improve standards of conduct convened regularly throughout 2022
12 to diligently review, discuss, and consider the issues
13 presented, submitted an interim report to the house of
14 representatives outlining areas of immediate and long-term
15 focus, then continued its work with input from the public and
16 invited individuals and agencies to issue a final report with
17 various recommendations and accompanying proposed legislation.

1 The legislature also finds that the strength and stability
2 of our democratic government rely upon the public's trust in
3 government institutions, including the expectation that officers
4 act ethically with prudence, integrity, and sound judgement.
5 Therefore, an essential goal of the commission was to provide
6 recommendations that would help restore public trust in state
7 government and increase the level of transparency in its
8 operations and accountability of individuals.

9 The legislature further finds that requiring all lobbyists
10 to be educated on the state lobbyist law and state ethics code
11 is in the best interests of the State. Regular training by the
12 state ethics commission will ensure that all persons engaged in
13 lobbying activities are aware of current state lobbying and
14 ethics laws, which will increase the public's confidence in
15 state government.

16 Accordingly, the purpose of this Act is to implement
17 recommendations of the commission to improve standards of
18 conduct by establishing a lobbyist training course to be
19 designed and administered by the state ethics commission and
20 making lobbyist training mandatory for all lobbyists who are
21 required to register under chapter 97, Hawaii Revised Statutes.

1 SECTION 2. Chapter 97, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§97- Mandatory lobbyist training. (a) A lobbyist who
5 has not yet registered with the state ethics commission shall
6 complete a lobbyist training course administered by the state
7 ethics commission before registering as a lobbyist with the
8 state ethics commission.

9 (b) Registered lobbyists shall repeat the lobbyist
10 training course required by this section at least once every two
11 years.

12 (c) A lobbyist shall certify completion of the lobbyist
13 training course at the time of registering or renewing
14 registration and shall maintain all certificates or other
15 documentation of completion for a period of six years from the
16 date of registration or renewal.

17 (d) For good cause shown, the state ethics commission may
18 grant a lobbyist an extension of time to complete the training
19 course required by this section.

20 (e) The state ethics commission shall develop and conduct
21 online and live training courses that explain state lobbyist

1 laws under this chapter and relevant ethics laws under chapter
2 84. Live training courses may be conducted in person or via
3 videoconference as necessary to accommodate all persons who are
4 required to complete the course."

5 SECTION 3. Section 97-2, Hawaii Revised Statutes, is
6 amended by amending subsection (b) to read as follows:

7 "(b) Each lobbyist shall provide and certify the following
8 information:

9 (1) The name, mailing address, and business telephone
10 number of the lobbyist[];

11 (2) The name and principal place of business of each
12 person by whom the lobbyist is retained or employed or
13 on whose behalf the lobbyist appears or works and a
14 written authorization to act as a lobbyist from each
15 person by whom the lobbyist is employed or with whom
16 the lobbyist contracts[];

17 (3) The subject areas on which the lobbyist expects to
18 lobby[]; and

19 (4) The completion of the mandatory lobbyist training
20 course pursuant to section 97- ."

1 SECTION 4. Section 97-7, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) Any person who:

4 (1) Negligently fails to file any statement or report
5 required by this chapter;

6 (2) Negligently files a statement or report containing
7 false information or material omission of any fact;

8 (3) Engages in activities prohibited by section 97-5; or

9 (4) Fails to provide information required by section 97-2,
10 including certification of completion of the mandatory
11 lobbyist training course, or 97-3;

12 shall be subject to an administrative fine imposed by the state
13 ethics commission that shall not exceed \$1,000 for each
14 violation of this chapter. All fines collected under this
15 section shall be deposited into the general fund."

16 SECTION 5. In the absence of good cause shown, each
17 lobbyist who is registered with the state ethics commission as
18 of the effective date of this Act shall complete the lobbyist
19 training course required by section 97- , Hawaii Revised
20 Statutes, within six months following the effective date of this

1 Act and at least once every two years following completion of
2 the previous lobbyist training course.

3 SECTION 6. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 7. This Act shall take effect on July 1, 2024.

6

INTRODUCED BY: _____

Report Title:

Commission to Improve Standards of Conduct; State Ethics
Commission; Mandatory Lobbyist Training; Administrative Fine

Description:

Requires a lobbyist training course to be designed and administered by the state ethics commission. Makes the lobbyist training course mandatory for all lobbyists who are required to register and renew their registration with the state ethics commission. Imposes administrative fines for violations. Effective 7/1/2024.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

A BILL FOR AN ACT

RELATING TO NEPOTISM.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the house of
2 representatives adopted House Resolution No. 9 (2022) to
3 establish the commission to improve standards of conduct. The
4 resolution requests the commission ensure state laws and rules
5 relating to standards of conduct of public officers and
6 employees contain clear standards, enforcement, and penalties
7 and provide recommendations to increase awareness of, compliance
8 with, and deterrent effects of the code of ethics, lobbying
9 laws, campaign finance laws, and other relevant laws and rules.

10 Pursuant to House Resolution No. 9, the commission to
11 improve standards of conduct convened regularly throughout 2022
12 to diligently review, discuss, and consider the issues
13 presented, submitted an interim report to the house of
14 representatives outlining areas of immediate and long-term
15 focus, then continued its work with input from the public and
16 invited individuals and agencies to issue a final report with
17 various recommendations and accompanying proposed legislation.

H.B. NO.

1 The legislature also finds that the strength and stability
2 of our democratic government rely upon the public's trust in
3 government institutions, including the expectation that officers
4 act ethically with prudence, integrity, and sound judgement.
5 Therefore, an essential goal of the commission was to provide
6 recommendations that would help restore public trust in state
7 government and increase the level of transparency in its
8 operations and accountability of individuals.

9 Accordingly, the purpose of this Act is to implement
10 recommendations of the commission to improve standards of
11 conduct relating to nepotism and promote good government by
12 prospectively prohibiting legislators and state employees from
13 hiring, contracting with, or taking official action affecting
14 their relatives or household members.

15 SECTION 2. Chapter 84, Hawaii Revised Statutes, is amended
16 by adding a new section to be appropriately designated and to
17 read as follows:

18 "§84- Nepotism; prohibition. (a) Beginning July 1,
19 2023, no legislator or employee shall:

H.B. NO.

1 (1) Appoint, hire, or promote a relative or household
2 member to, or demote, discharge, or terminate a
3 relative or household member from; or
4 (2) Participate in an interview or discussion regarding
5 the appointment, hiring, or promotion of a relative or
6 household member to, or the demotion, discharge, or
7 termination of a relative or household member from,
8 a paid position in the legislator's or employee's employing
9 agency; provided that this subsection shall not prohibit a
10 legislator or employee from performing ministerial acts that may
11 impact the relative or household member if those acts are a part
12 of the normal job functions of the legislator or employee.
13 (b) Beginning on July 1, 2023, a legislator or employee
14 may not supervise a relative or household member unless:
15 (1) The legislator or employee has a physical impairment
16 requiring the employment of a particular relative or
17 household member; provided that the legislator or
18 employee discloses the prospective employment to the
19 state ethics commission before the appointment or hire
20 is made; or

H.B. NO.

1 (2) The legislator or employee disqualifies the
2 legislator's or employee's self from taking any
3 official action directly affecting the relative or
4 household member;

5 (c) No legislator or employee shall award a contract to or
6 otherwise take official action on a contract with a business if
7 the legislator or employee knows or reasonably should know that
8 the legislator's or employee's relative or household member is
9 an executive officer of or holds a substantial ownership
10 interest in that business.

11 (d) Notwithstanding the prohibitions in this section,
12 if any employee who is a supervisor or executive director is
13 unable to disqualify the employee's self by operation of law
14 from taking any official action directly affecting a relative or
15 household member through an award or other official action on a
16 contract described in subsection (c), the employee shall not be
17 in violation of this section if the employee:

18 (1) Has complied with the disclosure requirements of
19 section 84-17; and

20 (2) Posts a notice of intent to award the contract and
21 files a copy of the notice with the state ethics

H.B. NO.

1 commission at least five days before awarding the
2 contract. If the posting and filing of the award in
3 advance is otherwise prohibited by law, notice shall
4 be posted and filed as soon as practicable. Every
5 notice of intent shall describe the employee's
6 relationship with the relative or household member,
7 the relative or household member's relationship with
8 the entity receiving the contract, action taken and to
9 be taken affecting the relative or household member's
10 business, and the dollar value of the contract.

11 (e) Upon application, the state ethics commission may
12 grant an exception to a legislator, employee, or agency that is
13 unable to comply with this section for good cause, including a
14 demonstrated lack of qualified personnel or applicants.

15 (f) Any legislator or employee who knowingly violates this
16 section shall be subject to the administrative fines set forth
17 in section 84-39. Any favorable action obtained by a relative
18 or household member of a legislator or employee in violation of
19 this section is voidable in accordance with sections 84-16 and
20 84-19.

H.B. NO.

1 (g) This section shall not affect the applicability of
2 section 84-13 or 84-14.

3 (h) For purposes of this section:

4 "Household member" means an individual who resides in the
5 same dwelling unit as the legislator or employee.

6 "Relative" means the legislator's or employee's parent,
7 grandparent, stepparent, child, grandchild, stepchild, brother,
8 sister, half-brother, half-sister, stepbrother, stepsister,
9 uncle, aunt, first cousin, nephew, niece, spouse, spouse's
10 parent, son-in-law, daughter-in-law, brother-in-law, or sister-
11 in-law."

12 SECTION 3. This Act does not affect rights and duties that
13 matured, penalties that were incurred, and proceedings that were
14 begun before its effective date, and does not apply to any
15 legislator or employee whose employment was terminated before
16 the effective date of this Act.

17 SECTION 4. If any provision of this Act, or the
18 application thereof to any person or circumstance, is held
19 invalid, the invalidity does not affect other provisions or
20 applications of the Act that can be given effect without the

H.B. NO.

1 invalid provision or application, and to this end the provisions
2 of this Act are severable.

3 SECTION 5. New statutory material is underscored.

4 SECTION 6. This Act shall take effect on July 1, 2023.

5

INTRODUCED BY: _____

H.B. NO.

Report Title:

Commission to Improve Standards of Conduct; Nepotism;
Legislators; State Employees; Administrative Fine

Description:

Beginning 7/1/2023, prohibits legislators and state employees from hiring or promoting relatives and household members and from making or participating in certain other employment-related decisions and from awarding a contract to or otherwise taking official action on a contract with a business if the legislator's or employee's relative or household member is an executive officer of or holds a substantial ownership interest in that business. Imposes administrative fines for violations.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

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DRAFT PROPOSED HOUSE RULES (2023)

Hawai'i State Ethics Commission
10.11.2022

Current HOUSE Rules Conflicts of Interest	Draft HOUSE Proposed Rules Redlined Against Current	Draft HOUSE Proposed Rules Clean
<p>HOUSE Rule 62.5: If the member has a conflict of interest in legislation, the member shall disclose to the presiding officer (the committee chair or the Speaker, depending on where the vote is taking place) the conflict of interest prior to voting on that legislation. For the purposes of this rule, a "conflict of interest" means that the legislation affects the member's direct personal, familial, or financial interest except if the member, or the member's relative, is part of a class of people affected by the legislation.</p>	<p>HOUSE Rule 62.5: If the member has a conflict of interest in legislation, the member shall disclose to the presiding officer (the committee chair or the Speaker, depending on where the vote is taking place) the conflict of interest prior to voting on that legislation.</p> <p><u>No member shall vote on, support or oppose, make recommendations on, or discuss or debate, or take other official action on any question or legislation if the member has a conflict of interest in the question or legislation.</u></p> <p>For the purposes of this rule, a "conflict of interest" means that the legislative matter <u>ve</u> affects the member's direct personal, familial, or financial interest <u>in favor of the member</u> except if unless <u>the conflict is general and applies to a broad member, or the member's relative, is part of a</u> class of people affected by the legislation.</p> <p><u>"Conflict of interest" is defined broadly to encompass a variety of situations in which any private interest of a member, or of the</u></p>	<p>HOUSE Rule 62.5: No member shall vote on, support or oppose, make recommendations on, or discuss or debate, or take other official action on any question or legislation if the member has a conflict of interest in the question or legislation.</p> <p>For the purposes of this rule, a "conflict of interest" means that the legislative matter affects the member's personal, familial, business, property, or financial interest in favor of the member, unless the conflict is general and applies to a broad class of people affected by the legislation.</p> <p>"Conflict of interest" is defined broadly to encompass a variety of situations in which any private interest of a member, or of the member's business associate or immediate family member, is or could reasonably be in direct conflict with the member's duty to act in the public interest, including the following:</p> <ol style="list-style-type: none"> Any situation in which a familial, business, property, or financial interest would be affected by the member's official legislative action, excluding incidental or nominal gain or detriment;

DRAFT PROPOSED HOUSE RULES (2023)

Hawai'i State Ethics Commission
10.11.2022

member's business associate or immediate family member, is or could reasonably be in direct conflict with the member's duty to act in the public interest, including the following:

1. Any situation in which a familial, business, property, or financial interest would be affected by the member's official legislative action, excluding incidental or nominal gain or detriment;

2. Any situation involving personal, political, legal, reputational, or other issues which would cause a reasonable person with knowledge of relevant facts to question either the member's impartiality in the matter, or the member's ability to exercise official legislative action in a fair, unbiased, and objective manner;

3. Any situation in which a member's official legislative action would affect a lobbying organization or lobbyist with which the member was employed or received any personal compensation from during the previous five years.

4. Any situation in which a member's official legislative action would affect a business or undertaking in which the

2. Any situation involving personal, political, legal, reputational, or other issues which would cause a reasonable person with knowledge of relevant facts to question either the member's impartiality in the matter, or the member's ability to exercise official legislative action in a fair, unbiased, and objective manner;

3. Any situation in which a member's official legislative action would affect a lobbying organization or lobbyist with which the member was employed or received any personal compensation from during the previous five years.

4. Any situation in which a member's official legislative action would affect a business or undertaking in which the member holds or held an interest during the previous three years, including a private undertaking in which the member is or was engaged as legal counsel, advisor, consultant, representative or other agency capacity.

5. Any situation in which a member's official legislative action would affect a person or agency that has investigated any issue relating to the member in the prior two years[, if the investigation found improper conduct on the

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member holds or held an interest during the previous three years, including a private undertaking in which the member is or was engaged as legal counsel, advisor, consultant, representative or other agency capacity.

5. Any situation in which a member's official legislative action would affect a person or agency that has investigated any issue relating to the member in the prior two years[, if the investigation found improper conduct on the part of the member, unless the member's action would be favorable to the investigating person or agency].

6. Any situation in which a member's business associate or close relative accepts a [significant] gift from any person or entity whose financial interest would be affected by pending legislative action or inaction, and the member knows or reasonably should know that the person or entity's intent in making the gift is to influence the member in the performance of the member's official legislative duties or is intended as a reward for action or inaction taken by the member;

7. Any situation in which public confidence in government would be substantially eroded by the member's official

part of the member, unless the member's action would be favorable to the investigating person or agency].

6. Any situation in which a member's business associate or close relative accepts a [significant] gift from any person or entity whose financial interest would be affected by pending legislative action or inaction, and the member knows or reasonably should know that the person or entity's intent in making the gift is to influence the member in the performance of the member's official legislative duties or is intended as a reward for action or inaction taken by the member;

7. Any situation in which public confidence in government would be substantially eroded by the member's official legislative action affecting a personal interest, including action designed to intimidate or retaliate.

"Immediate family member" means a parent, child, grandparent, grandchild, sibling, spouse, partner, or household member.

"Business associate" means an owner, employee, contractor, or other agent of a professional firm, partnership, or other business from which the member or the member's

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	<p><u>legislative action affecting a personal interest, including action designed to intimidate or retaliate.</u></p> <p><u>"Immediate family member" means a parent, child, grandparent, grandchild, sibling, spouse, partner, or household member.</u></p> <p><u>"Business associate" means an owner, employee, contractor, or other agent of a professional firm, partnership, or other business from which the member or the member's immediate family member receives compensation or owns.</u></p>	<p>immediate family member receives compensation or owns.</p>
<p>HOUSE Rule 62.6. If a member is uncertain as to whether a conflict of interest exists, the member may request a ruling from the presiding officer by giving notice and disclosing the direct financial interest to the presiding officer prior to voting.</p> <p>When making a determination in cases where a portion of a measure may place a member in a conflict of interest, the presiding officer shall give due consideration to the context of that portion as it relates to the overall purpose of the measure.</p>	<p>HOUSE Rule 62.6 If a member is uncertain as to whether a conflict of interest exists, the member <u>shall preliminarily recuse themselves from voting, but</u> may request a ruling from the presiding officer <u>(the Speaker or committee chair, as the case may be)</u> by giving notice and disclosing the <u>conflict of direct financial</u> interest to the presiding officer <u>in sufficient detail for the presiding officer to make an informed ruling</u> prior to voting.</p> <p>When making a determination in cases where a portion of a measure may place a member in a conflict of interest, the</p>	<p>HOUSE Rule 62.6: If a member is uncertain as to whether a conflict of interest exists, the member shall preliminarily recuse themselves from voting, but may request a ruling from the presiding officer (the Speaker or committee chair, as the case may be) by giving notice and disclosing the conflict of interest to the presiding officer in sufficient detail for the presiding officer to make an informed ruling prior to voting.</p> <p>When making a determination in cases where a portion of a measure may place a member in a conflict of interest, the presiding officer and voting members shall give due consideration to the context of that portion as it relates to the</p>

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Hawai'i State Ethics Commission
10.11.2022

<p>If the presiding officer determines that a conflict exists, the presiding officer shall recognize the conflict and honor the member's request to be excused from discussion, debate, and voting.</p>	<p>presiding officer and voting members shall give due consideration to the context of that portion as it relates to the overall purpose of the measure.</p> <p>If the presiding officer determines that a conflict exists, the presiding officer shall excuse the member recognize the conflict and honor the member's request to be excused from discussion, debate, and voting.</p> <p><u>If the presiding officer determines that no conflict exists, the matter will be presented to the floor (or committee), and if two-thirds of the voting members agree, the member shall be allowed to participate in discussion, debate, and voting. Members who have a conflict or possible conflict with respect to voting on the status of another member's conflict shall recuse themselves from that vote without further recourse.</u></p>	<p>overall purpose of the measure.</p> <p>If the presiding officer determines that a conflict exists, the presiding officer shall excuse the member from discussion, debate, and voting.</p> <p>If the presiding officer determines that no conflict exists, the matter will be presented to the floor (or committee), and if two-thirds of the voting members agree, the member shall be allowed to participate in discussion, debate, and voting. Members who have a conflict or possible conflict with respect to voting on the status of another member's conflict shall recuse themselves from that vote without further recourse.</p>
<p>Current HOUSE Rule Disclosures</p>	<p>Draft Proposed HOUSE Rule Redlined Against Current</p>	<p>Draft Proposed HOUSE Rule Clean</p>
<p>HOUSE Rule 29. Disclosures and Punishment of Members</p> <p>29.1. Each member shall file with the Ethics Commission of the State of Hawaii a disclosure of his or her</p>	<p>HOUSE Rule 29. Disclosures and Punishment of Members</p> <p>29.1. Each member shall file with the Ethics Commission of the State of Hawaii a disclosure of his or her private financial</p>	<p>HOUSE Rule 29. Disclosures and Punishment of Members</p> <p>29.1. Each member shall file with the Ethics Commission of the State of Hawaii a disclosure of his or her private financial interests, as</p>

DRAFT PROPOSED HOUSE RULES (2023)

Hawai'i State Ethics Commission
10.11.2022

<p>private financial interests, as prescribed by law. Each member shall file with the Ethics Commission any change in his or her financial interests.</p> <p>29.2. If a legislative matter which affects a member's interests arises before the member has made a disclosure to the Ethics Commission, the member shall orally disclose his or her interest to the House before voting. The member then shall immediately make the written disclosure required by law and these Rules.</p> <p>29.3. In accordance with Rule 60.7, the Speaker shall appoint a Select Committee on Standards of Conduct to receive complaints and investigate any member for misconduct, disorderly conduct, neglect of duty, violation of chapter 84, Hawaii Revised Statutes, or violation of these Rules. The House may punish any member found guilty by such a committee by censure, suspension, or expulsion. Censure shall require the approval of a majority of the members to which the House is entitled. Suspension or expulsion shall</p>	<p>interests, as prescribed by law. Each member shall file with the Ethics Commission any change in his or her<u>such</u> financial interests.</p> <p>29.2. If a legislative matter which affects a member's interests arises before the member has made a disclosure to the Ethics Commission, the member shall orally disclose <u>orally his or her such</u> interest to the House before prior to voting <u>and recuse themselves from voting, with the option to request a ruling in accordance with Rule 62.6.</u> The member then shall immediately make the written disclosure required by law and these Rules.</p> <p><u>Any member who has filed a disclosure as required by this Rule need not make a further oral disclosure on the House floor of any interest so filed, unless the disclosed financial interest presents a conflict as defined in Rule 62.5.</u></p> <p>29.3. In accordance with Rule 60<u>62</u>.7, the Speaker shall appoint a Select Committee on Standards of Conduct to receive complaints and investigate any member for misconduct, disorderly conduct,</p>	<p>prescribed by law. Each member shall file with the Ethics Commission any change in such financial interests.</p> <p>29.2. If a legislative matter which affects a member's interests arises before the member has made a disclosure to the Ethics Commission, the member shall disclose orally such interest to the House prior to voting and recuse themselves from voting, with the option to request a ruling in accordance with Rule 62.6. The member then shall immediately make the written disclosure required by law and these Rules.</p> <p>Any member who has filed a disclosure as required by this Rule need not make a further oral disclosure on the House floor of any interest so filed, unless the disclosed financial interest presents a conflict as defined in Rule 62.5.</p> <p>29.3. In accordance with Rule 62.7, the Speaker shall appoint a Select Committee on Standards of Conduct to receive complaints and investigate any member for misconduct, disorderly conduct, neglect of duty, violation of chapter 84, Hawaii Revised Statutes, or violation of these Rules. The House may punish any member found guilty by such a committee by censure, suspension, or expulsion. Censure shall require the approval of a majority of the members to which the House is</p>
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DRAFT PROPOSED HOUSE RULES (2023)

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require the approval of two-thirds of the members to which the House is entitled.	neglect of duty, violation of chapter 84, Hawaii Revised Statutes, or violation of these Rules. The House may punish any member found guilty by such a committee by censure, suspension, or expulsion. Censure shall require the approval of a majority of the members to which the House is entitled. Suspension or expulsion shall require the approval of two-thirds of the members to which the House is entitled.	entitled. Suspension or expulsion shall require the approval of two-thirds of the members to which the House is entitled.
Current HOUSE Rule Voting: Rights of Members	Draft Proposed HOUSE Rule Redlined Against Current	N/A
<i>[No current HOUSE Rule]</i>	<u>HOUSE Rule 62.12</u> (1) <u>No member, on any account, shall refrain from voting unless excused by the presiding officer (the Speaker of a committee chair, as the case may be).</u> (2) <u>The presiding officer shall excuse a member who has a conflict of interest in the question, or whose right to a seat in the House will be affected by the question, or whose official conduct is involved in the question. If a member thinks there may be a personal interest in</u>	HOUSE Rule 62.12 (1) No member, on any account, shall refrain from voting unless excused by the presiding officer (the Speaker of a committee chair, as the case may be). (2) The presiding officer shall excuse a member who has a conflict of interest in the question, or whose right to a seat in the House will be affected by the question, or whose official conduct is involved in the question. If a member thinks there may be a personal interest in the question, then prior to voting, the

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the question, then prior to voting, the member shall rise and disclose the interest to the presiding officer. Alternatively, any member may state their reasonable belief that another member may have such an interest and provide information supporting this belief. The presiding officer then shall rule whether the member has a conflict of interest. If so, the member shall be excused from voting.

For the purposes of this rule, a “conflict of interest” has the same meaning as defined in Rule 62.5.

(3) If the presiding officer finds no conflict of interest, or it is uncertain whether a member has a conflict of interest in the question, there shall be a determination in accordance with Rule 62.6.

(4) If quorum required for any vote is not achieved due to members recusing themselves based on a conflict of interest, each such recused member shall nonetheless be required to vote. Prior to, or within one week of, the vote, the member shall present to the voting body a detailed written explanation of the specific facts describing his or her conflict of interest,

member shall rise and disclose the interest to the presiding officer. Alternatively, any member may state their reasonable belief that another member may have such an interest and provide information supporting this belief. The presiding officer then shall rule whether the member has a conflict of interest. If so, the member shall be excused from voting.

For the purposes of this rule, a “conflict of interest” has the same meaning as defined in Rule 62.5.

(3) If the presiding officer finds no conflict of interest, or it is uncertain whether a member has a conflict of interest in the question, there shall be a determination in accordance with Rule 62.6.

(4) If quorum required for any vote is not achieved due to members recusing themselves based on a conflict of interest, each such recused member shall nonetheless be required to vote. Prior to, or within one week of, the vote, the member shall present to the voting body a detailed written explanation of the specific facts describing his or her conflict of interest, which shall be recorded in the Journal of the House and posted on the House website until the next legislative biennium.

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	<u>which shall be recorded in the Journal of the House and posted on the House website until the next legislative biennium.</u>	
Current HOUSE Rules Standards of Conduct	N/A	N/A
<p>HOUSE Rules 62.1 - 62.4</p> <p><i>[No change; Senate Rule amended to conform]</i></p> <p>62.1. Members should conduct themselves in a respectful manner befitting the office with which they as elected officials have been entrusted, respecting and complying with the law and acting at all times in a manner that promotes public confidence in the integrity of the House.</p> <p>62.2. Members should not lend the prestige of public office to advance the private interests of themselves or others; nor should members convey or permit others to convey the impression that they are in a special position to unduly influence public business pending before them.</p>		

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62.3. Members should treat their fellow House members, staff, and the general public with respect and courtesy, regardless of political or religious beliefs, age, race, ethnicity, sex, sexual orientation, gender identity or expression, or physical disability.

62.4 The legislative duties of members, as prescribed by law and these Rules, should take precedence over all of their other business or professional activities. Members should freely and willingly accept certain restrictions on their business activities and professional conduct that might be considered burdensome by an ordinary private citizen, and should perform the duties of elected office impartially and diligently. To the greatest extent reasonably possible, members should:

(1) Refrain from allowing family, social, business, or other relationships to unduly influence the member's legislative conduct or judgment;

(2) Refrain from showing bias or prejudice, including but not limited to bias or prejudice based on political or

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<p>religious beliefs, age, race, ethnicity, sex, sexual orientation, gender identity or expression, or physical disability, in the performance of their official duties;</p> <p>(3) Exercise patience, tolerance, and courtesy to all those with whom they deal with in an official capacity, and require staff and others subject to their direction and control to maintain similar standards of conduct, fidelity, and diligence inherent in public service;</p> <p>(4) Exercise the power of appointment impartially and on the basis of merit, refraining from making unnecessary appointments and approving compensation of appointees beyond the fair value of services rendered;</p> <p>(5) Afford to every person who wishes to participate in the legislative process the opportunity to be heard according to established procedures;</p> <p>(6) Consider at all times whether their conduct would create in reasonable minds the perception that their ability to carry out legislative responsibilities with integrity and independence is</p>		
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<p>either questionable or impaired;</p> <p>(7) Manage their personal interests and obligations so as to minimize the number of votes in which they are in, or may reasonably be perceived to be in, potential conflict;</p> <p>(8) Refrain from using, or permitting the use of, the privileges and prestige of their public office to derive undue personal, professional, or financial benefits for themselves, members of their family, or others with whom they maintain personal, business, or professional relationships;</p> <p>(9) Refrain from engaging in financial and business dealings that involve them in frequent transactions, or continuing business or professional relationships, with those persons likely to derive benefits from public financial matters either pending or already deliberated and voted upon by the House, to the extent that such conduct may reasonably be perceived as personal exploitation of their public office; and</p>		
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(10) Refrain from membership in an organization that practices invidious discrimination and gives rise to perceptions that one's impartiality and ability to serve as a representative are unduly compromised.		
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Current SENATE Rules Conflicts of Interest	Draft Proposed SENATE Rules Redlined Against Current	Draft Proposed SENATE Rules Clean
<p>SENATE Rule 85(1) No member shall vote on any legislation if the member has a direct financial interest in the legislation, unless the member is part of the class of people affected by the official action based upon the member's profession, trade or business; provided that this rule shall not apply to votes on the recommendations of a committee when a member has disclosed a potential conflict. For the purposes of this rule, a "direct financial interest" means that the legislation affects the legislator's personal business, property, or financial interest.</p>	<p>SENATE Rule 85(1) No member shall vote on <u>on-, support or oppose, make recommendations on, discuss or debate, or take other official action on</u> any <u>question or</u> legislation if the member has a <u>conflict of</u> direct financial interest in the <u>question or</u> legislation, unless the member is part of the class of people affected by the official action based upon the member's profession, trade or business; provided that this rule shall not apply to votes on the recommendations of a committee when a member has disclosed a potential conflict.</p> <p>For the purposes of this rule, a <u>"conflict of</u> direct financial interest" means that the legislation affects the legislator's member's personal, <u>familial</u>, business, property, or financial interest <u>in favor of the member, unless the conflict is general and applies to a broad class of people affected by the legislation.</u></p> <p><u>"Conflict of interest" is defined broadly to to encompass a variety of situations in which any private interest of a member, or of the member's business associate or</u></p>	<p>SENATE Rule 85(1) No member shall vote on, support or oppose, make recommendations on, discuss or debate, or take other official action on any question or legislation if the member has a conflict of interest in the question or legislation.</p> <p>For the purposes of this rule, a "conflict of interest" means that the legislative matter affects the member's personal, familial, business, property, or financial interest in favor of the member, unless the conflict is general and applies to a broad class of people affected by the legislation.</p> <p>"Conflict of interest" is defined broadly to to encompass a variety of situations in which any private interest of a member, or of the member's business associate or immediate family member, is or could reasonably be in direct conflict with the member's duty to act in the public interest, including the following:</p> <ol style="list-style-type: none"> 1. Any situation in which a familial, business, property, or financial interest would be affected by the member's official legislative

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	<p><u>immediate family member, is or could reasonably be in direct conflict with the member's duty to act in the public interest, including the following:</u></p> <p><u>1. Any situation in which a familial, business, property, or financial interest would be affected by the member's official legislative action, excluding incidental or nominal gain or detriment;</u></p> <p><u>2. Any situation involving personal, political, legal, reputational, or other issues which would cause a reasonable person with knowledge of relevant facts to question either the member's impartiality in the matter, or the member's ability to exercise official legislative action in a fair, unbiased, and objective manner;</u></p> <p><u>3. Any situation in which a member's official legislative action would affect a lobbying organization or lobbyist with which the member was employed or received any personal compensation from during the previous five years.</u></p> <p><u>4. Any situation in which a member's official legislative action would affect a business or undertaking in which the</u></p>	<p>action, excluding incidental or nominal gain or detriment;</p> <p>2. Any situation involving personal, political, legal, reputational, or other issues which would cause a reasonable person with knowledge of relevant facts to question either the member's impartiality in the matter, or the member's ability to exercise official legislative action in a fair, unbiased, and objective manner;</p> <p>3. Any situation in which a member's official legislative action would affect a lobbying organization or lobbyist with which the member was employed or received any personal compensation from during the previous five years.</p> <p>4. Any situation in which a member's official legislative action would affect a business or undertaking in which the member holds or held an interest during the previous three years, including a private undertaking in which the member is or was engaged as legal counsel, advisor, consultant, representative or other agency capacity.</p> <p>5. Any situation in which a member's official legislative action would affect a person or agency that has investigated any issue</p>
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	<p><u>member holds or held an interest during the previous three years, including a private undertaking in which the member is or was engaged as legal counsel, advisor, consultant, representative or other agency capacity.</u></p> <p>5. <u>Any situation in which a member's official legislative action would affect a person or agency that has investigated any issue relating to the member in the prior two years[, if the investigation found improper conduct on the part of the member, unless the member's action would be favorable to the investigating person or agency].</u></p> <p>6. <u>Any situation in which a member's business associate or close relative accepts a [significant] gift from any person or entity whose financial interest would be affected by pending legislative action or inaction, and the member knows or reasonably should know that the person or entity's intent in making the gift is to influence the member in the performance of the member's official legislative duties or is intended as a reward for action or inaction taken by the member;</u></p>	<p>relating to the member in the prior two years[, if the investigation found improper conduct on the part of the member, unless the member's action would be favorable to the investigating person or agency].</p> <p>6. Any situation in which a member's business associate or close relative accepts a [significant] gift from any person or entity whose financial interest would be affected by pending legislative action or inaction, and the member knows or reasonably should know that the <u>person or entity's</u> intent in making the gift is to influence the member in the performance of the member's official legislative duties or is intended as a reward for action or inaction taken by the member;</p> <p>7. Any situation in which public confidence in government would be substantially eroded by the member's official legislative action affecting a personal interest, including action designed to intimidate or retaliate.</p> <p>"Immediate family member" means a parent, child, grandparent, grandchild, sibling, spouse, partner, or household member.</p> <p>"Business associate" means an owner, employee, contractor, or other agent of a</p>
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	<p><u>7. Any situation in which public confidence in government would be substantially eroded by the member's official legislative action affecting a personal interest, including action designed to intimidate or retaliate.</u></p> <p><u>"Immediate family member" means a parent, child, grandparent, grandchild, sibling, spouse, partner, or household member.</u></p> <p><u>"Business associate" means an owner, employee, contractor, or other agent of a professional firm, partnership, or other business from which the member or the member's immediate family member receives compensation or owns.</u></p>	<p>professional firm, partnership, or other business from which the member or the member's immediate family member receives compensation or owns.</p>
<p>SENATE Rule 85(2) If a member is uncertain as to whether a conflict of interest exists, the member may request a ruling from the President by giving notice and disclosing the direct financial interest to the President prior to voting. When making a determination in cases where a portion of a measure may place a member in a conflict of interest, the President shall give due consideration</p>	<p>SENATE Rule 85(2) If a member is uncertain as to whether a conflict of interest exists, the member <u>shall preliminarily recuse themselves from voting, but</u> may request a ruling from the <u>presiding officer (the President or committee chair, as the case may be)</u> by giving notice and disclosing the <u>conflict of direct financial interest to the presiding officer in sufficient detail for the presiding officer to make an informed ruling</u> prior to voting.</p>	<p>SENATE Rule 85(2) If a member is uncertain as to whether a conflict of interest exists, the member shall preliminarily recuse themselves from voting, but may request a ruling from the presiding officer (the President or committee chair, as the case may be) by giving notice and disclosing the conflict of interest to the presiding officer in sufficient detail for the presiding officer to make an informed ruling prior to voting.</p>

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<p>to the context of that portion as it relates to the overall purpose of the measure. If the President determines that a conflict exists, the President shall excuse the member from voting.</p>	<p>When making a determination in cases where a portion of a measure may place a member in a conflict of interest, the <u>presiding officer and voting members</u> President shall give due consideration to the context of that portion as it relates to the overall purpose of the measure.</p> <p>If the President <u>presiding officer</u> determines that a conflict exists, the President <u>presiding officer</u> shall excuse the member from <u>discussion, debate, and</u> voting.</p> <p><u>If the presiding officer determines that no conflict exists, the matter will be presented to the floor (or committee), and if two-thirds of the voting members agree, the member shall be allowed to participate in discussion, debate, and voting. Members who have a conflict or possible conflict with respect to voting on the status of another member's conflict shall recuse themselves from that vote without further recourse.</u></p>	<p>When making a determination in cases where a portion of a measure may place a member in a conflict of interest, the presiding officer and voting members shall give due consideration to the context of that portion as it relates to the overall purpose of the measure.</p> <p>If the presiding officer determines that a conflict exists, the presiding officer shall excuse the member from discussion, debate, and voting.</p> <p>If the presiding officer determines that no conflict exists, the matter will be presented to the floor (or committee), and if two-thirds of the voting members agree, the member shall be allowed to participate in discussion, debate, and voting. Members who have a conflict or possible conflict with respect to voting on the status of another member's conflict shall recuse themselves from that vote without further recourse.</p>
Current SENATE Rule Disclosures	Draft Proposed SENATE Rule Redlined Against Current	Draft Proposed SENATE Rule Clean
SENATE Rule 83: Each member shall file with the Ethics Commission of the State of Hawai'i, a disclosure of the member's private financial interests,	SENATE Rule 83: Each member shall file with the Ethics Commission of the State of Hawai'i, a disclosure of the member's private financial interests, as prescribed	SENATE Rule 83. Each member shall file with the Ethics Commission of the State of Hawai'i, a disclosure of the member's private financial interests, as prescribed by law. Each member

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<p>as prescribed by law. Each member shall file with the Ethics Commission any change in such financial interests.</p> <p>If a legislative matter which affects a member's interests arises before the member has made a disclosure to the Ethics Commission, the member shall disclose orally such interest to the Senate before voting. The member then shall immediately make the written disclosure required by law and the Rules of the Senate.</p> <p>Any member who has filed a disclosure as required by this Rule need not make a further oral disclosure on the Senate floor of any interest so filed.</p>	<p>by law. Each member shall file with the Ethics Commission any change in such financial interests.</p> <p>If a legislative matter which affects a member's interests arises before the member has made a disclosure to the Ethics Commission, the member shall disclose orally such interest to the Senate <u>prior to before voting and recuse themselves from voting, with the option to request a ruling in accordance with Rule 71</u>. The member then shall immediately make the written disclosure required by law and the Rules of the Senate.</p> <p>Any member who has filed a disclosure as required by this Rule need not make a further oral disclosure on the Senate floor of any interest so filed, <u>unless the disclosed financial interest presents a conflict as defined in Rule 85</u>.</p>	<p>shall file with the Ethics Commission any change in such financial interests.</p> <p>If a legislative matter which affects a member's interests arises before the member has made a disclosure to the Ethics Commission, the member shall disclose orally such interest to the Senate prior to voting and recuse themselves from voting, with the option to request a ruling in accordance with Rule 71. The member then shall immediately make the written disclosure required by law and the Rules of the Senate.</p> <p>Any member who has filed a disclosure as required by this Rule need not make a further oral disclosure on the Senate floor of any interest so filed, unless the disclosed financial interest presents a conflict as defined in Rule 85.</p>
Current SENATE Rule Voting: Rights of Members	Draft Proposed SENATE Rule Redlined Against Current	Draft Proposed SENATE Rule Clean
<p>SENATE Rule 71</p> <p>(1) No member, on any account, shall refrain from voting unless excused by the President. A member voting "with reservations" shall be counted as a favorable vote.</p>	<p>SENATE Rule 71</p> <p>(1) No member, on any account, shall refrain from voting unless excused by <u>the presiding officer (the President or a committee chair, as the case may be)</u>. A member voting "with reservations" shall be</p>	<p>SENATE Rule 71</p> <p>(1) No member, on any account, shall refrain from voting unless excused by the presiding officer (the President or a committee chair, as the case may be). A member voting "with reservations" shall be counted as a</p>

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<p>A member may vote "Kanalua" the first time the member's name is called by the Clerk on any vote, but if the member votes "Kanalua" on the next call of the member's name, the member's vote shall be recorded as "Aye."</p> <p>(2) The President may excuse a member who has a monetary interest in the question, or whose right to a seat in the Senate will be affected by the question, or whose official conduct is involved in the question. If a member thinks there may be a personal interest in the question, the member shall rise and disclose the interest to the President. The President then shall rule whether the member has a conflict of interest. If so, the member shall be excused from voting.</p> <p>(3) Whenever the Ayes and Noes are called, no one, without unanimous consent, shall be permitted to explain a vote.</p> <p>(4) After the announcement by the President of the result, no one shall be allowed to vote or to change</p>	<p>counted as a favorable vote. A member may vote "Kanalua" the first time the member's name is called by the Clerk on any vote, but if the member votes "Kanalua" on the next call of the member's name, the member's vote shall be recorded as "Aye."</p> <p>(2) The <u>presiding officer</u> President shall may excuse a member who has a <u>conflict of monetary</u> interest in the question, or whose right to a seat in the Senate will be affected by the question, or whose official conduct is involved in the question. If a member thinks there may be a personal interest in the question, <u>then prior to voting</u>, the member shall rise and disclose the interest to the <u>presiding officer</u> President. <u>Alternatively, any member may state their reasonable belief that another member may have such an interest and provide information supporting this belief.</u> The President <u>presiding officer</u> then shall rule whether the member has a conflict of interest. If so, the member shall be excused from voting.</p> <p><u>For the purposes of this rule, a "conflict of interest" has the same meaning as defined in Rule 85.</u></p>	<p>favorable vote. A member may vote "Kanalua" the first time the member's name is called by the Clerk on any vote, but if the member votes "Kanalua" on the next call of the member's name, the member's vote shall be recorded as "Aye."</p> <p>(2) The presiding officer shall excuse a member who has a conflict of interest in the question, or whose right to a seat in the Senate will be affected by the question, or whose official conduct is involved in the question. If a member thinks he or she may have a such an interest in the question, then prior to voting, the member shall rise and disclose the interest to the presiding officer. Alternatively, any member may state their reasonable belief that another member may have such an interest and provide information supporting this belief. The presiding officer then shall rule whether the member has a conflict of interest. If so, the member shall be excused from voting.</p> <p>For the purposes of this rule, a "conflict of interest" has the same meaning as defined in Rule 85.</p> <p>If the presiding officer finds no conflict of interest, or it is uncertain whether a member has a conflict of interest in the question, there</p>
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<p>a vote.</p>	<p><u>If the presiding officer finds no conflict of interest, or it is uncertain whether a member has a conflict of interest in the question, there shall be a determination in accordance with Rule 85(2).</u></p> <p><u>If quorum required for any vote cannot be achieved due to members recusing themselves based on a conflict of interest, each recused member shall nonetheless be required to vote; provided that prior to, or within one week of, the vote, the member shall present to the voting body a detailed written explanation of the specific facts describing the member's conflict of interest, which shall be recorded in the Journal of the Senate and posted on the Senate website until the next biennium.</u></p> <p>(3) Whenever the Ayes and Noes are called, no one, without unanimous consent, shall be permitted to explain a vote.</p> <p>(4) After the announcement by the President of the result, no one shall be allowed to vote or to change a vote.</p>	<p>shall be a determination in accordance with Rule 85(2).</p> <p>If quorum required for any vote cannot be achieved due to members recusing themselves based on a conflict of interest, each recused member shall nonetheless be required to vote; provided that prior to, or within one week of, the vote, the member shall present to the voting body a detailed written explanation of the specific facts describing the member's conflict of interest, which shall be recorded in the Journal of the Senate and posted on the Senate website until the next biennium.</p> <p>(3) Whenever the Ayes and Noes are called, no one, without unanimous consent, shall be permitted to explain a vote.</p> <p>(4) After the announcement by the President of the result, no one shall be allowed to vote or to change a vote.</p>
<p>Current SENATE Rule Standards of Conduct</p>	<p>Draft Proposed SENATE Rule Redlined Against Current</p>	<p>Draft Proposed SENATE Rule Clean</p>

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<p>SENATE Rule 81</p> <p>(1) Members should conduct themselves in a respectful manner befitting the office with which they as elected officials have been entrusted, respecting and complying with the law and acting at all times in a manner that promotes public confidence in the integrity of the Senate.</p> <p>(2) Members should not lend the prestige of public office to advance the private interests of themselves or others; nor should members convey or permit others to convey the impression that they are in a special position to unduly influence pending public business before them.</p> <p>(3) Members should treat their fellow Senate members, staff, and the general public with respect and courtesy, regardless of political or religious beliefs, race, ethnicity, sex, sexual orientation, or physical disability.</p> <p>(4) The legislative duties of members</p>	<p>SENATE Rule 81 <i>[Change only by inserting new section G in section (4) and relettering following sections:]</i></p> <p><u>(G) Manage their personal interests and obligations so as to minimize the number of votes in which they are in, or may reasonably be perceived to be in, potential conflict; Refrain from using, or permitting the use of, the privileges and prestige of their public office to derive undue personal, professional, or financial benefits for themselves, members of their families, or others with whom they maintain personal, business, or professional relationships.</u></p> <p><u>(H)</u> Refrain from using, or permitting the use of, the privileges and prestige of their public office to derive undue personal, professional, or financial benefits for themselves, members of their families, or others with whom they maintain personal, business, or professional relationships.</p> <p><u>(I)</u> Refrain from engaging in financial and business dealings that involve them in frequent transactions, or continuing business or professional</p>	<p>SENATE Rule 81 <i>[Change only by inserting new section G in section (4) and relettering following sections:]</i></p> <p><u>(G)</u> Manage their personal interests and obligations so as to minimize the number of votes in which they are in, or may reasonably be perceived to be in, potential conflict.</p> <p><u>(H)</u> Refrain from using, or permitting the use of, the privileges and prestige of their public office to derive undue personal, professional, or financial benefits for themselves, members of their families, or others with whom they maintain personal, business, or professional relationships.</p> <p><u>(I)</u> Refrain from engaging in financial and business dealings that involve them in frequent transactions, or continuing business or professional relationships, with those persons likely to derive benefits from public financial matters either pending or already deliberated and voted upon by the Senate, to the extent that such conduct may reasonably be perceived as personal exploitation of their public office.</p>
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<p>as prescribed by law and these Rules should take precedence over all of their other business or professional activities. Members should freely and willingly accept certain restrictions on their business activities and professional conduct that might be considered burdensome by an ordinary private citizen, and should perform the duties of elected office impartially and diligently. To the greatest extent reasonably possible, members should:</p> <ul style="list-style-type: none">(A) Refrain from allowing family, social, business, or other relationships to unduly influence the member's legislative conduct or judgment.(B) Refrain from showing bias or prejudice, including but not limited to bias or prejudice based on political or religious beliefs, race, ethnicity, sex, sexual orientation, or physical disability, in the performance of their official duties.(C) Exercise patience, tolerance and courtesy to all those with	<p>relationships, with those persons likely to derive benefits from public financial matters either pending or already deliberated and voted upon by the Senate, to the extent that such conduct may reasonably be perceived as personal exploitation of their public office.</p>	
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<p>whom they deal with in an official capacity, and require staff and others subject to their direction and control to maintain similar standards of conduct, fidelity, and diligence inherent in public service.</p> <p>(D) Exercise the power of appointment impartially and on the basis of merit, refraining from making unnecessary appointments and approving compensation of appointees beyond the fair value of services rendered.</p> <p>(E) Afford to every person who wishes to participate in the legislative process the opportunity to be heard according to established procedures.</p> <p>(F) Consider at all times whether their conduct would create in reasonable minds the perception that their ability to carry out legislative responsibilities with integrity and independence is either questionable or impaired.</p>		
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<p>(G) Refrain from using, or permitting the use of, the privileges and prestige of their public office to derive undue personal, professional, or financial benefits for themselves, members of their families, or others with whom they maintain personal, business, or professional relationships.</p> <p>(H) Refrain from engaging in financial and business dealings that involve them in frequent transactions, or continuing business or professional relationships, with those persons likely to derive benefits from public financial matters either pending or already deliberated and voted upon by the Senate, to the extent that such conduct may reasonably be perceived as personal exploitation of their public office.</p>		
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SUNSHINE LAW MEETING
AGENDA ITEM IV

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.

No attachments.