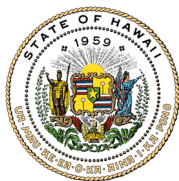


# SUNSHINE LAW MEETING



## HAWAII STATE ETHICS COMMISSION

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

### NOTICE OF MEETING OF THE HAWAII STATE ETHICS COMMISSION

Date: December 14, 2022

Time: 9:00 a.m.

Location: Zoom Videoconference or Phone:

Videoconference: [Join Zoom Meeting](https://us06web.zoom.us/j/86464713882?pwd=QjRSYm9FUlpOVENpTUhrVU4xSitjdz09)  
<https://us06web.zoom.us/j/86464713882?pwd=QjRSYm9FUlpOVENpTUhrVU4xSitjdz09>

Phone: +1 (719) 359-4580 or +1 (253) 205-0468  
Meeting ID: 864 6471 3882  
Passcode: 003385

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](http://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](http://www.ethics.hawaii.gov).

A G E N D A

CALL TO ORDER

- I. Consideration and Approval of the Minutes of the October 19, 2022 Meeting
- II. Consideration and Approval of the Minutes of the November 16, 2022 Meeting
- III. Executive Director's Report
  1. Education / Training Report
    - Attachment 1: 2022 Training Attendance / Schedule*
    - Attachment 2: 2023 Training Schedule*
    - Attachment 3: Online Training Completions by Department*
  2. Guidance and Assignment Statistics – November 2022
    - Attachment 4: 2022 Guidance and Assignment Statistics / Website Traffic*
  3. Update regarding 2022 Financial Disclosure Filings
  4. Miscellaneous Office Projects / Updates
- IV. 2022 Council on Governmental Ethics Laws Conference
- V. Proposed Budget: FY 2023-2024
- VI. Proposed Legislation
  - Attachment 1: Financial Disclosures*
  - Attachment 2: Record Disposition*
  - Attachment 3: County Ethics Funding*
  - Attachment 4: County Government Structure Review Resolution*
  - Attachment 5: Legislative Allowance Disclosure*

*Attachment 6: Legislator Financial Disclosure*

*Attachment 7: Lobbyist Disclosure*

*Attachment 8: Mandatory Lobbyist Training*

*Attachment 9: Nepotism*

*Attachment 10: Senate Rules Regarding Conflicts of Interest*

*Attachment 11: Gifts from Lobbyists*

VII. Update on Commission to Improve Standards of Conduct

VIII. *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.

IX. 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](mailto: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](mailto: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  
OCTOBER 19, 2022 MEETING

Attachment 1: Sunshine Law Meeting Minutes of the October 19, 2022  
Hawai'i State Ethics Commission Meeting

SUNSHINE LAW MEETING  
MINUTES OF THE HAWAI'I STATE ETHICS COMMISSION

STATE OF HAWAI'I

Date: October 19, 2022

Time: 9:00 a.m.

Location: Held via Zoom video and audio conference

Public Meeting Location

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

Present: State Ethics Commission Members

Wesley F. Fong, Chair (present in conference room)  
Harry J. McCarthy, Commissioner (via video conference)  
Beverley Tobias, Commissioner (via video conference)

Excused: Reynard D. Graulty, Vice Chair  
Robert Hong, Commissioner

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)  
Bonita Y.M. Chang, Staff Attorney (via video conference)  
Kee M. Campbell, 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 9:01 a.m. In addition to Chair Fong, Commissioner McCarthy, Commissioner Tobias, and Commission 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](http://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 Public participant Kai Lorinc introduced herself.

9  
10 Executive Director Harris introduced Cristina Voroneanu, a professional fellow for  
11 the U.S. State Department. Ms. Voroneanu is from Maldova and is participating in a  
12 program to learn about the American system of government. Chair Fong welcomed Ms.  
13 Voroneanu.

14  
15 Due to time constraints, Chair Fong proposed that the Commission first take up  
16 Agenda Item No. III. The Commissioners had no objections.

17  
18  
19 **Agenda Item No. III: Update on Commission to Improve Standards of Conduct**

20  
21 Executive Director summarized proposed bills and rule amendments to be  
22 submitted to the Commission to Improve Standards of Conduct (“Standards  
23 Commission”) on October 26, 2022.

24  
25 Bill Making Appropriations for County Ethics Boards. This bill is based on  
26 concerns about limited resources for county ethics boards, particularly on the neighbor  
27 islands. The bill provides state funding to increase the capacity of these boards to  
28 administer their programs.

29  
30 Chair Fong said this is an important bill because the neighbor island boards lack  
31 manpower and funds to enforce their ethics codes.

32  
33 Bill Relating to Legislative Allowance. This bill requires legislative allowance  
34 expenditures to be posted online. This bill would make it easier for the public to see how  
35 legislators are spending their allowance funds.

36  
37 Bill Relating to Financial Disclosures. Legislators are part-time employees, so  
38 many of them have other employment. The current financial disclosure requirements  
39 may not capture information about all sources of income. This bill requires legislators to  
40 disclose information on their financial disclosures about connections to lobbyists or  
41 lobbying organizations to help highlight where conflicts of interests might exist.

42  
43 Commissioner McCarthy commented that the enforcement of this law may be  
44 difficult.

1 Executive Director Harris said a more aggressive approach would be to make  
2 service as a legislator a full-time job and prohibit any outside employment. The  
3 proposed bill is a more moderate approach.  
4

5 Bill Relating to Lobbyists. This bill requires lobbyists to identify by bill number,  
6 resolution number, or other identifier, the matters on which they lobby. Currently,  
7 lobbyists are required to disclose the areas in which they are lobbying but not specific  
8 measures.  
9

10 Bill Relating to Mandatory Lobbyist Training. This bill requires lobbyists to take a  
11 training course once every two years. This is similar to the mandatory training  
12 requirement for state employees. The intent is to provide self-directed online training  
13 and Zoom training for lobbyists right before the start of the legislative session.  
14

15 Chair Fong said the Commission's online ethics training program is very clear  
16 and succinct. Commissioner Tobias said training for lobbyists is essential and she  
17 agreed the training should be simple to follow.  
18

19 Bill Relating to Nepotism. This bill prohibits legislators and employees from hiring  
20 or supervising relatives or household members.  
21

22 Commissioner McCarthy said this may be the most important issue to be  
23 addressed. He said there is a long and difficult history of nepotism in the islands and in  
24 many cases, this leads to public corruption. He said he completely supports this bill.  
25 Commissioner Tobias said she also supported the bill.  
26

27 Draft Proposed House and Senate Rules (2023). These proposed amendments  
28 to House and Senate Rules address conflicts of interests by legislators. The  
29 amendments address concerns that when legislator conflicts of interests are raised,  
30 legislators are usually allowed to continue forward despite the potential conflict. The  
31 amendments would make recusal from voting or discussions a default option. If there is  
32 a dispute about whether a conflict exists, the matter must be addressed by a committee  
33 or floor vote.  
34

35 Executive Director Harris summarized two additional measures. The first  
36 measure is a resolution directing the counties to consider whether any improvements  
37 are necessary for current ethics programs. The purpose of the resolution is to  
38 encourage the counties to see what changes are necessary, similar to what the State is  
39 currently doing.  
40

41 The second measure prohibits lobbyists from giving prohibited gifts to state  
42 employees. Chair Fong asked whether there is a \$25 monetary threshold for prohibited  
43 gifts. Executive Director Harris said there is not a specific dollar threshold, but there are  
44 some exceptions for permissible gifts such as a lei or celebratory plaque.  
45

46 Commissioner McCarthy said he absolutely approved the bill but believed it  
47 would receive stern resistance.



1  
2 Commissioner Tobias asked whether the bill will also prohibit in-kind services.  
3 Executive Director Harris said the definition of a gift is broad and includes services,  
4 housing, lodging, etc.  
5

6 Executive Director Harris stressed that a “gift of aloha” generally means  
7 reciprocal gift giving, such as gifts exchanged between neighbors. The bill is not  
8 concerned with those kinds of gifts. Rather, the intent of the bill is to go after gifts from  
9 lobbyists and others seeking official action from state officials.  
10

11 Executive Director Harris also summarized proposed measures that are still  
12 being worked on. One proposal creates a citizens bill of rights. The proposed rule is  
13 intended to express what should be the code of conduct when legislators interact with  
14 the public.  
15

16 Commissioner Tobias made and Commissioner McCarthy seconded a motion to  
17 approve the proposed bills for the Standards Commission. The motion carried  
18 unanimously (Fong, McCarthy, and Tobias voting).  
19  
20

21 **Agenda Item No. I: Consideration and Approval of the Minutes of the September**  
22 **21, 2022 Meeting**  
23

24 Commissioner McCarthy made and Commissioner Tobias seconded a motion to  
25 approve the minutes of the September 21, 2022, meeting. The motion carried  
26 unanimously (Fong, McCarthy, and Tobias voting).  
27  
28

29 **Agenda Item No. II: Executive Director’s Report**  
30

31 Executive Director Harris reviewed the training, guidance, and assignment  
32 statistics for August and upcoming trainings for September. He said there was a large  
33 increase in the number of employees taking ethics training in September and October.  
34 Chair Fong again commented that he found the online training to be very  
35 comprehensive.  
36

37 Ms. Lorinc asked whether the public can view the online training course.  
38 Executive Director Harris directed her to the Commission’s website to access the  
39 course. Ms. Lorinc thanked the Commissioners and staff for their work.  
40

41 Executive Director Harris also briefly updated the Commission about an effort to  
42 streamline the registration process for lobbyists for both the State and counties.  
43

44 Chair Fong also informed the Commission that there will be future discussions  
45 about holding another ethics conference for the State and all of the counties.  
46 Commissioners Tobias and McCarthy said this was an excellent idea.  
47

1  
2 **Agenda Item No. IV: Akana v. Hawaii State Ethics Commission and Daniel Gluck,**  
3 **Civil No. 18-1-1019-06 (JHA); Akana v. Hawaii State Ethics Commission, Civil No.**  
4 **19-1-0379-03 (JHA); State of Hawaii, Ethics Commission v. Rowena Akana,**  
5 **Civil No. 20-1-0453 (BIA)**  
6

7           There was no update on the Akana case.  
8  
9

10 **ADJOURNMENT OF SUNSHINE LAW MEETING**  
11

12           At approximately 9:49 a.m., Commissioner McCarthy made and Commissioner  
13 Tobias seconded a motion to adjourn the meeting. The motion carried unanimously  
14 (Fong, McCarthy, and Tobias voting).  
15

16           The meeting was adjourned at 9:49 a.m.  
17

18  
19 Minutes approved on \_\_\_\_\_.

DRAFT

SUNSHINE LAW MEETING  
AGENDA ITEM I

CONSIDERATION AND APPROVAL OF THE MINUTES OF THE  
NOVEMBER 16, 2022 MEETING

Attachment 1: Sunshine Law Meeting Minutes of the November 16, 2022  
Hawai'i State Ethics Commission Meeting

SUNSHINE LAW MEETING  
MINUTES OF THE HAWAI'I STATE ETHICS COMMISSION

STATE OF HAWAI'I

Date: November 16, 2022

Time: 9:00 a.m.

Location: Held via Zoom video and audio conference

Public Meeting Location

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

Present: State Ethics Commission Members

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

Excused: Beverley Tobias, Commissioner

State Ethics Commission Staff

Robert D. Harris, Executive Director (via video conference)  
Susan D. Yoza, Associate Director (present in conference room)  
Nancy C. Neuffer, Staff Attorney (via video conference)  
Bonita Y.M. Chang, 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. Chair Fong, Vice Chair Graulty, Commissioner McCarthy, Commissioner Hong, and all Commission staff were present. All Commissioners and 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](http://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 October 19,**  
10 **2022 Meeting**

11 Due to the absence of Commissioner Tobias, whose vote was needed to  
12 approve the Minutes of the October 19, 2022 meeting, the Commission deferred the  
13 approval of the Minutes to the next Commission meeting.  
14  
15

16 **Agenda Item No. II: Executive Director’s Report**  
17

18 Executive Director Harris reviewed the training, guidance, and assignment  
19 statistics for October. The Commission had 562 participants in a live training class and  
20 2,428 participants in the self-directed training course in October. These are record  
21 numbers for the live and self-directed training sessions. We expect to see continuing  
22 high numbers of participants because of the mandatory ethics training law. Staff will  
23 offer as many live trainings as possible, while also directing people to the online self-  
24 directed course. Executive Director Harris said the logistics of trying to train 50,000  
25 state employees are significant. He explained who is required to take a live training  
26 class and when those classes will be offered.  
27  
28

29 **Agenda Item No. III: Extension of Financial Disclosure Deadline for Newly Elected**  
30 **Legislators**

31  
32 Staff Attorney Chang explained that newly elected legislators are required to file  
33 their initial financial disclosures by December 8, 2022. In addition, all legislators are  
34 required to file their annual disclosures by January 31, 2023. To avoid requiring back-to-  
35 back filings by new legislators, she recommended extending the December 8 filing  
36 deadline to January 31, 2023.  
37

38 Commissioner Hong made and Vice Chair Gaulty seconded a motion to approve  
39 the draft Order extending the financial disclosure deadline for newly elected legislators  
40 from December 8, 2022 to January 31, 2023. The motion carried unanimously (Fong,  
41 Gaulty, McCarthy, and Hong voting).  
42

1 **Agenda Item No. IV: Meeting Calendar**

2  
3 Executive Director Harris said the Commission is scheduled to meet on  
4 December 21, 2022. He asked whether Commissioners would be available to meet  
5 instead on December 14, 2022 to discuss proposed legislation and the Commission's  
6 proposed budget for the 2023 legislative session. By consensus, the Commissioners  
7 agreed to meet on December 14, 2022 at 9:00 a.m.  
8

9 Executive Director Harris explained that for 2023, Commission meetings are  
10 scheduled on the third Wednesday of every month at 9:00 a.m. By consensus, the  
11 Commissioners agreed to the proposed meeting calendar for 2023.  
12

13  
14 **Agenda Item No. V: Update on Commission to Improve Standards of Conduct**

15  
16 Executive Director Harris said the Standards Commission is in the process of  
17 drafting its report, which is due on December 2, 2022. The Standards Commission will  
18 cease to exist after its report is issued. He said the Standards Commission will  
19 recommend about 30 bills, including proposed revisions to state criminal statutes that  
20 are modelled after federal statutes for fraud and false claims. Executive Director Harris  
21 would like the Commission to discuss the proposed bills at the Commission's December  
22 meeting and decide which bills the Commission wishes to support.  
23

24 Chair Fong asked whether any legislators have responded to the proposed bills.  
25 Executive Director Harris said it was too early to say how legislators will respond.  
26 Standards Commission Chair Dan Foley and Executive Director Harris (the Standards  
27 Commission's Vice Chair) plan to meet with Civil Beat and other members of the media  
28 to bring attention to the Standards Commission's proposals.  
29

30 Chair Fong asked whether the county ethics boards are interested in doing  
31 something similar at the county level. Executive Director Harris said two of the  
32 Standards Commission's proposals will impact the counties: the first is to provide  
33 grants-in-aid to the counties for their ethics programs, and the second is to ask the  
34 counties to look at their current programs to see what improvements are needed.  
35 Executive Director Harris said he plans to discuss the Standards Commission's  
36 proposals with the counties to obtain their feedback and support, and also inform them  
37 that the opportunity for increased funding is available.  
38

39 Commissioner Hong asked whether there is an overlap between the county  
40 ethics laws and the state ethics laws such that the counties and the state can work  
41 together on some of the proposals. Executive Director Harris explained that the State  
42 Constitution requires separate ethics commissions for the state and counties. The ethics  
43 laws are left to the state legislature and county councils, respectively. Although there is  
44 some overlap in the laws, there are also differences.  
45

46 Chair Fong said he felt it was important for the State Ethics Commission to  
47 extend as much help as possible to the county ethics commissions.

1  
2 Commissioner McCarthy suggested the Commission host a conference with the  
3 county ethics commissions to discuss common issues and problems, and how we can  
4 help each other. Executive Director Harris said everyone, including the neighbor island  
5 commissions, is interested in this. He said the Commission could request funding in its  
6 budget for such a conference. The conference could be held next summer.  
7

8  
9 **Agenda Item No. VI: Akana v. Hawaii State Ethics Commission and Daniel Gluck,**  
10 **Civil No. 18-1-1019-06 (JHA); Akana v. Hawaii State Ethics Commission, Civil No.**  
11 **19-1-0379-03 (JHA); State of Hawaii, Ethics Commission v. Rowena Akana,**  
12 **Civil No. 20-1-0453 (BIA)**  
13

14 There was no update on the Akana case.  
15

16  
17 **ADJOURNMENT OF SUNSHINE LAW MEETING**  
18

19 At approximately 9:38 a.m., Vice Chair Gaulty made and Commissioner  
20 McCarthy seconded a motion to adjourn the meeting. The motion carried unanimously  
21 (Fong, Gaulty, McCarthy, and Hong voting).  
22

23 The meeting was adjourned at 9:38 a.m.  
24

25  
26 Minutes approved on \_\_\_\_\_.

SUNSHINE MEETING  
AGENDA ITEM III

EXECUTIVE DIRECTOR'S REPORT  
December 14, 2022

**1. Education / Training Report**

*Attachment 1: 2022 Training Attendance / Schedule*

*Attachment 2: 2023 Training Schedule*

*Attachment 3: Online Training Completions by Department*

**2. Guidance and Assignment Statistics – November 2022**

*Attachment 4: 2022 Guidance and Assignment Statistics / Website Traffic*

**3. Update regarding 2022 Financial Disclosure Filings**

**4. Miscellaneous Office Projects / Updates**



<b>HAWAII STATE ETHICS COMMISSION</b>		
<b>2022 EDUCATION PROGRAM</b>		
<b>(Ethics Workshops and Presentations)</b>		
<b>DATE</b>	<b>PRESENTATIONS</b>	<b>NUMBER OF PARTICIPANTS</b>
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)**

<b>DATE</b>	<b>PRESENTATIONS</b>	<b>NUMBER OF PARTICIPANTS</b>
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	562
11/3/2022	General Ethics Training, Zoom	409
12/7/2022	Ethics for State Government Attorneys, Zoom	42
12/8/2022	Ethics for State Government Attorneys, Zoom	22
12/16/2022	General Ethics Training, Zoom	
<b>TOTAL</b>	<b>28 Presentations</b>	<b>2818 participants</b>

<b>HAWAII STATE ETHICS COMMISSION</b>		
<b>2023 EDUCATION PROGRAM</b>		
<b>(Ethics Workshops and Presentations)</b>		
<b>DATE</b>	<b>PRESENTATIONS</b>	<b>NUMBER OF PARTICIPANTS</b>
1/4/2023	Lobbyists Law Training, Zoom	
1/10/2023	Lobbyists Law Training, Zoom	
1/13/2023	General Ethics Training, Senate, Zoom	
1/20/2023	General Ethics Training, House, Zoom	
1/24/2023	General Ethics Training, Zoom	
2/10/2023	General Ethics Training, Zoom	
2/23/2023	General Ethics Training, Zoom	
3/10/2023	General Ethics Training, Zoom	
3/22/2023	Ethics for State Board and Commission members, Zoom	
4/5/2023	General Ethics Training, Zoom	
4/20/2023	General Ethics Training, Zoom	
5/3/2023	General Ethics Training, Zoom	
5/18/2023	Ethics for State Board and Commission members, Zoom	
6/7/2023	General Ethics Training, Zoom	
6/22/2023	General Ethics Training, Zoom	
7/6/2023	General Ethics Training, Zoom	
7/20/2023	Ethics for State Board and Commission members, Zoom	
8/2/2023	General Ethics Training, Zoom	
8/11/2023	General Ethics Training, Zoom	

**HAWAII STATE ETHICS COMMISSION**

**2023 EDUCATION PROGRAM**

**(Ethics Workshops and Presentations)**

<b>DATE</b>	<b>PRESENTATIONS</b>	<b>NUMBER OF PARTICIPANTS</b>
9/7/2023	General Ethics Training, Zoom	
9/21/2023	Ethics for State Board and Commission members, Zoom	
10/13/2023	General Ethics Training, Zoom	
10/25/2023	General Ethics Training, Zoom	
11/16/2023	General Ethics Training, Zoom	
11/29/2023	Ethics for State Board and Commission members, Zoom	
12/7/2023	Ethics for State Government Attorneys, Zoom	
12/8/2023	Ethics for State Government Attorneys, Zoom	
12/21/2023	General Ethics Training, Zoom	
<b>TOTAL</b>	<b>28 Presentations</b>	<b>0 participants</b>

## Online Training Completions by Department

Department/Agency	2022 Total	Overall Total
Department of Accounting and General Services (DAGS)	24	91
Department of Agriculture (DOA)	149	203
Department of Budget and Finance (B&F)	92	93
Department of Business, Economic Development and Tourism (DBEDT)	44	110
Department of Commerce and Consumer Affairs (DCCA)	49	96
Department of Corrections and Rehabilitation (DCR)	68	68
Department of Defense (DOD)	37	110
Department of Education (DOE)	151	378
Department of Hawaiian Home Lands (DHHL)	16	16
Department of Health (DOH)	284	513
Department of Human Resources Development (DHRD)	7	11
Department of Human Services (DHS)	5	209
Department of Labor and Industrial Relations (DLIR)	185	226
Department of Land and Natural Resources (DLNR)	54	129
Department of Law Enforcement (DLE)	60	60
Department of Public Safety (DPS)	457	501
Department of Taxation (TAX)	297	298
Department of the Attorney General (ATG)	145	262
Department of Transportation (DOT)	100	381
Executive Office on Early Learning	1	1
Hawai'i Health Systems Corporation (HHSC)	8	49
Hawai'i State Ethics Commission (HSEC)	4	4
Hawai'i State Public Library System (HSPLS)	1	2
House of Representatives (REP)	1	1
Judiciary (JUD)	83	140
Office of Hawaiian Affairs (OHA)	45	107
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")	49	106
Public Charter School (SPCSC)	25	44
Research Corporation of the University of Hawai'i (RCUH)	589	598
Senate (SEN)	2	6
University of Hawai'i-Community Colleges (UOHC)	506	583
University of Hawai'i-Hilo (UOHH)	82	85
University of Hawai'i-Manoa (UOHM)	1298	1414
University of Hawai'i-System (UOH)	247	291
University of Hawai'i-West Oahu (UOHW)	113	180
<b>Total Employee Certificates of Completion Issued</b>	<b>5292</b>	<b>7398</b>
Board and Commission	2022 Total	Overall Total
Agribusiness Development Corporation	3	3
Board of Acupuncture	1	1
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	9	9
Board of Education	2	9
Board of Electricians and Plumbers	2	3
Board of Land and Natural Resources	2	4
Board of Nursing	1	1
Board of Pharmacy	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	2	2

## Online Training Completions by Department

Board and Commission	2022 Total	Overall Total
Boxing Commission	0	1
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
Environmental Advisory Council	2	2
Festival of the Pacific Arts & Culture	6	6
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	4	4
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 Paroling Authority	1	1
Hawai'i Public Housing Authority	6	6
Hawai'i State Emergency Response Commission	1	1
Hawai'i State Ethics Commission	2	4
Hawai'i Teacher Standards Board	7	7
Hawai'i Technology Development Corporation	3	3
Hawai'i Tourism Authority	1	1
Hawaii State Center for Nursing	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	3	3
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
Oahu Metropolitan Planning Organization	2	2
Office of Hawaiian Affairs	1	1
Other (Please fill-in "Other Board/Commission")	65	82
Pest Control Board	3	3
RCUH-Board of Directors	1	1
Real Estate Commission	3	3
Soil and Water Conservation District Boards	9	11
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	4	6
<b>Total Board and Commission Certificates of Completion Issued</b>	<b>208</b>	<b>254</b>

**Total Certificates of Completion Issued**

**5500**

**7652**

As of December 4, 2022, 6:30 AM

2022	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Year to date
<b>Training statistics</b>													
# of In-Person Trainings	0	0	0	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	0	0	0
# of On-Line Trainings (Self-Directed)	35	44	142	73	442	106	139	227	781	2428	1030	53	5500
# of Training Webinars	6	2	2	3	1	0	4	2	2	1	1	2	26
# of Participants in Training Webinars	439	126	67	97	270	0	64	247	370	665	409	64	2818
<b>Attorney of the Day</b>	76	87	116	66	79	104	100	112	102	106	75		1023
<b>New assignments</b>													
Advisory Opinion	0	0	0	0	0	0	0	0	1	2	0		3
Complaint	5	18	23	21	25	9	17	39	23	21	29		230
Gifts/Invitations/Travel	5	5	17	14	15	12	17	24	26	28	9		172
Guidance	6	3	3	0	0	0	3	2	6	1	0		24
Judicial Selection Comm'n	0	3	3	0	2	5	6	1	3	6	1		30
Training Request	0	0	0	0	0	0	0	0	0	0	0		0
Record Request	1	0	1	3	0	0	2	0	2	0	1		10
Project/Other	5	3	2	2	2	1	1	1	2	2	2		23
<b>Total</b>	22	32	49	40	44	27	46	67	63	60	42	0	492
<b>Closed Assignments</b>													
Advisory Opinion	0	0	1	1	0	0	0	0	0	0	0		2
Complaint	4	6	19	21	11	4	12	19	21	26	17		160
Gifts/Invitations/Travel	5	7	14	18	13	12	15	22	24	30	12		172
Guidance	3	5	1	4	0	0	1	1	3	4	2		24
Judicial Selection Comm'n	0	3	3	0	2	5	4	0	4	5	2		28
Training Request	0	0	0	0	0	0	0	0	0	0	0		0
Record Request	1	0	1	3	0	0	0	0	2	1	1		9
Project/Other	6	4	1	1	1	1	0	2	2	3	1		22
<b>Total</b>	19	25	40	48	27	22	32	44	56	69	35	0	417
<b>Anti-Fraud</b>	2	5	2	6	9	4	3	8	4	7	2		52

SUNSHINE LAW MEETING  
AGENDA ITEM IV

2022 COUNCIL ON GOVERNMENTAL ETHICS LAWS CONFERENCE

Attachment 1: 2022 Conference Schedule




[COGEL Home](#)
[Conference Home](#)
[Plan Your Trip](#)
[Register Now](#)
[Schedule](#)
[Program Guide](#)
[Dine-Arounds](#)
[Testimonials](#)

## 2022 Conference Schedule\*

\* This is the tentative conference schedule, which will be updated as the COGEL Program Committee finalizes this year's plenary and breakout sessions. Sessions are subject to change.

### Sunday, December 4th

10:00 AM - 5:00 PM	<b>Conference Registration</b> Location: Ballroom Foyer, Floor Level 4
1:30 PM - 3:00 PM	<b>Pay-To-Play Laws: Developments, Trends And Enforcement</b> Location: Ballroom East, Floor Level 4
	<b>Embracing Innovation: Top 10 Enforcement Upgrades for Ethics Commissions</b> Location: Salon 6-7, Floor Level 3
	<b>Managing Up: Tools For Keeping Your Volunteer Board And Commission Members Informed, Engaged, And Effective</b> Location: Drummond East, Floor Level 3
	<b>From NYC's Madison Avenue To Montréal's "La Main": Adapting Branding Best Practices To Serve The Public</b> Location: Drummond Center & West, Floor Level 3
3:15 PM - 3:45 PM	<b>Kay Williams First Timers &amp; Conference Preview</b> Location: Salon 1, Floor Level 2
4:00 PM - 5:15 PM	<b>'Show Me The Money!' – Is It Getting Harder To Follow?</b> Location: Ballroom East, Floor Level 4
	<b>Beyond Ethics: Offices Empowered To Focus On Integrity And Culture</b> Location: Salon 6-7, Floor Level 3
	<b>Investigations And Audits: Best Practices For New Challenges</b> Location: Drummond East, Floor Level 3
	<b>Foreign Influence Here, There ... And Everywhere? Understanding The Reach Of Foreign Interests On Politics</b> Location: Drummond Center & West, Floor Level 3
	<b>Speed Networking</b> Location: Salon 4-5, Floor Level 2
5:30 PM - 7:00 PM	<b>Welcome Reception</b> Location: Ballroom Foyer, Floor Level 4

7:00 PM

**COGEL Dine-Arounds**  
Various Locations

**Monday, December 5th**

7:30 AM - 8:30 AM

**Breakfast & Table Topics**  
Location: Ballroom West & Center, Floor Level 4

8:45 AM - 10:15 AM

**Plenary Session - Preventing Corruption And Collusion In Public Contracts: Quebec's Charbonneau Commission - 10 Years Later**  
Location: Ballroom West & Center, Floor Level 4

10:25 AM - 11:55 AM

**Campaign Finance Update 1**  
Location: Ballroom East, Floor Level 4

**Quebec's Lobbyist Registry And The OECD Model: An Inside Look**  
Location: Salon 6-7, Floor Level 3

**FOI Is A COVID Long Hauler**  
Location: Drummond East, Floor Level 3

**How Disinformation Is Keeping People From The Polls**  
Location: Drummond Center & West, Floor Level 3

**Training & Outreach Roundtable**  
Location: Salon 4-5, Floor Level 2

12:00 PM - 1:30 PM

**Plenary Luncheon - Power and Perspective: My Life in Politics and Beyond**  
Location: Ballroom West & Center, Floor Level 4

1:45 PM - 3:15 PM

**Crypto Cool Or Kryptonite? Regulating Cryptocurrency Contributions To Political Campaigns**  
Location: Ballroom East, Floor Level 4

**Ethics Update 1**  
Location: Salon 6-7, Floor Level 3

**But I'm An Advocate, Not A Lobbyist! Regulating Lobbying By The Non-Profit Community**  
Location: Drummond East, Floor Level 3

**Giving Guidance In An Age Of Shamelessness**  
Location: Drummond Center & West, Floor Level 3

3:30 PM - 4:45 PM

**Is Public Service A Blind Trust? Resolving The Ethical Issues Of Public Officials Holding Stock**  
Location: Ballroom East, Floor Level 4

**Avoiding Gotcha: Increasing Compliance Through Effective Enforcement Strategies**  
Location: Salon 6-7, Floor Level 3

**Lobbying Update 1**  
Location: Drummond East, Floor Level 3

**And You Call That A Thorough Search?**  
Location: Drummond Center & West, Floor Level 3

**:60 Mastering Public Speaking: Minute By Minute**  
Location: Salon 4-5, Floor Level 2

6:30 PM

**COGEL Dine-Arounds**

Various Locations

**Tuesday, December 6th**

**7:30 AM - 8:30 AM**

**Breakfast & Table Topics**

Location: Ballroom West & Center, Floor Level 4

**9:00 AM - 10:00 AM**

**Plenary Session - Transforming Workplaces: The Power Of You**

Location: Ballroom West & Center, Floor Level 4

**10:15 AM - 11:45 AM**

**Regulating Online Political Ads And The Spread Of Disinformation**

Location: Ballroom East, Floor Level 4

**All I Hear Is Complaints! Strategies For Self-Initiating Enforcement Matters**

Location: Salon 6-7, Floor Level 3

**Lobbying Update 2**

Location: Drummond East, Floor Level 3

**Privacy and Public Records – A Look at the Tension Between Privacy Concerns and the Transparency Imperative for Public Agencies**

Location: Drummond Center & West, Floor Level 3

**Elections Update**

Location: Salon 4-5, Floor Level 2

**Reshaping The Next Normal: An Opportunity To Work Differently**

Location: Salon 1, Floor Level 2

**11:45 AM - 1:30 PM**

**COGEL Dine-Arounds**

Various Locations

**1:45 PM - 3:15 PM**

**Campaign Finance Update 2**

Location: Ballroom East, Floor Level 4

**The Gifts That Keep On Giving: Adventures In Regulating Cash, Coffee, And Contracts**

Location: Salon 6-7, Floor Level 3

**Freedom Of Information (FOI) Legislation And Litigation Update (Panel)**

Location: Drummond East, Floor Level 3

**Transparency – Building Understanding With Stakeholders Who Are Not Experts In Your Field**

Location: Drummond Center & West, Floor Level 3

**3:30 PM - 4:30 PM**

**Plenary Session - Leading With Integrity, Humility, And Caring: Everyday Lessons To Become A Better You**

Location: Ballroom West & Center, Floor Level 4

**5:30 PM - 6:30 PM**

**Annual "Mix and Mingle" Reception**

Location: Ballroom Foyer, Floor Level 4

**Wednesday, December 7th**

**7:30 AM - 9:00 AM**

	<b>Breakfast &amp; COGEL Annual Business Meeting</b> Location: Ballroom West & Center, Floor Level 4
9:15 AM - 10:30 AM	<b>David vs. Goliath: Can Public Financing Survive In A World Of SuperPACS?</b> Location: Ballroom East, Floor Level 4
	<b>Pursuing Compliance: Clear Language as the Bedrock for Transparent and Ethical Lobbying</b> Location: Salon 6-7, Floor Level 3
	<b>FOI Roundtable</b> Location: Drummond East, Floor Level 3
	<b>Adults In The Room – Strategies To Keep Your Compliance Audiences Engaged</b> Location: Drummond Center & West, Floor Level 3
	<b>The Great Resignation: As The Job Market Becomes Tighter How Can Government Agencies Compete To Attract And Retain Employees</b> Location: Salon 4-5, Floor Level 2
10:45 AM - 12:00 PM	<b>Ethics Update 2</b> Location: Ballroom East, Floor Level 4
	<b>Enforcement Update</b> Location: Salon 6-7, Floor Level 3
	<b>Elections Under Threats: Navigating Microscopic And Systemic Challenges To Democracy</b> Location: Drummond East, Floor Level 3
	<b>Trends In Financial Disclosure</b> Location: Drummond Center & West, Floor Level 3
	<b>Small Staff, Many Mandates: Managing The Multi-Mandate Office</b> Location: Salon 4-5, Floor Level 2
12:00 PM	<b>COGEL Dine-Arounds</b> Various Locations

SUNSHINE LAW MEETING  
AGENDA ITEM V

PROPOSED BUDGET: FY 2023-2024

Attachment 1: Proposed Budget FY 2023-2024

## Hawai'i State Ethics Commission - Budget Projections for FY 2023-2024

	2022-2023 Base Budget	2023-2024 Estimated Budget	Increases/ Decreases From FY23	% Increase/ Decrease From FY23
<b>TOTAL BUDGET</b> (excluding vacation payouts)	<b>\$ 1,419,815</b>	<b>\$ 1,490,115</b>	<b>\$ 70,300</b>	<b>5.0%</b>
<b>PERSONNEL</b>				
Staff Salaries <sup>1</sup>	1,061,285	1,178,224	116,939	11.0%
Cost Adjustments for staff salaries	-			
Vacation Payouts/Transfer	16,553	16,553		
<b>TOTAL PERSONNEL</b> (excluding vacation payouts)	<b>1,061,285</b>	<b>1,178,224</b>	<b>116,939</b>	<b>11.0%</b>
<b>MATERIALS AND SUPPLIES</b>				
<b>Office Expenses:</b>				
Office Supplies	3,500	3,500	-	0.0%
Postage	1,500	1,500	-	0.0%
Telephone & Internet	9,500	11,640	2,140	22.5%
Subtotal:	14,500	16,640	2,140	14.8%
<b>Intrastate Transportation and Travel</b>				
Commissioners / Staff	8,500	8,500	-	0.0%
Car Mileage and Parking	750	750	-	0.0%
Subtotal:	9,250	9,250		0.0%
<b>Out-of-State Travel</b>				
Airfare (6 @ \$1,000 ea.)	6,000	6,000	-	0.0%
Lodging and per diem for 5.5 days (6 @ \$145/day x 5.5 days)	4,800	4,800	-	0.0%
Excess Hotel and Increases in per diem/airfare	1,700	1,700	-	0.0%
Taxi/bus fare	160	160	-	0.0%
Subtotal:	12,660	12,660	-	0.0%
<b>Equipment Rental and Maintenance</b>				
Postage Meter	-	-	-	0.0%
Copier	3,600	3,600	-	0.0%
ReporterDeck Recorder	200	-	(200)	-100.0%
Computer Equipment Maintenance	3,500	3,500	-	0.0%
Misc. (time clock, projector, etc.)	700	700	-	0.0%
Investigation Software	3,100	3,100	-	0.0%
Software License Renewals	22,000	22,000	-	0.0%
Videoconferencing software for training	600	1,200	600	100.0%
Subtotal:	33,700	34,100	400	1.2%
<b>Dues, Subscriptions, Training</b>				
COGEL Membership	470	470	-	0.0%
COGEL Registration (6 x \$600)	3,600	3,600	-	0.0%
Attorney Registration Fees	3,400	3,400	-	0.0%
Training Expenses <sup>2</sup>	3,000	7,500	4,500	150.0%
Legal Reference Publications	4,900	4,900	-	0.0%
Newspapers Subscriptions, etc.	240	240	-	0.0%

	2022-2023 Base <u>Budget</u>	2023-2024 Estimated <u>Budget</u>	Increases/ Decreases <u>From FY23</u>	% Increase/ Decrease <u>From FY23</u>
Disruptive Behavior Training	800	800	-	0.0%
<b>Subtotal:</b>	<b>16,410</b>	<b>20,910</b>	<b>4,500</b>	<b>27.4%</b>
<b>Newspaper Advertisements</b>	<b>1,100</b>	<b>1,100</b>	<b>-</b>	<b>0.0%</b>
	<b>1,100</b>	<b>1,100</b>	<b>-</b>	<b>0.0%</b>
<b>Commission Meetings, Investigations and Hearings</b>				
Subpoena Fees	900	900	-	0.0%
Court Reporter	7,500	7,500	-	0.0%
Witness Fees, Travel, Mileage	600	1,500	900	150.0%
Hearings Officer	1,500	1,500	-	0.0%
Commission Meeting Expenses <sup>3</sup>	-	1,000	1,000	0.0%
<b>Subtotal:</b>	<b>10,500</b>	<b>12,400</b>	<b>1,900</b>	<b>18.1%</b>
<b>Consulting Services</b>				
Computer Consulting <sup>4</sup>	26,500	42,000	15,500	58.5%
Other Services (Interpreting, shredding)	500	500	-	0.0%
<b>Subtotal:</b>	<b>27,000</b>	<b>42,500</b>	<b>15,500</b>	<b>57.4%</b>
<b>Office Rent<sup>5</sup></b>	<b>154,410</b>	<b>158,331</b>	<b>3,921</b>	<b>2.5%</b>
<b>TOTAL MATERIALS AND SUPPLIES:</b>	<b>279,530</b>	<b>307,891</b>	<b>28,361</b>	<b>10.1%</b>
<b>CAPITAL OUTLAY</b>				
<b>Office Furniture &amp; Equipment</b>	<b>79,000</b>	<b>4,000</b>	<b>(75,000)</b>	<b>-94.9%</b>
<b>TOTAL CAPITAL OUTLAY:</b>	<b>79,000</b>	<b>4,000</b>	<b>(75,000)</b>	<b>-94.9%</b>
<b>GRAND TOTAL:</b>	<b>\$ 1,419,815</b>	<b>\$ 1,490,115</b>	<b>\$ 70,300</b>	<b>5.0%</b>

<sup>1</sup> The Commission proposes to hire an analyst to audit financial disclosures and assist with investigations.

<sup>2</sup> The Commission requests funding to develop video trainings to complement existing mandatory ethics training materials for all state employees, board members, and legislators.

<sup>3</sup> The Commission plans to hold an ethics conference with county officials in an effort to improve ethics training, uniformity of laws, and enforcement on a statewide basis.

<sup>4</sup> Additional expenses are slated to improve existing software that manages public-facing filings, as well as contingency funds to update new file and case management software.

<sup>5</sup> Lease rent increases 2.5% each fiscal year, CAM increases 2.68% each calendar year and fluctuates. Building management performs reconciliations and issues credits or charges accordingly.

SUNSHINE LAW MEETING  
AGENDA ITEM VI

PROPOSED LEGISLATION

- Attachment 1: Financial Disclosures
- Attachment 2: Record Disposition
- Attachment 3: County Ethics Funding
- Attachment 4: County Government Structure Review Resolution
- Attachment 5: Legislative Allowance Disclosure
- Attachment 6: Legislator Financial Disclosure
- Attachment 7: Lobbyist Disclosure
- Attachment 8: Mandatory Lobbyist Training
- Attachment 9: Nepotism
- Attachment 10: Senate Rules Regarding Conflicts of Interest
- Attachment 11: Gifts from Lobbyist



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# A BILL FOR AN ACT

RELATING TO FINANCIAL DISCLOSURE.

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

1           SECTION 1. The purpose of this Act is to provide greater  
2 uniformity, flexibility, and efficiency in assessing  
3 administrative fines related the failure to file a financial  
4 disclosure.

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

7           **§84-17 Requirements of disclosure.** (a) For the purposes of  
8 this section, "disclosure period" refers to the period from  
9 January 1 of the preceding calendar year to the time of the  
10 filing of the employee's or legislator's disclosure of financial  
11 interests.

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

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

# S.B. NO.

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

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

6           (4) Within thirty days of separation from a state  
7 position if a prior financial disclosure statement for the  
8 position was not filed within the one hundred eighty days  
9 preceding the date of separation;

10 provided that candidates for state elective offices or the  
11 constitutional convention shall file the required statements no  
12 later than ten days after the nomination filing deadline in  
13 section 12-6 [~~twenty days prior to the date of the primary~~  
14 ~~election for state offices or the election of delegates to the~~  
15 ~~constitutional convention~~].

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

18           (1) The governor, the lieutenant governor, the  
19 members of the legislature, and delegates to the  
20 constitutional convention; provided that delegates to the

# S.B. NO.

1 constitutional convention shall only be required to file  
2 initial disclosures;

3 (2) The directors and their deputies, the division  
4 chiefs, the executive directors and the executive  
5 secretaries and their deputies, the purchasing agents and  
6 the fiscal officers, regardless of the titles by which the  
7 foregoing persons are designated, of every state agency and  
8 department;

9 (3) The permanent employees of the legislature and  
10 its service agencies, other than persons employed in  
11 clerical, secretarial, or similar positions;

12 (4) The administrative director of the State, and the  
13 assistants in the office of the governor and the lieutenant  
14 governor, other than persons employed in clerical,  
15 secretarial, or similar positions;

16 (5) The hearings officers of every state agency and  
17 department;

18 (6) The president, the vice presidents, assistant  
19 vice presidents, the chancellors, and the provosts of the  
20 University of Hawaii and its community colleges;

# S.B. NO.

1           (7) The superintendent, the deputy superintendent,  
2 the assistant superintendents, the complex area  
3 superintendents, the state librarian, and the deputy state  
4 librarian of the department of education;

5           (8) The administrative director and the deputy  
6 director of the courts;

7           (9) The members of every state board or commission  
8 whose original terms of office are for periods exceeding  
9 one year and whose functions are not solely advisory;

10          (10) Candidates for state elective offices, including  
11 candidates for election to the constitutional convention,  
12 provided that candidates shall only be required to file  
13 initial disclosures;

14          (11) The administrator and assistant administrator of  
15 the office of Hawaiian affairs;

16          (12) The Hawaii unmanned aerial systems test site  
17 chief operating officer and

18          (13) The members of the school facilities board  
19 appointed by the governor.

# S.B. NO.

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

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

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

15           (3) The administrative director of the State;

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

19           (5) The members of the board of education and the  
20 superintendent, the deputy superintendent, the state

# S.B. NO.

1       librarian, and the deputy state librarian of the department  
2       of education;

3               (6) The administrative director and the deputy  
4       director of the courts;

5               (7) The administrator and the assistant administrator  
6       of the office of Hawaiian affairs; and

7               (8) The members of the following state boards,  
8       commissions, and agencies:

9                       (A) The board of directors of the agribusiness  
10       development corporation established under section  
11       163D-3;

12                      (B) The board of agriculture established under  
13       section 26-16;

14                      (C) The state ethics commission established  
15       under section 84-21;

16                      (D) The Hawaii community development authority  
17       established under section 206E-3;

18                      (E) The Hawaiian homes commission established  
19       under the Hawaiian Homes Commission Act of 1920, as  
20       amended, and section 26-17;

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1                   (F) The board of directors of the Hawaii housing  
2 finance and development corporation established under  
3 section 201H-3;

4                   (G) The board of land and natural resources  
5 established under section 171-4;

6                   (H) The state land use commission established  
7 under section 205-1;

8                   (I) The legacy land conservation commission  
9 established under section 173A-2.4;

10                  (J) The natural area reserves system commission  
11 established under section 195-6;

12                  (K) The board of directors of the natural energy  
13 laboratory of Hawaii authority established under  
14 section 227D-2;

15                  (L) The board of directors of the Hawaii public  
16 housing authority established under section 356D-3;

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

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

# S.B. NO.

1                   (0) The stadium authority established under  
2                   section 109-1.

3                   (e) The information on the financial disclosure statements  
4 shall be confidential, except as provided in subsection (d). The  
5 commission shall not release the contents of the disclosures  
6 except as may be permitted pursuant to this chapter.

7 Unauthorized releases of confidential information may be  
8 considered a violation of this chapter. [~~Any person who releases~~  
9 ~~any confidential information shall be subject to section 84-~~  
10 ~~31(e).~~]

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

19                  (1) The source and amount of all income of \$1,000 or  
20 more received, for services rendered, by the person in the  
21 person's own name or by any other person for the person's



# S.B. NO.

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

12 (2) The amount and identity of every ownership or  
13 beneficial interest held during the disclosure period in  
14 any business having a value of \$5,000 or more or equal to  
15 ten per cent of the ownership of the business and, if the  
16 interest was transferred during the disclosure period, the  
17 date of the transfer; provided that an interest in the form  
18 of an account in a federal or state regulated financial  
19 institution, an interest in the form of a policy in a  
20 mutual insurance company, or individual items in a mutual  
21 fund or a blind trust, if the mutual fund or blind trust

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1 has been disclosed pursuant to this paragraph, need not be  
2 disclosed;

3 (3) Every officership, directorship, trusteeship, or  
4 other fiduciary relationship held in a business during the  
5 disclosure period, the term of office and the annual  
6 compensation;

7 (4) The name of each creditor to whom the value of  
8 \$3,000 or more was owed during the disclosure period and  
9 the original amount and amount outstanding; provided that  
10 debts arising out of retail installment transactions for  
11 the purchase of consumer goods need not be disclosed;

12 (5) The street address and, if available, the tax map  
13 key number, and the value of any real property in which the  
14 person holds an interest whose value is \$10,000 or more,  
15 and, if the interest was transferred or obtained during the  
16 disclosure period, a statement of the amount and nature of  
17 the consideration received or paid in exchange for such  
18 interest, and the name of the person furnishing or  
19 receiving the consideration; provided that disclosure shall  
20 not be required of the street address and tax map key  
21 number of the person's residence;

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1           (6) The names of clients assisted or represented  
2 before state agencies, except in ministerial matters, for a  
3 fee or compensation during the disclosure period and the  
4 names of the state agencies involved; and

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

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

17           (h) The state ethics commission shall provide a method for  
18 filing financial disclosure statements. The commission may  
19 require that financial disclosure statements be filed  
20 electronically.

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1 (i) Failure of a legislator, a delegate to the  
2 constitutional convention, or employee to file a disclosure of  
3 financial interests as required by this section shall be a  
4 violation of this chapter. Any legislator, delegate to a  
5 constitutional convention, or employee who fails to file a  
6 disclosure of financial interests when due may [~~shall~~] be  
7 assessed an administrative fine of \$50 [~~75~~]. The state ethics  
8 commission, upon the expiration of time allowed for filing, may  
9 post on its website for public inspection a list of all persons  
10 who have failed to file financial disclosure statements. The  
11 state ethics commission shall notify a person, by in-person  
12 service, electronic mail to the person's state electronic mail  
13 address, or first class mail, of the failure to file and, if  
14 applicable, the administrative fine [~~, and the disclosure of~~  
15 ~~financial interests shall be submitted to the state ethics~~  
16 ~~commission not later than 4:30 p.m. on the tenth day after~~  
17 ~~notification of the failure to file has been mailed to the~~  
18 ~~person~~]. If a disclosure of financial interests has not been  
19 filed within thirty days after the original deadline, an  
20 additional administrative fee of \$250 may be assessed. [~~ten days~~  
21 ~~of the due date, an additional administrative fine of \$10 for~~

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

9 (j) 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. Any candidate who fails to  
15 file a disclosure of financial interests when due may be  
16 assessed an administrative fine of \$50. The state ethics  
17 commission, upon the expiration of time allowed for filing, may  
18 post on its website for public inspection a list of all  
19 candidates who have failed to file financial disclosure  
20 statements. The state ethics commission shall notify a  
21 candidate, by in-person service, electronic mail to the

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1 candidate's electronic mail address listed with the office of  
2 elections, or first class mail, of the failure to file and, if  
3 applicable, the administrative fine. If a disclosure of  
4 financial interests has not been filed within thirty days after  
5 the original deadline, an additional administrative fee of \$250  
6 may be assessed. [The state ethics commission, upon the  
7 expiration of the time allowed for filing, shall release to the  
8 public a list of all candidates who have failed to file  
9 financial disclosure statements and shall immediately assess a  
10 late filing penalty fee against those candidates of \$50 which  
11 shall be collected by the state ethics commission and deposited  
12 into the general fund. The state ethics commission may  
13 investigate, initiate, or receive charges as to whether a  
14 candidate's financial disclosure statement discloses the  
15 financial interests required to be disclosed. After proceeding  
16 in conformance with section 84-31, the state ethics commission  
17 may issue a decision as to whether a candidate has complied with  
18 section 84-17(f) and this decision shall be a matter of public  
19 record.]  
20

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1       (k) If notice and order of an administrative fine has been  
2 issued pursuant to this section, the order shall become final  
3 twenty days after service unless, within those twenty days, the  
4 alleged violator requests, in writing, a hearing before the  
5 state ethics commission. After hearing pursuant to chapter 91,  
6 the state ethics commission may affirm, modify, or rescind the  
7 order as appropriate. The state ethics commission may file an  
8 order under this section in the first circuit court to have the  
9 order confirmed as judgement, which shall then have the same  
10 force and effect and shall be enforceable and collectible in the  
11 same manner as other judgments issued by the circuit courts;  
12 provided there shall be no appeal from the judgment.

13       (l) All administrative fines collected under this section  
14 shall be deposited in the State's general fund. Any  
15 administrative fine for late filing shall be in addition to any  
16 other action the state ethics commission may take under this  
17 chapter for violations of the state ethics code. The state  
18 ethics commission may waive any administrative fines assessed  
19 under this section for good cause shown.

20       (m) The state ethics commission may investigate, initiate,  
21 or receive charges as to whether a candidate's financial

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

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

8 SECTION 4. This Act shall take effect upon approval.

9

INTRODUCED BY: \_\_\_\_\_



# S.B. NO.

**Report Title:**

**Description:**

*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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# A BILL FOR AN ACT

RELATING TO RECORD AND DOCUMENT DISPOSITION.

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

1           SECTION 1. The purpose of this Act is to provide greater  
2 uniformity, flexibility, and efficiency in handling and  
3 maintaining ethic commission records.

4           SECTION 2. Section 84-17.5, Hawaii Revised Statutes, is  
5 amended to read as follows:

6           **§84-17.5 Disclosure files; disposition.** (a) All financial  
7 disclosure statements filed by a legislator, employee, or  
8 delegate to a constitutional convention shall be maintained by  
9 the state ethics commission for a period of six years from the  
10 date of the financial disclosure statement's filing. Upon the  
11 expiration of the six-year period, the financial disclosure  
12 statement and all copies thereof [~~shall~~] may be destroyed.

13           (b) Upon the expiration of six years after an election for  
14 which a candidate for state elective office or a constitutional  
15 convention has filed a financial disclosure statement, the state  
16 ethics commission [~~shall~~] may destroy the candidate's financial  
17 disclosure statement and all copies thereof.

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1 (c) Financial disclosure statements provided for in section  
2 84-17(d) shall cease to be public records once the six-year  
3 period in subsection (a) or (b) has run.

4 (d) Nothing herein shall bar the state ethics commission  
5 from retaining a financial disclosure statement or copy of a  
6 financial disclosure statement that has become part of a charge  
7 case or advisory opinion request, or is part of an ongoing  
8 investigation.

9 SECTION 3. Section 97-4, Hawaii Revised Statutes, is  
10 amended to read as follows:

11 **§97-4 Manner of filing; public records.** All statements  
12 required by this chapter to be filed with the state ethics  
13 commission:

14 (1) Shall be deemed properly filed when delivered or  
15 deposited in an established post office within the  
16 prescribed time; duly stamped, registered, or certified;  
17 and directed to the state ethics commission; provided that  
18 in the event it is not received, a duplicate of the  
19 statement shall be promptly filed upon notice by the state  
20 ethics commission of its nonreceipt; and

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1 (2) Shall be maintained by the state ethics commission for  
2 a period of at least six years from the date of filing; and  
3 shall constitute part of the public records of the state  
4 ethics commission.

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

7 SECTION 5. This Act shall take effect on July 1, 2023.  
8 This Act is intended to be retroactive and shall apply to all  
9 disclosures that were filed prior to the effective date of this  
10 Act and which are in the Commission's possession and control.

11

INTRODUCED BY: \_\_\_\_\_

THE SENATE  
THIRTY-SECOND LEGISLATURE, 2023  
STATE OF HAWAII

S.B. NO.

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## 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 many of the county  
2 ethics boards or commissions lack the necessary resources to  
3 adequately meet their constitutionally mandated obligations.  
4 Limited or no staffing prevents these entities from sufficiently  
5 investigating complaints, providing advice to current county  
6 employees, or offering trainings on how to follow the pertinent  
7 code of ethics.

8           Providing a one-time grant-in-aid would allow the county  
9 entities to develop the infrastructure and capacity to better  
10 meet the constitutional mandate of holding public officers and  
11 employees to "the highest standards of ethical conduct". It  
12 would also allow the counties to appropriately establish greater  
13 and more reliable funding over time.

14           Accordingly, the purpose of this Act is to implement  
15 recommendations of the commission to improve standards of  
16 conduct relating to adequate funding for county ethics boards.

# S.B. NO.

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

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

7 SECTION 3. There is appropriated out of the general  
8 revenues of the State of Hawaii the sum of \$ or so  
9 much thereof as may be necessary for fiscal year 2023-2024 as a  
10 grant-in-aid to the board of ethics of the county of Maui.

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

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

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

19 SECTION 5. There is appropriated out of the general  
20 revenues of the State of Hawaii the sum of \$ or so  
21 much thereof as may be necessary for fiscal year 2023-2024 as a

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1 grant-in-aid to the ethics commission of the city and county of  
2 Honolulu.

3 The sums appropriated shall be expended by the city and  
4 county of Honolulu for the purposes of this Act.

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

6

INTRODUCED BY: \_\_\_\_\_

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SENATE CONCURRENT  
RESOLUTION

URGING THE COUNTY GOVERNMENTS TO REVIEW THEIR RESPECTIVE  
GOVERNMENT STRUCTURE TO IDENTIFY ORGANIZATIONAL RISKS OF  
CORRUPTION AND ETHICAL VIOLATIONS AND TO DEVELOP SYSTEMATIC  
IMPROVEMENTS TO SUCH RISKS.

1           WHEREAS, the strength and stability of our democratic  
2 government rely upon the public's trust in government  
3 institutions, including the expectation that officers act  
4 ethically with prudence, integrity, and sound judgement; and  
5

6           WHEREAS, the Hawaii State Constitution places a duty on all  
7 civil servants to "exhibit the highest standards of ethical  
8 conduct"; and  
9

10           WHEREAS, recent allegations of corruption and ethics  
11 violations were made against several county officials throughout  
12 the State; and  
13

14           WHEREAS, in the City and County of Honolulu, several  
15 Department of Planning and Permitting employees were charged  
16 with and pled guilty to accepting bribes in exchange for  
17 expediting the permitting process for projects; and  
18

19           WHEREAS, in the County of Hawaii, a former Hawaii County  
20 housing official was charged with and later plead guilty to one  
21 felony charge of honest services wire fraud, after accepting  
22 nearly \$2,000,000 in bribes and kickbacks in exchange for the  
23 approval of affordable housing credits; and  
24

25           WHEREAS, in the County of Maui, a former Maui County  
26 official was accused by federal prosecutors of taking \$2,000,000  
27 in bribes to steer \$19,000,000 in contracts to certain companies  
28 and charged with conspiracy to deprive the public of their right  
29 to honest services; and  
30



# S.C.R. NO.

1 WHEREAS, these events have shaken the public's trust in the  
2 strength and integrity of the county governments; and  
3

4 WHEREAS, a review of each county's government structure,  
5 including identifying problems and developing systematic  
6 improvements that will prevent future situations involving  
7 corruption and ethical violations, is needed to help restore the  
8 public's trust in government; now, therefore,  
9

10 BE IT RESOLVED by the Senate of the Thirty-second  
11 Legislature of the State of Hawaii, Regular Session of 2023, the  
12 House of Representatives concurring, that the county governments  
13 are urged to review their respective government structure to  
14 identify organizational risks of corruption and ethical  
15 violations and to develop systematic improvements to such risks;  
16 and  
17

18 BE IT FURTHER RESOLVED that the counties, when performing  
19 their respective reviews, are urged to:  
20

21 (1) Examine and identify any gaps or shortfalls in  
22 government structure that could have contributed to  
23 the recent cases involving corruption or ethics  
24 violations by county employees within their respective  
25 jurisdictions;  
26

27 (2) Consult with and use existing state and county  
28 resources and department and agency personnel to carry  
29 out the objectives of this Concurrent Resolution; and  
30

31 (3) Develop mechanisms for county-level independent  
32 oversight of executive departments; and  
33

34 BE IT FURTHER RESOLVED that certified copies of this  
35 Concurrent Resolution be transmitted to the Mayor of the City  
36 and County of Honolulu; Mayors of the Counties of Hawaii, Kauai,  
37 and Maui; Chairperson of the Honolulu City Council; and  
38 Chairpersons of the Hawaii, Kauai, and Maui County Councils.  
39  
40  
41

OFFERED BY: \_\_\_\_\_

THE SENATE  
THIRTY-SECOND LEGISLATURE, 2023  
STATE OF HAWAII

S.B. NO.

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## A BILL FOR AN ACT

RELATING TO LEGISLATIVE ALLOWANCE.

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

1           SECTION 1. Section 24-1, Hawaii Revised Statutes, is  
2 amended to read as follows:  
3           "**§24-1 Allowance for incidental expenses.** (a) Each  
4 member of the legislature shall receive an annual allowance of  
5 \$7,500, which amount is to cover incidental expenses connected  
6 with legislative duties and the amount shall be payable in a  
7 manner prescribed by the respective rules of each house;  
8 provided that when the legislative salary is increased, the  
9 legislative allowance shall be increased by the same percentage.  
10           (b) Each house of the legislature shall post on the  
11 legislature's website, on a rolling basis and in a manner  
12 prescribed by the respective rules of each house, a report of  
13 the legislative allowance expenditures for each member of the  
14 respective house."  
15           SECTION 2. New statutory material is underscored.  
16           SECTION 3. This Act shall take effect upon its approval.  
17

S.B. NO.

INTRODUCED BY: \_\_\_\_\_

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# A BILL FOR AN ACT

RELATING TO FINANCIAL DISCLOSURES.

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

1           SECTION 1. Section 84-17, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§84-17 Requirements of disclosure.** (a) For the purposes  
4 of this section, "disclosure period" refers to the period from  
5 January 1 of the preceding calendar year to the time of the  
6 filing of the employee's or legislator's disclosure of financial  
7 interests.

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

10           (1) By any person enumerated in subsection (c), except a  
11 member of the legislature, between January 1 and May  
12 31 of each year;

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

15           (3) Within thirty days of a person's election or  
16 appointment to a state position enumerated in  
17 subsection (c); or

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1           (4) Within thirty days of separation from a state position  
2           if a prior financial disclosure statement for the  
3           position was not filed within the one hundred eighty  
4           days preceding the date of separation;  
5 provided that candidates for state elective offices or the  
6 constitutional convention shall file the required statements no  
7 later than twenty days prior to the date of the primary election  
8 for state offices or the election of delegates to the  
9 constitutional convention.

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

12           (1) The governor, the lieutenant governor, the members of  
13 the legislature, and delegates to the constitutional  
14 convention; provided that delegates to the  
15 constitutional convention shall only be required to  
16 file initial disclosures;

17           (2) The directors and their deputies, the division chiefs,  
18 the executive directors and the executive secretaries  
19 and their deputies, the purchasing agents and the  
20 fiscal officers, regardless of the titles by which the

# S.B. NO.

- 1           foregoing persons are designated, of every state  
2           agency and department;
- 3           (3) The permanent employees of the legislature and its  
4           service agencies, other than persons employed in  
5           clerical, secretarial, or similar positions;
- 6           (4) The administrative director of the State, and the  
7           assistants in the office of the governor and the  
8           lieutenant governor, other than persons employed in  
9           clerical, secretarial, or similar positions;
- 10          (5) The hearings officers of every state agency and  
11          department;
- 12          (6) The president, the vice presidents, assistant vice  
13          presidents, the chancellors, and the provosts of the  
14          University of Hawaii and its community colleges;
- 15          (7) The superintendent, the deputy superintendent, the  
16          assistant superintendents, the complex area  
17          superintendents, the state librarian, and the deputy  
18          state librarian of the department of education;
- 19          (8) The administrative director and the deputy director of  
20          the courts;

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1           (9) The members of every state board or commission whose  
2           original terms of office are for periods exceeding one  
3           year and whose functions are not solely advisory;

4           (10) Candidates for state elective offices, including  
5           candidates for election to the constitutional  
6           convention, provided that candidates shall only be  
7           required to file initial disclosures;

8           (11) The administrator and assistant administrator of the  
9           office of Hawaiian affairs;

10          (12) The Hawaii unmanned aerial systems test site chief  
11          operating officer[+];[+] and

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

14          (d) The financial disclosure statements of the following  
15 persons shall be public records and available for inspection and  
16 duplication:

17          (1) The governor, the lieutenant governor, the members of  
18          the legislature, candidates for and delegates to the  
19          constitutional convention, the trustees of the office  
20          of Hawaiian affairs, and candidates for state elective  
21          offices;

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- 1           (2) The directors of the state departments and their  
2           deputies, regardless of the titles by which the  
3           foregoing persons are designated; provided that with  
4           respect to the department of the attorney general, the  
5           foregoing shall apply only to the attorney general and  
6           the first deputy attorney general;
- 7           (3) The administrative director of the State;
- 8           (4) The president, the vice presidents, the assistant vice  
9           presidents, the chancellors, members of the board of  
10          regents, and the provosts of the University of Hawaii;
- 11          (5) The members of the board of education and the  
12          superintendent, the deputy superintendent, the state  
13          librarian, and the deputy state librarian of the  
14          department of education;
- 15          (6) The administrative director and the deputy director of  
16          the courts;
- 17          (7) The administrator and the assistant administrator of  
18          the office of Hawaiian affairs; and
- 19          (8) The members of the following state boards,  
20          commissions, and agencies:



# S.B. NO.

- 1           (A) The board of directors of the agribusiness  
2                   development corporation established under section  
3                   163D-3;
- 4           (B) The board of agriculture established under  
5                   section 26-16;
- 6           (C) The state ethics commission established under  
7                   section 84-21;
- 8           (D) The Hawaii community development authority  
9                   established under section 206E-3;
- 10          (E) The Hawaiian homes commission established under  
11                   the Hawaiian Homes Commission Act of 1920, as  
12                   amended, and section 26-17;
- 13          (F) The board of directors of the Hawaii housing  
14                   finance and development corporation established  
15                   under section 201H-3;
- 16          (G) The board of land and natural resources  
17                   established under section 171-4;
- 18          (H) The state land use commission established under  
19                   section 205-1;
- 20          (I) The legacy land conservation commission  
21                   established under section 173A-2.4;

# S.B. NO.

- 1           (J) The natural area reserves system commission  
2                   established under section 195-6;
- 3           (K) The board of directors of the natural energy  
4                   laboratory of Hawaii authority established under  
5                   section 227D-2;
- 6           (L) The board of directors of the Hawaii public  
7                   housing authority established under section  
8                   356D-3;
- 9           (M) The public utilities commission established under  
10                  section 269-2;
- 11          (N) The commission on water resource management  
12                  established under section 174C-7; and
- 13          (O) The stadium authority established under section  
14                  109-1.
- 15          (e) The information on the financial disclosure statements  
16 shall be confidential, except as provided in subsection (d).  
17 The commission shall not release the contents of the disclosures  
18 except as may be permitted pursuant to this chapter. Any person  
19 who releases any confidential information shall be subject to  
20 section 84-31(c).

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1           (f) Candidates for state elective offices, including  
2 candidates for election to the constitutional convention, shall  
3 only be required to disclose their own financial interests. The  
4 disclosures of financial interests of all other persons  
5 designated in subsection (c) shall state, in addition to the  
6 financial interests of the person disclosing, the financial  
7 interests of the person's spouse and dependent children. All  
8 disclosures shall include:

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

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1 income of the business or profession from which the  
2 person derives income need not be disclosed;

3 (2) The amount and identity of every ownership or  
4 beneficial interest held during the disclosure period  
5 in any business having a value of \$5,000 or more or  
6 equal to ten per cent of the ownership of the business  
7 and, if the interest was transferred during the  
8 disclosure period, the date of the transfer; provided  
9 that an interest in the form of an account in a  
10 federal or state regulated financial institution, an  
11 interest in the form of a policy in a mutual insurance  
12 company, or individual items in a mutual fund or a  
13 blind trust, if the mutual fund or blind trust has  
14 been disclosed pursuant to this paragraph, need not be  
15 disclosed;

16 (3) Every officership, directorship, trusteeship, or other  
17 fiduciary relationship held in a business during the  
18 disclosure period, the term of office and the annual  
19 compensation;

20 (4) The name of each creditor to whom the value of \$3,000  
21 or more was owed during the disclosure period and the

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1 original amount and amount outstanding; provided that  
2 debts arising out of retail installment transactions  
3 for the purchase of consumer goods need not be  
4 disclosed;

5 (5) The street address and, if available, the tax map key  
6 number, and the value of any real property in which  
7 the person holds an interest whose value is \$10,000 or  
8 more, and, if the interest was transferred or obtained  
9 during the disclosure period, a statement of the  
10 amount and nature of the consideration received or  
11 paid in exchange for such interest, and the name of  
12 the person furnishing or receiving the consideration;  
13 provided that disclosure shall not be required of the  
14 street address and tax map key number of the person's  
15 residence;

16 (6) The names of clients assisted or represented before  
17 state agencies, except in ministerial matters, for a  
18 fee or compensation during the disclosure period and  
19 the names of the state agencies involved; and

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

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

8           (1) A business partner of the member;

9           (2) An employer of the member;

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

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

14          As used in this subsection:

15          "Member" means a member of the legislature.

16          "Member's partner" means a member's spouse under chapter  
17 572, civil union partner under chapter 572B, or reciprocal  
18 beneficiary under chapter 572C.

19          ~~(g)~~ (h) Where an amount is required to be reported, the  
20 person disclosing may indicate whether the amount is at least  
21 \$1,000 but less than \$10,000; at least \$10,000 but less than

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1 \$25,000; at least \$25,000 but less than \$50,000; at least  
2 \$50,000 but less than \$100,000; at least \$100,000 but less than  
3 \$150,000; at least \$150,000 but less than \$250,000; at least  
4 \$250,000 but less than \$500,000; at least \$500,000 but less than  
5 \$750,000; at least \$750,000 but less than \$1,000,000; or  
6 \$1,000,000 or more. An amount of stock may be reported by  
7 number of shares.

8 ~~[(h)]~~ (i) The state ethics commission shall provide a  
9 method for filing financial disclosure statements. The  
10 commission may require that financial disclosure statements be  
11 filed electronically.

12 ~~[(i)]~~ (j) Failure of a legislator, a delegate to the  
13 constitutional convention, or employee to file a disclosure of  
14 financial interests as required by this section shall be a  
15 violation of this chapter. Any legislator, delegate to a  
16 constitutional convention, or employee who fails to file a  
17 disclosure of financial interests when due shall be assessed an  
18 administrative fine of \$75. The state ethics commission, upon  
19 the expiration of the time allowed for filing, may post on its  
20 website for public inspection a list of all persons who have  
21 failed to file financial disclosure statements. The state

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1 ethics commission shall notify a person, by in-person service,  
2 electronic mail to the person's state electronic mail address,  
3 or first class mail, of the failure to file, and the disclosure  
4 of financial interests shall be submitted to the state ethics  
5 commission not later than 4:30 p.m. on the tenth day after  
6 notification of the failure to file has been mailed to the  
7 person. If a disclosure of financial interests has not been  
8 filed within ten days of the due date, an additional  
9 administrative fine of \$10 for each day a disclosure remains  
10 unfiled shall be added to the administrative fine. All  
11 administrative fines collected under this section shall be  
12 deposited in the State's general fund. Any administrative fine  
13 for late filing shall be in addition to any other action the  
14 state ethics commission may take under this chapter for  
15 violations of the state ethics code. The state ethics  
16 commission may waive any administrative fines assessed under  
17 this subsection for good cause shown.

18 [~~(j)~~] (k) The chief election officer, upon receipt of the  
19 nomination paper of any person seeking a state elective office,  
20 including the office of delegate to the constitutional  
21 convention, shall notify the state ethics commission of the name



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1 of the candidate for state office and the date on which the  
2 person filed the nomination paper. The state ethics commission,  
3 upon the expiration of the time allowed for filing, shall  
4 release to the public a list of all candidates who have failed  
5 to file financial disclosure statements and shall immediately  
6 assess a late filing penalty fee against those candidates of  
7 \$50, which shall be collected by the state ethics commission and  
8 deposited into the general fund. The state ethics commission  
9 may investigate, initiate, or receive charges as to whether a  
10 candidate's financial disclosure statement discloses the  
11 financial interests required to be disclosed. After proceeding  
12 in conformance with section 84-31, the state ethics commission  
13 may issue a decision as to whether a candidate has complied with  
14 section 84-17(f) and this decision shall be a matter of public  
15 record."

16 SECTION 2. This Act does not affect rights and duties that  
17 matured, penalties that were incurred, and proceedings that were  
18 begun before its effective date.

19 SECTION 3. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.

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

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1

INTRODUCED BY: \_\_\_\_\_

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# A BILL FOR AN ACT

RELATING TO LOBBYISTS.

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

1           SECTION 1. Section 97-3, Hawaii Revised Statutes, is  
2 amended by amending subsection (c) to read as follows:

3           "(c) The statement shall contain the following  
4 information:

- 5           (1) The name and address of each person with respect to  
6           whom expenditures for the purpose of lobbying in the  
7           total sum of \$25 or more per day was made by the  
8           person filing the statement during the statement  
9           period and the amount or value of the expenditure;
- 10          (2) The name and address of each person with respect to  
11          whom expenditures for the purpose of lobbying in the  
12          aggregate of \$150 or more was made by the person  
13          filing the statement during the statement period and  
14          the amount or value of the expenditures;
- 15          (3) The total sum or value of all expenditures for the  
16          purpose of lobbying made by the person filing the  
17          statement during the statement period; provided that

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1 the sum or value of each expenditure is itemized in  
2 the following categories, as applicable:

3 (A) Preparation and distribution of lobbying  
4 materials;

5 (B) Media advertising;

6 (C) Compensation paid to lobbyists;

7 (D) Fees paid to consultants for services;

8 (E) Entertainment and events;

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

10 (G) Gifts;

11 (H) Loans;

12 (I) Interstate transportation, including incidental  
13 meals and lodging; and

14 (J) Other disbursements;

15 (4) The name and address of each person making  
16 contributions to the person filing the statement for  
17 the purpose of lobbying in the total sum of \$25 or  
18 more during the statement period and the amount or  
19 value of the contributions; and

20 (5) The ~~[subject area]~~ identity, by bill number,  
21 resolution number, and if applicable, budget cost or

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1           program identification number, or other similar  
2           identifier, of the legislative [~~and~~] or administrative  
3           action that was commented on, supported by, or opposed  
4           by the person filing the statement during the  
5           statement period."

6           SECTION 2. Statutory material to be repealed is bracketed  
7           and stricken. New statutory material is underscored.

8           SECTION 3. This Act shall take effect upon its approval.

9

INTRODUCED BY: \_\_\_\_\_

THE SENATE  
THIRTY-SECOND LEGISLATURE, 2023  
STATE OF HAWAII

S.B. NO.

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## 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 requiring all  
2 lobbyists to be educated on the state lobbyist law and state  
3 ethics code is in the best interests of the State. Regular  
4 training by the state ethics commission will ensure that all  
5 persons engaged in lobbying activities are aware of current  
6 state lobbying and ethics laws, which will increase the public's  
7 confidence in state government.

8           Accordingly, the purpose of this Act is to improve  
9 standards of conduct by establishing a lobbyist training course  
10 to be designed and administered by the state ethics commission  
11 and making lobbyist training mandatory for all lobbyists who are  
12 required to register under chapter 97, Hawaii Revised Statutes.

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

16           "§97-       Mandatory lobbyist training. (a) A lobbyist who  
17 has not yet registered with the state ethics commission shall

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1 complete a lobbyist training course administered by the state  
2 ethics commission before registering as a lobbyist with the  
3 state ethics commission.

4 (b) Registered lobbyists shall repeat the lobbyist  
5 training course required by this section at least once every two  
6 years.

7 (c) A lobbyist shall certify completion of the lobbyist  
8 training course at the time of registering or renewing  
9 registration and shall maintain all certificates or other  
10 documentation of completion for a period of six years from the  
11 date of registration or renewal.

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

15 (e) The state ethics commission shall develop and conduct  
16 online and live training courses that explain state lobbyist  
17 laws under this chapter and relevant ethics laws under chapter  
18 84. Live training courses may be conducted in person or via  
19 videoconference as necessary to accommodate all persons who are  
20 required to complete the course."

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

3 "(b) Each lobbyist shall provide and certify the following  
4 information:

5 (1) The name, mailing address, and business telephone  
6 number of the lobbyist~~[-]~~;

7 (2) The name and principal place of business of each  
8 person by whom the lobbyist is retained or employed or  
9 on whose behalf the lobbyist appears or works and a  
10 written authorization to act as a lobbyist from each  
11 person by whom the lobbyist is employed or with whom  
12 the lobbyist contracts~~[-]~~;

13 (3) The subject areas on which the lobbyist expects to  
14 lobby~~[-]~~; and

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

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

19 "(a) Any person who:

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



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1           (2) Negligently files a statement or report containing  
2                 false information or material omission of any fact;  
3           (3) Engages in activities prohibited by section 97-5; or  
4           (4) Fails to provide information required by section 97-2,  
5                 including certification of completion of the mandatory  
6                 lobbyist training course, or 97-3;  
7 shall be subject to an administrative fine imposed by the state  
8 ethics commission that shall not exceed \$1,000 for each  
9 violation of this chapter. All fines collected under this  
10 section shall be deposited into the general fund."

11           SECTION 5. In the absence of good cause shown, each  
12 lobbyist who is registered with the state ethics commission as  
13 of the effective date of this Act shall complete the lobbyist  
14 training course required by section 97- , Hawaii Revised  
15 Statutes, within six months following the effective date of this  
16 Act and at least once every two years following completion of  
17 the previous lobbyist training course.

18           SECTION 6. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.

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

21

S.B. NO.

INTRODUCED BY: \_\_\_\_\_

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A BILL FOR AN ACT

RELATING TO NEPOTISM.

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

1           SECTION 1. Chapter 84, Hawaii Revised Statutes, is amended  
2 by adding a new section to be appropriately designated and to  
3 read as follows:

4           "§84-       Nepotism; prohibition. (a) Beginning July 1,  
5 2023, no legislator or employee shall:

6           (1) Appoint, hire, or promote a relative or household  
7           member to, or demote, discharge, or terminate a  
8           relative or household member from; or

9           (2) Participate in an interview or discussion regarding  
10           the appointment, hiring, or promotion of a relative or  
11           household member to, or the demotion, discharge, or  
12           termination of a relative or household member from,

13 a paid position in the legislator's or employee's employing  
14 agency; provided that this subsection shall not prohibit a  
15 legislator or employee from performing ministerial acts that may  
16 impact the relative or household member if those acts are a part  
17 of the normal job functions of the legislator or employee.

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1        (b) Beginning July 1, 2023, no legislator or employee  
2 shall supervise a relative or household member unless:

3        (1) The legislator or employee has a physical impairment  
4 requiring the employment of a particular relative or  
5 household member; provided that the legislator or  
6 employee discloses the prospective employment to the  
7 state ethics commission before the appointment or hire  
8 is made; or

9        (2) The legislator or employee disqualifies the  
10 legislator's or employee's self from taking any  
11 official action directly affecting the relative or  
12 household member.

13        (c) No legislator or employee shall award a contract to or  
14 otherwise take official action on a contract with a business if  
15 the legislator or employee knows or reasonably should know that  
16 the legislator's or employee's relative or household member is  
17 an executive officer of or holds a substantial ownership  
18 interest in that business.

19        (d) Notwithstanding the prohibitions in this section, if  
20 an employee who is a supervisor or executive director is unable  
21 to waive or disengage from completing their official duties or

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1 from taking official action and is legally required to take  
2 action that directly impacts a relative or household member  
3 receiving an award or other official action on a contract  
4 described in subsection (c), the employee shall not be in  
5 violation of this section if the employee:

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

8 (2) Posts a notice of intent to award the contract and  
9 files a copy of the notice with the state ethics  
10 commission at least five days before awarding the  
11 contract. If the posting and filing of the award in  
12 advance is otherwise prohibited by law, notice shall  
13 be posted and filed as soon as practicable. Every  
14 notice of intent shall describe the employee's  
15 relationship with the relative or household member,  
16 the relative or household member's relationship with  
17 the entity receiving the contract, action taken and to  
18 be taken affecting the relative or household member's  
19 business, and the dollar value of the contract.

20 (e) Upon application, the state ethics commission may  
21 grant an exception to a legislator, employee, or agency that is

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1 unable to comply with this section for good cause, including a  
2 demonstrated lack of qualified personnel or applicants.

3 (f) Any legislator or employee who knowingly violates this  
4 section shall be subject to the administrative fines set forth  
5 in section 84-39. Any favorable action obtained by a relative  
6 or household member of a legislator or employee in violation of  
7 this section is voidable in accordance with sections 84-16 and  
8 84-19.

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

11 (h) This section shall not prohibit a state agency from  
12 appointing, hiring, promoting, discharging, firing, or demoting  
13 a relative or household member of a legislator or employee  
14 employed by the agency.

15 (i) For purposes of this section:

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

18 "Relative" means the legislator's or employee's parent,  
19 grandparent, stepparent, child, grandchild, stepchild, brother,  
20 sister, half-brother, half-sister, stepbrother, stepsister,  
21 uncle, aunt, first cousin, nephew, niece, spouse, spouse's

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1 parent, son-in-law, daughter-in-law, brother-in-law, or sister-  
2 in-law."

3 SECTION 2. This Act does not affect rights and duties that  
4 matured, penalties that were incurred, and proceedings that were  
5 begun before its effective date, and does not apply to any  
6 legislator or employee whose employment was terminated before  
7 the effective date of this Act.

8 SECTION 3. If any provision of this Act, or the  
9 application thereof to any person or circumstance, is held  
10 invalid, the invalidity does not affect other provisions or  
11 applications of the Act that can be given effect without the  
12 invalid provision or application, and to this end the provisions  
13 of this Act are severable.

14 SECTION 4. New statutory material is underscored.

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

16

INTRODUCED BY: \_\_\_\_\_

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## SENATE RESOLUTION

AMENDING RULE 71, 81, 83, AND 85 OF THE RULES OF THE SENATE OF  
THE THIRTY-SECOND LEGISLATURE OF THE STATE OF HAWAII.

1 BE IT RESOLVED by the Senate of the Thirty-second  
2 Legislature of the State of Hawaii, Regular Session of 2023,  
3 that the Rules of the Senate be amended by amending Senate Rule  
4 71 Voting: Rights of Members to read as follows:

5  
6 **"Rule 71 Voting: Rights of Members.**

7  
8 (1) No member, on any account, shall refrain from voting  
9 unless excused by the [~~President.~~] presiding officer (the  
10 President or a committee chair, as the case may be). A member  
11 voting "with reservations" shall be counted as a favorable vote.  
12 A member may vote "Kanalua" the first time the member's name is  
13 called by the Clerk on any vote, but if the member votes  
14 "Kanalua" on the next call of the member's name, the member's  
15 vote shall be recorded as "Aye."

16  
17 (2) The [~~President may~~] presiding officer shall excuse a  
18 member who has a [~~monetary~~] conflict of interest in the  
19 question, or whose right to a seat in the Senate will be  
20 affected by the question, or whose official conduct is involved  
21 in the question. If a member thinks there may be a personal  
22 interest in the question, then prior to voting, the member shall  
23 rise and disclose the interest to the [~~President.—The~~  
24 President] presiding officer. Alternatively, any member may  
25 state their reasonable belief that another member may have such  
26 an interest and provide information supporting this belief. The  
27 presiding officer then shall rule whether the member has a  
28 conflict of interest. If so, the member shall be excused from  
29 voting. For the purposes of this rule, "conflict of interest"  
30 has the same meaning as defined in Rule 85.

31  
32 If the presiding officer finds no conflict of interest, or  
33 it is uncertain whether a member has a conflict of interest in



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1 the question, there shall be a determination in accordance with  
2 Rule 85(2).

3  
4 If quorum required for any vote cannot be achieved due to  
5 members recusing themselves based on a conflict of interest,  
6 each recused member shall nonetheless be required to vote;  
7 provided that prior to, or within one week of, the vote, the  
8 member shall present to the voting body a detailed written  
9 explanation of the specific facts describing the member's  
10 conflict of interest, which shall be recorded in the Journal of  
11 the Senate and posted on the Senate website until the next  
12 legislative biennium.

13  
14 (3) Whenever the Ayes and Noes are called, no one, without  
15 unanimous consent, shall be permitted to explain a vote.

16  
17 (4) After the announcement by the President of the result,  
18 no one shall be allowed to vote or to change a vote."; and

19  
20 BE IT FURTHER RESOLVED that the Rules of the Senate be  
21 amended by amending Senate Rule 81 Standards of Conduct to read  
22 as follows:

23  
24 **"Rule 81 Standards of Conduct.**

25  
26 (1) Members should conduct themselves in a respectful  
27 manner befitting the office with which they as elected officials  
28 have been entrusted, respecting and complying with the law and  
29 acting at all times in a manner that promotes public confidence  
30 in the integrity of the Senate.

31  
32 (2) Members should not lend the prestige of public office  
33 to advance the private interests of themselves or others; nor  
34 should members convey or permit others to convey the impression  
35 that they are in a special position to unduly influence pending  
36 public business before them.

37  
38 (3) Members should treat their fellow Senate members,  
39 staff, and the general public with respect and courtesy,  
40 regardless of political or religious beliefs, race, ethnicity,  
41 sex, sexual orientation, or physical disability.

42

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

- 9
- 10 (A) Refrain from allowing family, social, business, or  
11 other relationships to unduly influence the member's  
12 legislative conduct or judgment.  
13
- 14 (B) Refrain from showing bias or prejudice, including but  
15 not limited to bias or prejudice based on political or  
16 religious beliefs, race, ethnicity, sex, sexual  
17 orientation, or physical disability, in the  
18 performance of their official duties.  
19
- 20 (C) Exercise patience, tolerance and courtesy to all those  
21 with whom they deal with in an official capacity, and  
22 require staff and others subject to their direction  
23 and control to maintain similar standards of conduct,  
24 fidelity, and diligence inherent in public service.  
25
- 26 (D) Exercise the power of appointment impartially and on  
27 the basis of merit, refraining from making unnecessary  
28 appointments and approving compensation of appointees  
29 beyond the fair value of services rendered.  
30
- 31 (E) Afford to every person who wishes to participate in  
32 the legislative process the opportunity to be heard  
33 according to established procedures.  
34
- 35 (F) Consider at all times whether their conduct would  
36 create in reasonable minds the perception that their  
37 ability to carry out legislative responsibilities with  
38 integrity and independence is either questionable or  
39 impaired.  
40
- 41 (G) Manage their personal interests and obligations so as  
42 to minimize the number of votes in which they are in,

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1           or may reasonably be perceived to be in, potential  
2           conflict;

3  
4       [~~(G)~~]    (H) Refrain from using, or permitting the use of, the  
5           privileges and prestige of their public office to  
6           derive undue personal, professional, or financial  
7           benefits for themselves, members of their families, or  
8           others with whom they maintain personal, business, or  
9           professional relationships.

10  
11       [~~(H)~~]    (I) Refrain from engaging in financial and business  
12           dealings that involve them in frequent transactions,  
13           or continuing business or professional relationships,  
14           with those persons likely to derive benefits from  
15           public financial matters either pending or already  
16           deliberated and voted upon by the Senate, to the  
17           extent that such conduct may reasonably be perceived  
18           as personal exploitation of their public office."; and  
19

20           BE IT FURTHER RESOLVED that the Rules of the Senate be  
21           amended by amending Senate Rule 83 Disclosures to read as  
22           follows:

23  
24           **"Rule 83 Disclosures.**

25  
26           Each member shall file with the Ethics Commission of the  
27           State of Hawai'i, a disclosure of the member's private financial  
28           interests, as prescribed by law. Each member shall file with  
29           the Ethics Commission any change in such financial interests.  
30

31           If a legislative matter which affects a member's interests  
32           arises before the member has made a disclosure to the Ethics  
33           Commission, the member shall disclose orally such interest to  
34           the Senate [~~before~~] prior to voting[-] and recuse themselves from  
35           voting, with the option to request a ruling in accordance with  
36           Rule 71. The member then shall immediately make the written  
37           disclosure required by law and the Rules of the Senate.  
38

39           Any member who has filed a disclosure as required by this  
40           Rule need not make a further oral disclosure on the Senate floor  
41           of any interest so filed[-], unless the disclosed financial  
42           interest presents a conflict as defined in Rule 85."; and

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1  
2 BE IT FURTHER RESOLVED that the Rules of the Senate be  
3 amended by amending Senate Rule 85 Conflicts of Interest to read  
4 as follows:

5  
6 **"Rule 85 Conflicts of Interest.**

7  
8 (1) No member shall vote on [~~any legislation if the member~~  
9 ~~has a direct financial interest in the legislation, unless the~~  
10 ~~member is part of the class of people affected by the official~~  
11 ~~action based upon the member's profession, trade or business;~~  
12 ~~provided that this rule shall not apply to votes on the~~  
13 ~~recommendations of a committee when a member has disclosed a~~  
14 ~~potential conflict. For the purposes of this rule, a "direct~~  
15 ~~financial interest" means that the legislation affects the~~  
16 ~~legislator's personal business, property, or financial~~  
17 ~~interest.], support or oppose, make recommendations on, discuss  
18 or debate, or take other official action on any question or  
19 legislation if the member has a conflict of interest in the  
20 question or legislation.~~

21  
22 "Conflict of interest" is defined broadly to encompass a  
23 variety of situations in which any private interest of a member,  
24 or of the member's business associate or immediate family  
25 member, is or could reasonably be in direct conflict with the  
26 member's duty to act in the public interest, including the  
27 following:

28  
29 (A) Any situation in which a familial, business, property,  
30 or financial interest would be affected by the  
31 member's official legislative action, excluding  
32 incidental or nominal gain or detriment;

33  
34 (B) Any situation involving personal, political, legal,  
35 reputational, or other issues that would cause a  
36 reasonable person with knowledge of relevant facts to  
37 question either the member's impartiality in the  
38 matter or the member's ability to exercise official  
39 legislative action in a fair, unbiased, and objective  
40 manner;  
41

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1        (C) Any situation in which a member's official legislative  
2        action would affect a lobbying organization or  
3        lobbyist with which the member was employed or  
4        received any personal compensation from during the  
5        previous five years;

6  
7        (D) Any situation in which a member's official legislative  
8        action would affect a business or undertaking in which  
9        the member holds or held an interest during the  
10       previous three years, including a private undertaking  
11       in which the member is or was engaged as legal  
12       counsel, advisor, consultant, representative, or other  
13       agency capacity;

14  
15       (E) Any situation in which a member's official legislative  
16       action would affect a person or agency that has  
17       investigated any issue relating to the member in the  
18       prior two years, if the investigation found improper  
19       conduct on the part of the member, unless the member's  
20       actions would be favorable to the investigating person  
21       or agency;

22  
23       (F) Any situation in which a member's business associate  
24       or immediate family member accepts a significant gift  
25       from any person or entity whose financial interest  
26       would be affected by pending legislative action or  
27       inaction, and the member knows or reasonably should  
28       know that the person or entity's intent in making the  
29       gift is to influence the member in the performance of  
30       the member's official legislative duties or is  
31       intended as a reward for any action or inaction taken  
32       by the member; and

33  
34       (G) Any situation in which public confidence in government  
35       would be substantially eroded by the member's official  
36       legislative action affecting a personal interest,  
37       including action designed to intimidate or retaliate.

38  
39       For the purposes of this rule:

40  
41       "Business associate" means an owner, employee, contractor,  
42       or other agent of a professional firm, partnership, or other

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1 business from which the member or the member's immediate family  
2 member receives compensation or owns.

3  
4 "Immediate family member" means a parent, child,  
5 grandparent, grandchild, sibling, spouse, partner, or household  
6 member.

7  
8 (2) If a member is uncertain as to whether a conflict of  
9 interest exists, the member shall preliminarily recuse himself  
10 from voting, but may request a ruling from the [President]  
11 presiding officer (the President or committee chair, as the case  
12 may be) by giving notice and disclosing the [direct financial]  
13 conflict of interest to the [President] presiding officer in  
14 sufficient detail for the presiding officer to make an informed  
15 ruling prior to voting. When making a determination in cases  
16 where a portion of a measure may place a member in a conflict of  
17 interest, the [President] presiding officer and voting members  
18 shall give due consideration to the context of that portion as  
19 it relates to the overall purpose of the measure. If the  
20 [President] presiding officer determines that a conflict exists,  
21 the [President] presiding officer shall excuse the member from  
22 discussion, debate, and voting.

23  
24 If the presiding officer determines that no conflict  
25 exists, the matter shall be presented to the floor or committee,  
26 as appropriate, and if two-thirds of the voting members agree,  
27 the member shall be allowed to participate in discussion,  
28 debate, and voting. Members who have a conflict or possible  
29 conflict with respect to voting on the status of another  
30 member's conflict shall recuse themselves from that vote without  
31 further recourse."; and

32  
33 BE IT FURTHER RESOLVED that the Senate Rule material to be  
34 repealed is bracketed and stricken and new Senate Rule material  
35 is underscored; and  
36

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7

BE IT FURTHER RESOLVED that the amendments made to the Senate Rules by this Resolution take effect upon the adoption of this Resolution.

OFFERED BY: \_\_\_\_\_

THE SENATE  
THIRTY-SECOND LEGISLATURE, 2023  
STATE OF HAWAII

S.B. NO.

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## A BILL FOR AN ACT

RELATING TO GIFTS FROM LOBBYISTS.

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

1           SECTION 1. The purpose of this Act is to implement to  
2 improve standards of conduct by prohibiting lobbyists from  
3 making certain gifts to legislators and state employees.

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

7           "§97-       Unlawful gifts by lobbyists. (a) It shall be  
8 unlawful for a lobbyist or any person or entity required to file  
9 a statement of expenditures under section 97-3 to make gifts to  
10 a legislator or employee that are prohibited by section 84-11 or  
11 title 21 Hawaii Administrative Rules chapter 7.

12           (b) For the purposes of this section, "employee" shall  
13 have the same meaning as defined in section 84-3."

14           SECTION 3. Section 97-7, Hawaii Revised Statutes, is  
15 amended by amending subsection (a) to read as follows:

16           "(a) Any person [~~who~~] or entity that:



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- 1 (1) Negligently fails to file any statement or report
- 2 required by this chapter;
- 3 (2) Negligently files a statement or report containing
- 4 false information or material omission of any fact;
- 5 (3) Engages in activities prohibited by section 97-5; [~~or~~]
- 6 (4) Fails to provide information required by section 97-2
- 7 or 97-3; or
- 8 (5) Makes a gift in violation of section 97- ;

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

13 SECTION 4. This Act does not affect rights and duties that  
14 matured, penalties that were incurred, and proceedings that were  
15 begun before its effective date.

16 SECTION 5. If any provision of this Act, or the  
17 application thereof to any person or circumstance, is held  
18 invalid, the invalidity does not affect other provisions or  
19 applications of the Act that can be given effect without the  
20 invalid provision or application, and to this end the provisions  
21 of this Act are severable.

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1           SECTION 6. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3           SECTION 7. This Act shall take effect upon its approval.

4

INTRODUCED BY: \_\_\_\_\_

SUNSHINE LAW MEETING  
AGENDA ITEM VII

UPDATE ON COMMISSION TO IMPROVE STANDARDS OF CONDUCT

No attachments.

SUNSHINE LAW MEETING  
AGENDA ITEM VIII

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.