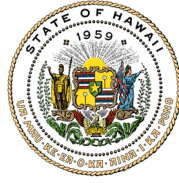


SUNSHINE LAW MEETING



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: January 19, 2023

Time: 9:00 a.m.

Location: Zoom Videoconference or Phone:

Videoconference: [Join Zoom Meeting](https://us06web.zoom.us/j/86410448112?pwd=Sko0SkR1bGtNbktocWkzNjh1WnAxdz09)
<https://us06web.zoom.us/j/86410448112?pwd=Sko0SkR1bGtNbktocWkzNjh1WnAxdz09>

Phone: +1 (669) 900-6833 or +1 (719) 359-4580

Meeting ID: 864 1044 8112

Passcode: 575513

Public Meeting Location:

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

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

Masks are encouraged for everyone attending the meeting in person.

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

A G E N D A

CALL TO ORDER

I. Election of Officers for 2023

Attachment 1: Election of Officers for 2023

II. Consideration and Approval of the Minutes of the December 14, 2022 Meeting

*Attachment 1: Sunshine Law Meeting Minutes of the December 14, 2022
Hawai'i State Ethics Commission 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 – December 2022

Attachment 4: 2022 Guidance and Assignment Statistics / Website Traffic

3. Financial Report for FY 2022-2023 Q2

Attachment 5: FY 2022-2023 Q2

4. Miscellaneous Office Projects / Updates

Attachment 6: The High Road (December 2022)

IV. Proposed Legislation

Discussion regarding 2023 Legislative Session and the Commission's position on proposed legislation

Attachment 1: 2023 Session Calendar

Attachment 2: Relating to the Legislature (Public Bill of Rights)

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

Discussion of case status.

The Hawai'i State Ethics Commission may convene an executive session pursuant to Hawai'i Revised Statutes section 92-5(a)(4) to consult with the Commission's attorneys and/or the Department of the Attorney General on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities.

- VI. Evaluation of Executive Director Robert Harris

The Hawai'i State Ethics Commission may convene an executive session pursuant to Hawai'i Revised Statutes section 92-5(a)(2) to discuss matters relating to the evaluation of an employee, and/or pursuant to section 92-5(a)(4), to consult with the Commission's attorneys on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities.

- VII. Adjournment

Public Testimony

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

Auxiliary Aid or Accomodation Due to a Disability

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

Upon request, this notice is available in alternate formats such as large print, Braille, or electronic copy.

SUNSHINE LAW MEETING
AGENDA ITEM I

ELECTION OF OFFICERS FOR 2023

Attachment 1: Election of Officers for 2023

SUNSHINE LAW MEETING
AGENDA ITEM I

ELECTION OF OFFICERS FOR 2023

On January 19, 2023, the State Ethics Commission should discuss the election of officers for the coming year. The Commission's administrative rules provide for the annual election of a chair and vice chair whose terms will commence on January 1 of each year. Hawai'i Administrative Rules § 21-1-10 states as follows:

§ 21-1-10 Chairperson and vice-chairperson. (a) A chairperson shall be elected by a majority of all the members to which the commission is entitled, who shall serve for a term of one year or until a successor is elected, with such term to commence on January 1 of each year.

(b) A vice-chairperson, who shall call and chair meetings in the incapacity or absence of the chairperson, shall be elected by a majority of all the members to which the commission is entitled, and shall serve for a term of one year or until a successor is elected, with such term to commence on January 1 of each year.

The Commission has previously scheduled the election of officers in January. However in some years, the Commission has deferred the election of officers to July and kept the current officers in place until that time. The Commission did this last year when then-Chair Melinda Wood's term was scheduled to end on June 30. The Commission elected its current officers, Chair Fong and Vice Chair Graulty, at its July 2022 meeting. This year, Vice Chair Graulty's term is scheduled to end on June 30.

The following table is provided for your information.

Commissioner	Date Appointed	Term End	Date of Reappointment	Term End
Reynard D. Graulty*	7/01/2015	6/30/2019	7/01/2019	6/30/2023
Wesley Fong**	7/01/2018	6/30/2022	7/01/2022	6/30/2026
Harry J. McCarthy	3/12/2021	6/30/2024		
Beverley Tobias	7/22/2021	6/30/2025		
Robert Hong	7/01/2022	6/30/2026		

* Commissioner Graulty served as Chair from February 2017 to June 2020, and has served as Vice Chair from July 2022 to present.

** Commissioner Fong served as Vice Chair from July 2021 to July 2022, and has served as Chair from July 2022 to present.

(Note: Commissioners may be appointed to two consecutive four-year terms.)

SUNSHINE LAW MEETING
AGENDA ITEM II

CONSIDERATION AND APPROVAL OF THE MINUTES OF THE
DECEMBER 14, 2022 MEETING

Attachment 1: Sunshine Law Meeting Minutes of the December 14, 2022
Hawai'i State Ethics Commission Meeting

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

STATE OF HAWAI'I

Date: December 14, 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 audio conference)
Beverley Tobias, Commissioner (present in conference room)
Robert Hong, Commissioner (present in conference room)

State Ethics Commission Staff

Robert D. Harris, Executive Director (via video conference)
Susan D. Yoza, Associate Director (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. All Commissioners and Commission staff (except Staff Attorneys Neuffer and Yamanuha) were present. Commissioner McCarthy participated in the meeting remotely by phone and said his spouse was present in the room with him from time to time; all other 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) 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 Duane from KITV 4 News identified himself via video conference and said he
9 was observing the meeting.
10

11
12 **Agenda Item No. I: Consideration and Approval of the Minutes of the October 19,**
13 **2022 Meeting**
14

15 Commissioner Tobias made and Commissioner McCarthy seconded a motion to
16 approve the minutes of the October 19, 2022, meeting. The motion carried (Fong,
17 McCarthy, and Tobias voting aye; Grauly and Hong abstaining).
18

19
20 **Agenda Item No. II: Consideration and Approval of the Minutes of the November**
21 **16, 2022 Meeting**
22

23 Commissioner Hong made and Vice Chair Grauly seconded a motion to approve
24 the minutes of the November 16, 2022, meeting. The motion carried (Fong, Grauly,
25 McCarthy, and Hong voting aye; Tobias abstaining).
26

27
28 **Agenda Item No. III: Executive Director’s Report**
29

30 Executive Director Harris reviewed the training, guidance, and assignment
31 statistics for November. The number of assignments going into December was slightly
32 lower, but is expected to pick up in January.
33

34 Executive Director Harris also discussed staff’s plans to administer the
35 mandatory ethics training law starting in January. He said staff has begun working with
36 different state departments, such as the University of Hawai’i, to obtain their assistance
37 in making the training course available to their employees and encouraging their
38 employees to take the course. Initially, the goal will be to get as many employees as
39 possible to take the ethics training course. It will be up to the Commission to decide
40 what enforcement action should be taken against employees who fail to take the
41 course.
42

43
44 **Agenda Item No. IV: 2022 Council on Governmental Ethics Laws Conference**
45

46 Executive Director Harris said that he, Commissioner Hong, and Staff Attorneys
47 Campbell and Yamanuha recently attended the COGEL conference in Montreal,

1 Canada. Executive Director Harris, Commissioner Hong, and Staff Attorney Campbell
2 each discussed their impressions of the conference.
3

4 Executive Director Harris said other states are using information on financial
5 disclosure filings to proactively flag potential conflicts of interests by filers. He also said
6 some states are taking a more aggressive approach to regulate lobbying and the
7 Commission may wish to look into this in light of its own lobbying statutes.
8

9 Commissioner Hong said he found the conference very worthwhile. He said it
10 caused him to reflect on the purpose of government and his role as a member of the
11 Commission. He also appreciated the opportunity to meet people from other states, as
12 well as people from other government offices in Hawai'i. Chair Fong said Commissioner
13 Hong prepared a synopsis of his impressions of the conference, which other
14 Commissioners could review.
15

16 Staff Attorney Campbell agreed the conference was a valuable experience. He
17 mentioned two ideas he brought back from the conference: (1) creating a handbook for
18 commissioners which can be incorporated into the onboarding process for new
19 commissioners, and (2) preparing a summary in plain language of the Commission's
20 opinions to make the opinions easier to understand and more accessible to the public.
21
22

23 **Agenda Item No. V: Proposed Budget: FY 2023-2024**

24

25 Executive Director Harris reviewed the proposed budget of \$1,490,115 for FY
26 2023-2024, which is a 5% increase over the current budget. The proposed budget
27 includes funding for a full-time position for an analyst to help with the review of financial
28 disclosures and investigations. There is also funding for the Commission to expand its
29 training capabilities. There is also funding for another state ethics conference, which
30 would include neighbor island ethics commissions. There is also funding for
31 improvements to the Commission's file server and database system. Executive Director
32 Harris also reviewed funding in the proposed budget for Commissioner interstate and
33 intrastate travel.
34

35 Commissioner Hong made and Vice Chair Gaulty seconded a motion to approve
36 the proposed budget for FY 2023-2024. The motion carried unanimously (Fong, Gaulty,
37 McCarthy, Tobias, and Hong voting).
38
39

40 **Agenda Item No. VI: Proposed Legislation**

41

42 Executive Director Harris reviewed the proposed bills for 2023 (copies of which
43 were included in the Sunshine meeting materials). He said two of the proposed bills
44 were new and the remaining bills were previously discussed in connection with the
45 recommendations of the Commission to Improve Standards of Conduct ("Standards
46 Commission"). Executive Director Harris said the approved bills will be submitted on
47 behalf of the Ethics Commission to the Senate President and/or House Speaker for

1 introduction. He asked for the Commission's substantive approval of the proposed bills,
2 with the understanding that there may be some stylistic changes made later.

3
4 Chair Fong suggested the Executive Director review each proposed bill and the
5 Commission then vote whether or not to support the bill. There were no objections.
6

7 Bill Relating to Financial Disclosure. The purpose of this proposed bill is to
8 facilitate the enforcement of the financial disclosure law. The current procedure for
9 imposing administrative fines for delinquent filers is cumbersome. The proposed bill
10 provides for an automatic \$50 fine and a \$250 fine if the person does not file within a
11 month. The bill also creates a more streamlined process for enforcement and for the
12 collection of fines by the Attorney General's office.
13

14 Commissioner Tobias made and Commissioner Hong seconded a motion to
15 support the proposed bill relating to financial disclosures. The motion carried
16 unanimously (Fong, Grauly, McCarthy, Tobias, and Hong voting).
17

18 Bill Relating to Record and Document Disposition. The purpose of this proposed
19 bill is to provide the Commission with more discretion and flexibility with regard to the
20 disposal of records. This will allow the disposal of records to be more efficient and cost
21 effective.
22

23 Commissioner Hong made and Commissioner McCarthy seconded a motion to
24 support the proposed bill relating to the disposition of records. The motion carried
25 unanimously (Fong, Grauly, McCarthy, Tobias, and Hong voting).
26

27 Bill Making an Appropriation for County Ethics. The purpose of this proposed bill
28 is to provide a one-time appropriation by the Legislature to help the county ethics
29 boards expand their ethics programs.
30

31 Chair Fong asked whether this was just a band-aid approach to help the county
32 boards. Executive Director Harris said the bill is intended to help the county boards get
33 started by establishing the infrastructure for their programs, such as by using the
34 funding to hire a full-time director. Hopefully, the counties will provide continued funding
35 thereafter. Executive Director Harris also explained that the counties would have to
36 submit a proposal on how they intend to use the funds given to them.
37

38 Commissioner McCarthy made and Commissioner Hong seconded a motion to
39 support the proposed bill relating to county ethics funding. The motion carried
40 unanimously (Fong, Grauly, McCarthy, Tobias, and Hong voting).
41

42 Resolution Urging County Governments to Review Their Government Structure
43 to Identify Risks of Corruption and Ethical Violations. The purpose of this proposed
44 resolution is to ask the counties to look at their governmental infrastructure to identify
45 risks of public corruption and see what can be improved. This will also provide an
46 opportunity for the counties to see whether their ethics boards have sufficient resources
47 to perform their duties.

1
2 Commissioner Tobias made and Vice Chair Gaulty seconded a motion to
3 support the proposed resolution for the counties to review their governmental structure
4 to identify risks of corruption. The motion carried unanimously (Fong, Gaulty,
5 McCarthy, Tobias, and Hong voting).
6

7 Bill Relating to Legislative Allowance. The purpose of this proposed bill is to
8 require each house of the Legislature to post on its website the legislative allowance
9 expenditures of its members.
10

11 Commissioner Tobias made and Commissioner Hong seconded a motion to
12 support the proposed bill relating to legislative allowance disclosures. The motion
13 carried unanimously (Fong, Gaulty, McCarthy, Tobias, and Hong voting).
14

15 Bill Relating to Financial Disclosures. The purpose of this proposed bill is to
16 require legislators to disclose their financial relationships with lobbyists. A legislator who
17 does not comply with this requirement would be subject to the Commission's
18 enforcement authority, which may include a public settlement agreement with the
19 legislator.
20

21 Vice Chair Gaulty made and Commissioner Hong seconded a motion to support
22 the proposed bill relating to legislator financial disclosures. The motion carried
23 unanimously (Fong, Gaulty, McCarthy, Tobias, and Hong voting).
24

25 Bill Relating to Lobbyists. The purposed of this proposed bill is to require
26 lobbyists to disclose the specific bill number, resolution number, or program identifier for
27 matters on which they lobby. A lobbyist's failure to disclose this information would not
28 preclude the individual from lobbying, but would be a violation of the Lobbyists Law.
29

30 Commissioner Hong made and Commissioner Tobias seconded a motion to
31 support the proposed bill relating to lobbyists' disclosures. The motion carried
32 unanimously (Fong, Gaulty, McCarthy, Tobias, and Hong voting).
33

34 Bill Relating to Mandatory Lobbyist Training. The purpose of this proposed bill is
35 to require lobbyists to take a mandatory training course every two years. Lobbyists must
36 take the training before they can register with the Commission.
37

38 Chair Fong asked whether a lobbyist who does not take the training would be
39 prohibited from lobbying. Executive Director Harris said the bill does not prohibit
40 lobbying. However, a lobbyist who lobbies without taking the training would be in
41 violation of the Lobbyists Law and this would be treated as an enforcement matter.
42

43 Commissioner McCarthy said he supported the idea in principle but could see
44 difficulties with enforcement down the line. He could foresee a lot of lobbyists not taking
45 the training and he wondered what sanctions would be imposed to enforce the law.
46

1 Vice Chair Gaulty said he had reservations about the bill. He suggested that a
2 fine might help get people to register. It could be a daily fine so there was some bite to
3 it. He said the Commission cannot take away people's right to be heard as that is a
4 constitutional right, but the Commission can fine them if they are not following the ethics
5 rules.
6

7 Executive Director Harris clarified that there is no prohibition on lobbying under
8 the bill. If someone lobbies without registering, they are violating HRS Chapter 97 and
9 the Commission can fine them. Lobbyists are required to register within five days of
10 becoming a lobbyist. The bill has an add-on requirement that in order to register, the
11 person must take the required training. For most lobbyists, this would not be
12 burdensome. The training would be available online and a lobbyist could take the
13 training quickly as part of the registration process.
14

15 Staff Attorney Chang said the intent of the bill is to educate people at the front
16 end so they are aware of what the law requires. The bill is also intended to make it
17 simple for people to meet the training requirement.
18

19 Commissioner Tobias made and Vice Chair Gaulty seconded a motion to
20 support the proposed bill relating to mandatory lobbyist training. The motion passed
21 (Gaulty, McCarthy, Tobias, and Hong voting aye; Fong voting aye with reservations).
22

23 Bill Relating to Nepotism. The purpose of this proposed bill is to prohibit the
24 hiring and supervision of relatives by legislators and employees. The bill includes a
25 definition of the term, "relative."
26

27 Commissioner Hong made and Commissioner McCarthy seconded a motion to
28 support the proposed bill relating to nepotism. The motion carried unanimously (Fong,
29 Gaulty, McCarthy, Tobias, and Hong voting).
30

31 Resolution Amending the Rules of the Senate Regarding Conflicts of Interests.
32 The purpose of this proposed resolution is to amend the Senate rules to identify more
33 specifically what constitutes a conflict of interest for legislators. The resolution also
34 makes excusal from voting a default mode and makes the process of waiving a conflict
35 of interest more public. The resolution adopts a more comprehensive approach towards
36 conflicts of interests.
37

38 Vice Chair Gaulty said legislator conflicts of interests will never be eliminated,
39 but the proposed resolution is a good move.
40

41 Vice Chair Gaulty made and Commissioner McCarthy seconded a motion to
42 support the proposed resolution relating to legislator conflicts of interests. The motion
43 carried unanimously (Fong, Gaulty, McCarthy, Tobias, and Hong voting).
44

45 Bill Relating to Gifts from Lobbyists. The purpose of this proposed bill is to
46 prohibit lobbyists from giving gifts to legislators and employees if the gifts are prohibited
47 by the Gifts law or the Commission's administrative rules.

1
2 Commissioner Tobias made and Vice Chair Graulty seconded a motion to
3 support the proposed bill relating to gifts from lobbyists. The motion carried unanimously
4 (Fong, Graulty, McCarthy, Tobias, and Hong voting).

5
6 Chair Fong thanked Executive Director Harris and staff for their work on the
7 proposed legislation.
8
9

10 **Agenda Items No. VII: Update on Commission to Improve Standards of Conduct**

11
12 Executive Director Harris reported that the Standards Commission submitted its
13 final report on December 1, 2022, which is now posted on the Legislature's website.
14 The Standards Commission no longer exists, but there will be a continued effort to
15 support the bills and ideas proposed by the Standards Commission.
16

17 Chair Fong thanked Executive Director Harris for his work as Vice Chair of the
18 Standards Commission.
19

20 Executive Director Harris updated the Commission on the status of the criminal
21 cases against two former legislators for bribery and corruption. He said staff submitted
22 an op ed piece in response to those cases as previously discussed by the Commission.
23 There has been a fair amount of media attention focused on what can be done to
24 prevent such cases from happening again.
25
26

27 **Agenda Item No. VIII: Akana v. Hawaii State Ethics Commission and Daniel**
28 **Gluck, Civil No. 18-1-1019-06 (JHA); Akana v. Hawaii State Ethics Commission,**
29 **Civil No. 19-1-0379-03 (JHA); State of Hawaii, Ethics Commission v. Rowena**
30 **Akana, Civil No. 20-1-0453 (BIA)**

31
32 There was no update on the Akana case.
33
34

35 **ADJOURNMENT OF SUNSHINE LAW MEETING**

36
37 At approximately 10:36 a.m., Commissioner Tobias made and Vice Chair Graulty
38 seconded a motion to adjourn the meeting. The motion carried unanimously (Fong,
39 Graulty, McCarthy, Tobias, and Hong voting).
40

41 The meeting was adjourned at 10:36 a.m.
42
43

44 Minutes approved on _____.

SUNSHINE MEETING
AGENDA ITEM III

EXECUTIVE DIRECTOR'S REPORT
January 19, 2023

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 – December 2022

Attachment 4: 2022 Guidance and Assignment Statistics / Website Traffic

3. Financial Report for FY 2022-2023 Q2

Attachment 5: FY 2022-2023 Q2

4. Miscellaneous Office Projects / Updates

Attachment 6: The High Road (December 2022)

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

HAWAII STATE ETHICS COMMISSION

2022 EDUCATION PROGRAM

(Ethics Workshops and Presentations)

DATE	PRESENTATIONS	NUMBER OF PARTICIPANTS
8/18/2022	General Ethics Training, Zoom	188
9/22/2022	Ethics for State Board and Commission members, Zoom	95
9/29/2022	General Ethics Training, Zoom	275
10/5/2022	Ethics for State Board and Commission members, Zoom	103
10/20/2022	General Ethics Training, Zoom	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	339
TOTAL	28 Presentations	3157 participants

HAWAII STATE ETHICS COMMISSION		
2023 EDUCATION PROGRAM		
(Ethics Workshops and Presentations)		
DATE	PRESENTATIONS	NUMBER OF PARTICIPANTS
1/4/2023	Lobbyists Law Training, Zoom	50
1/5/2023	General Ethics Training, DOE, Kawananaoka Middle School	66
1/10/2023	Lobbyists Law Training, Zoom	19
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	

HAWAII STATE ETHICS COMMISSION

2023 EDUCATION PROGRAM

(Ethics Workshops and Presentations)

DATE	PRESENTATIONS	NUMBER OF PARTICIPANTS
8/11/2023	General Ethics Training, Zoom	
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	
TOTAL	29 Presentations	135 participants

Online Training Completions by Department

Department/Agency	2022 Total	Overall Total
Department of Accounting and General Services (DAGS)	55	122
Department of Agriculture (DOA)	179	233
Department of Budget and Finance (B&F)	102	103
Department of Business, Economic Development and Tourism (DBEDT)	47	113
Department of Commerce and Consumer Affairs (DCCA)	50	97
Department of Corrections and Rehabilitation (DCR)	85	85
Department of Defense (DOD)	40	113
Department of Education (DOE)	159	386
Department of Hawaiian Home Lands (DHHL)	16	16
Department of Health (DOH)	314	543
Department of Human Resources Development (DHRD)	7	11
Department of Human Services (DHS)	6	210
Department of Labor and Industrial Relations (DLIR)	188	229
Department of Land and Natural Resources (DLNR)	59	134
Department of Law Enforcement (DLE)	62	62
Department of Public Safety (DPS)	523	567
Department of Taxation (TAX)	299	300
Department of the Attorney General (ATG)	146	263
Department of Transportation (DOT)	106	387
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)	2	3
House of Representatives (REP)	2	2
Judiciary (JUD)	84	141
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")	50	107
Public Charter School (SPCSC)	25	44
Research Corporation of the University of Hawai'i (RCUH)	676	685
Senate (SEN)	3	7
University of Hawai'i-Community Colleges (UOHC)	552	629
University of Hawai'i-Hilo (UOHH)	90	93
University of Hawai'i-Manoa (UOHM)	1422	1538
University of Hawai'i-System (UOH)	287	331
University of Hawai'i-West Oahu (UOHW)	117	184
Total Employee Certificates of Completion Issued	5825	7931

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	3	3
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
Boxing Commission	0	1
Campaign Spending Commission	2	2

Online Training Completions by Department

Board and Commission	2022 Total	Overall Total
Civil Rights Commission	1	1
Commission on Water Resource Management	2	3
Contractors License Board	3	3
Disability and Communication Access Board	1	1
Early Learning 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	3	3
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	3	3
Office of Hawaiian Affairs	1	1
Other (Please fill-in "Other Board/Commission")	67	84
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	5	7
Total Board and Commission Certificates of Completion Issued	217	263

Total Certificates of Completion Issued

6042

8194

As of January 5, 2023, 11:30 AM

2022	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Year to date
Training statistics													
# of In-Person Trainings	0	0	0	0	0	0	0	0	0	0	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	595	6042
# of Training Webinars	6	2	2	3	1	0	4	2	2	1	1	3	27
# of Participants in Training Webinars	439	126	67	97	270	0	64	247	370	665	409	403	3157
Attorney of the Day	76	87	116	66	79	104	100	112	102	106	75	106	1129
New assignments													
Advisory Opinion	0	0	0	0	0	0	0	0	1	2	0	0	3
Complaint	5	18	23	21	25	9	17	39	23	21	29	10	240
Gifts/Invitations/Travel	5	5	17	14	15	12	17	24	26	28	9	7	179
Guidance	6	3	3	0	0	0	3	2	6	1	0	2	26
Judicial Selection Comm'n	0	3	3	0	2	5	6	1	3	6	1	2	32
Training Request	0	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	0	10
Project/Other	5	3	2	2	2	1	1	1	2	2	2	3	26
Total	22	32	49	40	44	27	46	67	63	60	42	24	516
Closed Assignments													
Advisory Opinion	0	0	1	1	0	0	0	0	0	0	0	0	2
Complaint	4	6	19	21	11	4	12	19	21	26	17	9	169
Gifts/Invitations/Travel	5	7	14	18	13	12	15	22	24	30	12	7	179
Guidance	3	5	1	4	0	0	1	1	3	4	2	1	25
Judicial Selection Comm'n	0	3	3	0	2	5	4	0	4	5	2	2	30
Training Request	0	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	0	9
Project/Other	6	4	1	1	1	1	0	2	2	3	1	2	24
Total	19	25	40	48	27	22	32	44	56	69	35	21	438
Anti-Fraud	2	5	2	6	9	4	3	8	4	7	2	3	55

HAWAII STATE ETHICS COMMISSION FINANCIAL REPORT
 FY 2023 (MONTH ENDING: December 31, 2022)
 Appropriation Symbol: G-23-393-Y6

	Amount Appropriated FY 2022-2023	Expenditures for Qtr. End 9/30/2022	Expenditures for Qtr. End 12/31/2022	Expenditures for Qtr. End 3/31/2023	Expenditures for Qtr. End 6/30/2023	Year-To-Date Expenditures Totals	% of Budget Expended
A. PERSONNEL SERVICES							
Staff Salaries	\$ 1,061,285.00	\$ 218,466.29 ²	\$ 245,491.05	\$ 0.00	\$ 0.00	463,957.34	43.7%
Total Personnel Services	\$ 1,061,285.00	\$ 218,466.29	\$ 245,491.05	\$ 0.00	\$ 0.00	\$ 463,957.34	43.7%
B. OTHER CURRENT EXPENSES							
Office Expenses	14,500.00	2,485.77	3,395.41	0.00	0.00	5,881.18	40.6%
Intrastate Transportation and Travel	9,250.00	3.00	125.11	0.00	0.00	128.11	1.4%
Out-of-State Travel	12,660.00	1,187.34	0.00	0.00	0.00	1,187.34	9.4%
Equipment Rental and Maintenance	33,700.00	3,207.89	701.70	0.00	0.00	3,909.59	11.6%
Dues, Subscriptions, Training	16,410.00	801.89	2,561.13	0.00	0.00	3,363.02	20.5%
Newspaper Advertisements	1,100.00	0.00	35.00	0.00	0.00	35.00	3.2%
Comm'n Mtgs, Investigations, Hrgs	10,500.00	0.00	0.00	0.00	0.00	0.00	0.0%
Consulting Services	27,000.00	0.00	0.00	0.00	0.00	0.00	0.0%
Office Rent	154,410.00	19,582.24	29,373.36	0.00	0.00	48,955.60	31.7%
Total Other Current Expenses	\$ 279,530.00	\$ 27,268.13	\$ 36,191.71	\$ 0.00	\$ 0.00	\$ 63,459.84	22.7%
C. CAPITAL OUTLAY							
Office Furniture and Equipment	79,000.00	0.00	0.00	0.00	0.00	0.00	0.0%
Total Capital Outlay	\$ 79,000.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	0.0%
GRAND TOTAL (A+B+C)	\$ 1,419,815.00 ¹	\$ 245,734.42	\$ 281,682.76	\$ 0.00	\$ 0.00	\$ 527,417.18	37.1%

General Fund Allocation	\$ 1,419,815.00
Total Expenditures as of December 31, 2022	\$ 527,417.18
Balance as of December 31, 2022	\$892,397.82

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

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

HAWAII STATE ETHICS COMMISSION FINANCIAL REPORT
 FY 2023 (QUARTER ENDING: December 31, 2022)
 Appropriation Symbol: G-22-396-Y6

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

Appropriation for Accrued Vacation/Vacation Transfer Payments	\$ 16,553.00
Total Expenditures as of December 31, 2022.....	\$ 0.00
Balance as of December 31, 2022	\$ 16,553.00

¹ Funds for accrued vacation and vacation transfer payments appropriated by Act 2, SLH 2022, for \$16,553.00.

ISSUE 2022-4 | DECEMBER 2022



THE HIGH ROAD

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

Mandatory Ethics Training Is Here!

Beginning January 1, 2023, all state legislators, employees, and members of state boards and commissions will be required to take an ethics training course and repeat the course every four years.

Elected state officials, department heads, and officials who file public financial disclosure statements must take a live ethics training course. For a list of all state officials who are required to take the live course, please go to <https://ethics.hawaii.gov/wp-content/uploads/MandatoryEthicsTrainingFlyer.pdf>. All other employees and board members may take either a live training course or an online self-directed course.

The live and self-directed courses provide an overview of the ethics laws that apply to all state officials and employees. The live training course, held via Zoom videoconference, is a 90-minute class presented by a State Ethics Commission attorney. Participants can submit questions to the presenter during class for discussion. Individuals can register online for one of these classes at <https://ethics.hawaii.gov/training/#signup>.

The self-directed course is an interactive 30-minute course that you can take on any day, at any time to fit your schedule. For more information on this course and how to take it, go to <https://ethics.hawaii.gov/ethiconlinetraining/>.

Have you attended an ethics training course between January 1, 2020 and January 1, 2023? If so, congratulations! You have satisfied your initial training requirement and won't need to take ethics training again for the next four years. Of course, you are always welcome to sign up for a class or take the self-directed course at any time as a refresher.

Still have questions about the mandatory ethics training requirement? See our Mandatory State Ethics Training FAQ's at <https://ethics.hawaii.gov/wp-content/uploads/MandatoryEthicsTrainingFlyer.pdf> or contact the State Ethics Commission at ethics@hawaiiethics.org or (808) 587-0460.

"The people of Hawai'i believe that public officers and employees must exhibit the highest standards of ethical conduct and that these standards come from the personal integrity of each individual in government."

— Hawai'i State Constitution
Article XIV

Commissioners:

Wesley Fong, Chair
Reynard Grauly, Vice Chair
Harry McCarthy
Beverly Tobias
Robert Hong

Executive Director:

Robert Harris

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Commission to Improve Standards of Conduct

On December 1, 2022, the Commission to Improve Standards of Conduct (“Standards Commission”) submitted its final report to the Hawai‘i House of Representatives. After dozens of meetings, multiple interviews with stakeholders, and many drafts, the Standards Commission submitted 31 proposals that, if adopted by the Legislature, could impact the State Ethics Code and the laws governing lobbyists (among other things). Some of the notable proposals include:

- **Lobbyists training.** One proposal requires all lobbyists to participate in a training session prior to registering with the Ethics Commission. The intent is to ensure lobbyists know how to comply with the lobbying laws and to prevent inadvertent mistakes.
- **Lobbyists reporting.** Another proposal requires lobbyists to identify the bill, budget item, or resolution they worked on with specificity on their regular report. This differs from the current requirement, which allows lobbyists to report a broad subject area that they worked on.
- **Disclosing financial connections to lobbyists or lobbying organizations.** Another concept requires legislators to report income received (directly or indirectly) from lobbyists or lobbying organizations. Currently these relationships may not be reported because the income is received as a salary or disbursement from an intermediary entity.
- **Prohibiting nepotism.** In addition, as noted elsewhere in this High Road issue, another proposal would create a bright-line rule against nepotism, specifically on the hiring or supervising of a relative.

The Standards Commission’s final report can be found at bit.ly/3VkxtVB or by searching the Hawai‘i State Legislature website.

State Ethics Commission Backs Nepotism Law for Hawaii

Which of the following actions is prohibited by the State Ethics Code?

- A. A state employee promotes a nephew to a higher-paying position in the employee’s department.
- B. A state employee awards a contract to a business owned by the employee’s daughter.
- C. A state employee hires and supervises the employee’s brother for a state position.

It may surprise you to learn that the State Ethics Code does not prohibit any of these actions unless they involve preferential treatment by an employee to benefit a relative. The State Ethics Code’s Conflicts-of-Interests law prohibits an employee from hiring or supervising a spouse or dependent child, or awarding a contract to a business owned by a spouse or dependent child. But the law does not prohibit actions by an employee affecting other relatives or their businesses.

An employee’s actions affecting close relatives can create an appearance of bias or unfairness even where no preferential treatment is given. To address this, the State Ethics Commission will advocate for a nepotism law to be passed in 2023. The proposed law will prohibit employees from appointing, hiring, or promoting a relative or household member, or awarding a contract to a business owned by a relative or household member.

Holiday Season Ethics Guide

If you have questions about a holiday gift sent to your state office, our [Holiday Season Ethics Guide](https://ethics.hawaii.gov/wp-content/uploads/2019/12/quickguide_holidays.pdf) may help (https://ethics.hawaii.gov/wp-content/uploads/2019/12/quickguide_holidays.pdf).

For questions about gifts to legislators, see our [Quick Guide: Gifts to Legislators](https://ethics.hawaii.gov/wp-content/uploads/quickguide_giftsLeg.pdf) (https://ethics.hawaii.gov/wp-content/uploads/quickguide_giftsLeg.pdf).

Still have questions? Contact the State Ethics Commission's office at ethics@hawaiiethics.org or (808) 587-0460. Our attorney of the day will be happy to assist you.



Lobbyists, Are You Ready for 2023?

All 2021-2022 lobbyist registrations will automatically expire on December 31, 2022. Lobbyists who plan to lobby in 2023 must register for the upcoming 2023-2024 legislative biennium.

Want to learn more about the Lobbyists Law requirements or refresh your understanding of the law? Register for a Lobbyists Law webinar on January 4, 2023 or January 10, 2023. The class will cover the registration and reporting requirements for lobbyists and organizations that hire lobbyists, and will also demonstrate how to use the Commission's e-filing system for lobbying forms. To register for a class, go to: <https://ethics.hawaii.gov/training/#signup>.

For a quick review of the lobbyist registration requirements, read the Commission's publication, "Do I need to register as a lobbyist?" by going to https://ethics.hawaii.gov/wp-content/uploads/quickguide_lobbying.pdf.

Filing Deadlines Reminder!

January 31, 2023

- 2023 Financial Disclosure Statements for State Legislators
File your financial disclosure at <https://hawaiiethics.my.site.com/disclosures/s/>
- Lobbying Expenditures and Contributions Report for May 1 – December 31, 2022
File your forms at <https://hawaiiethics.my.site.com/lobbying/s/>



"The purpose of this chapter is to ... establish an ethics commission which will ... render advisory opinions and enforce the provisions of this law so that public confidence in public servants will be preserved."

SUNSHINE LAW MEETING
AGENDA ITEM IV

PROPOSED LEGISLATION

Discussion regarding 2023 Legislative Session and the Commission's position on
proposed legislation

Attachment 1: 2023 Session Calendar

Attachment 2: Relating to the Legislature (Public Bill of Rights)

2023 SESSION CALENDAR

NOTE: ON THE 60 SESSION DAYS (DAYS WHEN MEMBERS CONVENE IN THEIR RESPECTIVE CHAMBERS), THE SESSION DAY COUNT APPEARS IN A BOX ON THE LOWER-RIGHT, LIKE THIS. #

Color code: ■ = bills ■ = resolutions ■ = budget or fiscal bills See reverse side for more deadline information.

SUN	MON	TUE	WED	THU	FRI	SAT
JANUARY			18 Opening Day	19	20 Non-Admin Bill Package Cutoff & Grants/Subsidies Cutoff	21
			1	2	3	
22	23 State-of-the-State Address & Administration Bill Package Cutoff	24 Recess #1	25 State-of-the-Judiciary Address Bill Introduction Cutoff	26 Recess #2	27	28
	4		5		6	
29	30	31				
	7	8				
FEBRUARY			1	2	3	4
			9	10	11	
5	6	7	8 Triple Referral Filing (House Bills)	9 Triple Referral Filing (Senate Bills)	10	11
	12	13	14	15	16	
12	13	14	15	16 First Lateral Filing (Bills)	17 First Lateral (Bills)	18
	17	18	19	20	21	
19	20 HOLIDAY Presidents' Day	21	22	23 Mandatory 5-Day Recess Begins	24	25
		22	23			
26	27	28				
MARCH			1 Last Day of 5-Day Mandatory Recess	2 Single Referral (Senate Bills) Filing	3 First Decking (Bills)	4
			24	25	26	
5	6 Recess #3	7	8 Recess #4	9 First Crossover (Bills)	10 Substantive Resolution Cutoff	11
			26	27	28	
12	13 Budget Decking	14	15 Budget Crossover	16 Triple Referral Filing (Bills)	17	18
	29	30	31	32	33	
19	20	21	22	23 Second Lateral Filing (Bills)	24 Second Lateral (Bills)	25
	34	35	36	37	38	
26	27 HOLIDAY Kuhio Day	28 First Lateral (Senate Concurrent Resos)	29	30 First Lateral Filing (House Concurrent Resos)	31 First Lateral (House Concurrent Resos)	
		39	40	41	42	
APRIL						1
2	3	4 First Crossover Filing (Concurrent Resos)	5 First Crossover (Concurrent Resos) Single Referral (House Bills) Filing	6 Second Decking (Bills)	7 HOLIDAY Good Friday	8
	43	44	45	46		
9	10 Recess #5	11	12 Recess #6	13 Second Crossover (Bills) & Disagree	14 Second Lateral Filing (Senate Concurrent Resos)	15
		47		48	49	
16	17 Second Lateral (Senate Concurrent Resos)	18	19	20	21 Constitutional Amendments & Second Crossover Filing (Concurrent Resos)	22
	50	51	52	53	54	
23	24 Second Crossover (Concurrent Resos)	25	26 Recess #7	27 Final Decking (Non-Fiscal Bills)	28 Final Decking (Fiscal Bills)	29
	55	56		57	58	
30	MAY					
	1 Recess #8	2	3 Recess #9	4 Adjournment Sine Die	(Session pau!)	
			59	60		

SEE REVERSE SIDE FOR MORE DEADLINE INFORMATION

2023 SESSION CALENDAR: A GUIDE TO THE DEADLINES

- JAN 18 – OPENING DAY** – The Hawaii Constitution mandates that the regular legislative session start at 10:00 a.m. on the third Wednesday of January. ([Article III, Section 10](#))
- JAN 20 – LAST DAY TO INTRODUCE ALL NON-ADMINISTRATION BILL PACKAGES** – Bills bundled together by legislative caucuses (common interest groups) and accepted and labeled as a package by the clerks. You can view the various packages of legislation by clicking on the "Reports and Lists" button on [capitol.hawaii.gov](#) and selecting the "Measures by Package" bar on the left.
- JAN 23 – STATE-OF-THE-STATE ADDRESS** – The Governor's annual address to the assembled joint legislature. The address presents an opportunity for the Governor to report on affairs of state, and to put forth recommendations and initiatives.
- JAN 23 – LAST DAY TO INTRODUCE ADMINISTRATION BILL PACKAGE** – This is what is known as the "Governor's Package." The bills are prepared by executive branch agencies for consideration by the legislature and are introduced on behalf of the executive branch by the President of the Senate and the Speaker of the House of Representatives. View the package of legislation by clicking on the "Reports and Lists" button on [capitol.hawaii.gov](#) and selecting the "Measures by Package" bar. The administrative package will be listed as "Governor".
- JAN 25 – STATE-OF-THE-JUDICIARY ADDRESS** – The Chief Justice's biannual address to the assembled joint legislature.
- JAN 25 – LAST DAY TO INTRODUCE BILLS** – A bill is "introduced" when it has been filed with the House or Senate Clerk, who gives it a number (with an HB or SB prefix) and then puts it on the calendar for First Reading by the chamber. After First Reading, it is given its committee referrals which specify which committees must hear and pass the measure for it to succeed. Only legislators may introduce bills. [Note: At introduction, each bill is given a "Bill Status" webpage that can be accessed via the Legislature's website ([capitol.hawaii.gov](#)) and used to track all the measure's activity.]
- FEB 8 (HOUSE) & 9 (SENATE) – TRIPLE REFERRAL FILING (BILLS)** – All bills referred to three or more committees must be filed so that they can be in their second-to-last committee by the following day. (Note: A referral to a joint committee counts as one committee referral.) This deadline allows ample time for successful bills to make their way to the last committee in their originating chamber by the First Lateral deadline.
- FEB 17 – FIRST LATERAL (BILLS)** – All bills referred to more than one committee must move to their final committee in the originating chamber by this day. (Note: Committees must file their committee report with the bill by the previous day, February 16.)
- FEB 23 – MAR 1 – MANDATORY 5-DAY RECESS** – Hawaii's Constitution mandates a 5-day recess between the 20th and 40th days of the regular session. Neither the House of Representatives nor the Senate convene or assemble formally in chamber on recess days. Committee hearings do take place.
- MAR 3 – FIRST DECKING (BILLS)** – Deadline for bills to emerge from all their committees (with committee reports filed) and be submitted to the clerk of the originating chamber. This "decking" ensures a mandatory 48-hour opportunity for final review by the chamber's members before they are asked to vote on the third reading. Note: A bill must pass three readings (votes) in each chamber before being enrolled to the governor. (Note: Senate Bills with only a single referral need to be filed by the committee by March 2.)
- MAR 9 – FIRST CROSSOVER (BILLS)** – Deadline for bills to pass third reading in order to move (or "crossover") to the other chamber. If successful, House bills are sent to the Senate and Senate bills are sent to the House for further consideration.
- MAR 10 – LAST DAY TO INTRODUCE SUBSTANTIVE RESOLUTIONS** – Concurrent resolutions (HCRs and SCRs) require adoption in each chamber and are used to state the official position of the Legislature on an issue, or to request action formally without having to mandate it by law. They require only one vote in each chamber for adoption, and do not enroll to the Governor.
- MAR 13 – BUDGET DECKING** – Deadline for submitting the budget bill for third reading.
- MAR 15 – BUDGET CROSSOVER** – Last day for third reading of the budget bill, to move to the other chamber.
- MAR 16 – TRIPLE REFERRAL FILING (BILLS)** – All bills referred to three or more committees must be filed so that they can be in their second-to-last committee in the non-originating chamber the following day. (Note: A referral to a joint committee counts as one committee referral.) This deadline allows ample time for successful bills to make their way to their last committee in the non-originating chamber by the Second Lateral deadline.
- MAR 24 – SECOND LATERAL (BILLS)** – All bills with multiple referrals must move to their final referral committee in the non-originating chamber by this date. (Note: Committees must file their committee report with the bill by the previous day, March 23.)
- MAR 28 (SENATE) AND 31 (HOUSE) – FIRST LATERAL FOR CONCURRENT RESOLUTIONS** – All concurrent resolutions with multiple referrals must move to their final committee in the originating chamber by these dates. (Note: HCRs must be filed by March 30.)
- APR 5 – FIRST CROSSOVER FOR CONCURRENT RESOLUTIONS** – Deadline for concurrent resolutions to pass the required single floor vote in the originating chamber. Upon adoption by the originating chamber, concurrent resolutions move or "crossover" to the other chamber. (Measures must be filed by Tuesday, April 4.)
- APR 6 – SECOND DECKING (BILLS)** – Deadline for bills that have been amended by the non-originating chamber to emerge from all their committees (with committee reports filed) and be submitted to the clerk of that chamber. This "decking" ensures a mandatory 48-hour opportunity for final review by the non-originating chamber's members before third reading. (Note: House Bills with only a single referral need to be filed by the committee by April 5.)
- APR 13 – SECOND CROSSOVER (BILLS)** – Deadline for bills to pass third reading in their non-originating chamber and to "cross back" to the originating chamber.
- APR 13 – LAST DAY FOR THE ORIGINATING BODY TO DISAGREE WITH BILL AMENDMENTS** – The deadline for the originating chamber to disagree with changes made to its bills by the other chamber. When the Senate and House disagree on a bill, members from each chamber can meet in conference committees to reconcile their differences.
- APR 17 – SECOND LATERAL FOR SENATE CONCURRENT RESOLUTIONS** – All Senate concurrent resolutions (SCRs) with multiple referrals must move to their final committee in the non-originating chamber (the House) by this day. (Must be filed by Friday, April 14.)
- APR 21 – DEADLINE FOR FINAL FORM OF BILLS PROPOSING CONSTITUTIONAL AMENDMENTS** – A proposed amendment's final form must be provided by written notice to the Governor prior to passing final reading by a 2/3 vote in each chamber. Once adopted by the Legislature, the proposed amendment is submitted to the voters, in the form of a 'yes or no' question on the ballot, for ultimate decision.
- APR 24 – SECOND CROSSOVER FOR CONCURRENT RESOLUTIONS** – Deadline for adopting amended concurrent resolutions in the non-originating chamber in order to "cross back" to the originating chamber. (Measures must be filed by Friday, April 21.)
- APR 27 – FINAL DECKING OF NON-FISCAL BILLS** – Deadline for submitting non-fiscal bills for final reading by both chambers.
- APR 28 – FINAL DECKING OF FISCAL BILLS** – Deadline for submitting fiscal bills for final reading by both chambers. Fiscal bills include appropriation or spending bills, tax credits, etc., or any bill with a House Finance (FIN) or Senate Ways and Means (WAM) referral.
- MAY 4 – ADJOURNMENT SINE DIE** – The end of session is the deadline for Final Reading of bills and adoption of resolutions. Adjournment *sine die* occurs on the last day of a Regular Session and indicates a suspension of the business of the legislature indefinitely. Next, the Legislature will certify the bills whose form both chambers have agreed to and will transmit or "enroll" those bills to the Governor.

For more information, visit the Public Access Room's (PAR's) website ([lrh.hawaii.gov/par](#)) or contact us at par@capitol.hawaii.gov or (808) 587-0478.

A BILL FOR AN ACT

RELATING TO THE LEGISLATURE.

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

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

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

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

9 Accordingly, the purpose of this Act is to implement
 10 recommendations of the commission to improve standards of
 11 conduct relating to the conduct and operations of the
 12 legislature and its members.

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

16 **"CHAPTER**

17 **OFFICE OF THE PUBLIC ADVOCATE**

18 **PART I. GENERAL PROVISIONS**

19 § -1 **Definitions.** As used in this chapter, unless the
 20 context otherwise requires:

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1 "Office" means the office of the public advocate
2 established pursuant to section -2.

3 "Public advocate" means the head of the office.

4 § -2 **Office of the public advocate; establishment.** (a)

5 There is established within the department of the attorney
6 general for administrative purposes only the office of the
7 public advocate.

8 (b) The office shall be headed by the public advocate, who
9 shall be nominated and, by and with the advice and consent of
10 the senate, appointed by the governor; provided that the term of
11 the public advocate shall be coterminous with the term of the
12 governor.

13 § -3 **Staff.** The public advocate shall hire staff
14 necessary to carry out the purposes of this chapter. The public
15 advocate and employees of the office shall be exempt from
16 chapter 76 and shall not be considered civil service employees
17 but shall be entitled to any employee benefit plan normally
18 inuring to civil service employees.

19 § -4 **Judicial review; immunity.** No proceeding or
20 decision of the public advocate may be reviewed in any court,
21 unless it contravenes the provisions of this chapter. The

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1 public advocate has the same immunities from civil and criminal
2 liability as a judge of this State. The public advocate and the
3 public advocate's staff shall not testify in any court with
4 respect to matters coming to their attention in the exercise or
5 purported exercise of their official duties except as may be
6 necessary to enforce the provisions of this chapter.

7 § -5 **Penalty for obstruction.** A person who wilfully
8 hinders the lawful actions of the public advocate or the public
9 advocate's staff, or wilfully refuses to comply with their
10 lawful demands, shall be fined no more than \$1,000.

11 **PART II. RIGHTS OF THE PUBLIC RELATING TO THE LEGISLATURE**

12 § -11 **Rights.** All persons of the public shall have the
13 following rights:

- 14 (1) The right to expect that the person's elected state
15 representative or state senator will be treated with
16 fairness, equity, dignity, respect, and inclusion,
17 regardless of seniority, faction, or party;
- 18 (2) The right to be treated with fairness, equity,
19 dignity, respect, and honesty during public hearings,
20 regardless of their lack of power, status, wealth, or
21 other excuses for unequal treatment. This paragraph,

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1 among other things, shall be construed to prohibit
2 retaliation, including the elimination of a specific
3 position from the budget, for any good faith conduct
4 at a public hearing;

5 (3) The right to provide oral testimony at any public
6 hearing;

7 (4) The right to publicly inspect written testimony no
8 later than twenty-four hours after the written
9 testimony is submitted;

10 (5) The right to expect that all members have access to
11 and sufficient time to review all bill drafts and
12 proposed amendments before formally voting on a
13 measure in committee and on the floor;

14 (6) The right to expect that the original content of a
15 bill is not suddenly and substantially changed without
16 a public hearing on the new content;

17 (7) The right to expect that legislators have sufficient
18 opportunity for open and honest debate on the merits
19 of a bill and to vote on such merits, rather than
20 burdening the legislative process with multiple

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1 referrals on the bill that would effectively inhibit
2 the opportunity for such debate;

3 (8) The right to expect that subject matter committees
4 pass bills without deliberate defects, including
5 defective dates, and with recommended appropriation
6 amounts;

7 (9) The right to expect that standing committees with
8 primary jurisdiction over fiscal matters are not
9 referred bills solely concerning nonfiscal matters;

10 (10) The right to expect that no bill should die in a
11 conference committee due to the absence of a
12 conference chair;

13 (11) The right to publicly inspect all official executive
14 communications, such as budgetary information,
15 submitted to the legislature. For purposes of
16 fulfilling this obligation, the respective legislative
17 chamber shall post all official executive
18 communications on the capitol website within a
19 reasonable period of time;

20 (12) The right to open and transparent decision-making,
21 including the right to hear the rationale for any

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1 decision made by a committee or committee chairperson,
2 such as the deferral or amendment of a bill, in a
3 public meeting; and

4 (13) The right to easily inspect drafts of bills submitted
5 to legislators for introduction or amendment,
6 including the right to know the identity of the person
7 who provided the draft if that person is a member of
8 the public or lobbyist.

9 § -12 **Jurisdiction.** The public advocate has
10 jurisdiction to investigate violations of rights enumerated
11 under section -11.

12 § -13 **Procedures; investigation of complaints.** (a) The
13 public advocate shall establish procedures for receiving and
14 processing complaints alleging a violation of a right enumerated
15 under section -11, conducting investigations, and reporting
16 the public advocate's findings. However, the public advocate
17 may not levy fees for the submission or investigation of
18 complaints.

19 (b) The public advocate shall investigate any complaint
20 alleging a violation of a right enumerated under section -11.
21 In an investigation, the public advocate may make inquiries and

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1 obtain information as the public advocate deems appropriate,
2 consult with an appropriate agency with subject matter
3 expertise, and hold private hearings.

4 (c) The public advocate is required to maintain secrecy in
5 respect to all matters and the identities of the complainants or
6 witnesses coming before the public advocate, except so far as
7 disclosures may be necessary to enable the public advocate to
8 carry out the public advocate's duties and powers and to support
9 the public advocate's recommendations.

10 § -14 Powers. Subject to the privileges that witnesses
11 have in the courts of this State, the public advocate may:

12 (1) Compel at a specified time and place, by subpoena, the
13 appearance and sworn testimony of any person who the
14 public advocate reasonably believes may be able to
15 give information relating to a matter under
16 investigation; and

17 (2) Compel any person to produce documents, papers, or
18 objects that the public advocate reasonably believes
19 may relate to a matter under investigation.

20 The public advocate may bring suit in an appropriate state
21 court to enforce these powers.

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1 § **-15 Consultation.** Before giving any opinion or
 2 recommendation that is critical of a person and except as
 3 provided in section -16(c), the public advocate shall consult
 4 with that person.

5 § **-16 Procedure after investigation.** (a) After an
 6 investigation, the public advocate shall report the public
 7 advocate's opinion and recommendations to the presiding officer
 8 of the appropriate chamber of the legislature and the
 9 complainant.

10 (b) After a reasonable time has elapsed, the public
 11 advocate may present the public advocate's opinion and
 12 recommendations to the public. The public advocate shall
 13 include with this opinion any reply.

14 (c) If the public advocate has a reasonable basis to
 15 believe that there may be a breach of duty or misconduct by any
 16 legislator or employee of the legislature, the public advocate
 17 may refer the matter to the appropriate authorities without
 18 notice to that person."

19 SECTION 3. 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 and

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1 the same sum or so much thereof as may be necessary for fiscal
2 year 2024-2025 for the purposes of this Act.

3 The sums appropriated shall be expended by the department
4 of the attorney general for the purposes of this Act.

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

6

INTRODUCED BY: _____

H.B. NO.

Report Title:

Commission to Improve Standards of Conduct; Legislature; Bill of Rights; Public Advocate

Description:

Establishes the office of the public advocate. Establishes rights for members of the public with respect to the conduct and operation of the legislature and its members. Specifies procedures for the investigation and reporting of alleged violations of the rights.

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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SUNSHINE LAW MEETING
AGENDA ITEM V

AKANA v. HAWAII STATE ETHICS COMMISSION AND DANIEL GLUCK,
CIVIL NO. 18-1-1019-06 (JHA); AKANA v. HAWAII STATE ETHICS COMMISSION,
CIVIL NO. 19-1-0379-03 (JHA); STATE OF HAWAII, ETHICS COMMISSION v.
ROWENA AKANA, CIVIL NO. 20-1-0453 (BIA)

Discussion of case status.

The Hawai'i State Ethics Commission may convene an executive session pursuant to Hawai'i Revised Statutes section 92-5(a)(4) to consult with the Commission's attorneys on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities.

No attachments.

SUNSHINE LAW MEETING
AGENDA ITEM VI

EVALUATION OF EXECUTIVE DIRECTOR ROBERT HARRIS

The Hawai'i State Ethics Commission may convene an executive session pursuant to Hawai'i Revised Statutes section 92-5(a)(2) to discuss matters relating to the evaluation of an employee, and/or pursuant to section 92-5(a)(4), to consult with the Commission's attorneys on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities.

Attachment 1: Evaluation Form

Hawaii State Ethics Commission
Executive Director's Evaluation
August 20, 2020

Please mark the number that best describes your response to the items below.

5=Excellent 4=Good 3=Adequate 2=Less than adequate 1=Poor 0=No opinion

A. Legal Counsel to Commission

1. Advises Commissioners on the legal issues and precedents to facilitate informed decision-making.
Circle one: 5 4 3 2 1 0
2. Ensures Commissioners are aware of both sides of the issue being decided (the pros and cons), including the ramifications/unintended consequences of Commission action.
Circle one: 5 4 3 2 1 0
3. Informs Commission members regarding any feedback related to the Commission's actions and/or decisions.
Circle one: 5 4 3 2 1 0
4. Applies ethics and lobbying laws to factual situations in a fair and consistent manner.
Circle one: 5 4 3 2 1 0

B. Commission meetings and training

5. Develops positive, cooperative, and collaborative relationships with Commission members.
Circle one: 5 4 3 2 1 0
6. Responds to Commission members' inquiries in a timely manner.
Circle one: 5 4 3 2 1 0
7. Assists Chairperson in conducting meetings effectively.
Circle one: 5 4 3 2 1 0
8. Responds appropriately to input from Commission members.
Circle one: 5 4 3 2 1 0

C. Administration and Enforcement of Chapters 84 and 97, HRS

9. Oversees, plans, and implements effective complaint investigations regarding possible violations of Chapters 84 and 97, HRS.
Circle one: 5 4 3 2 1 0
10. Oversees the timely administration and compliance with disclosure requirements under Chapter 84, HRS (financial & gift disclosures, as well as contract notices).
Circle one: 5 4 3 2 1 0
11. Oversees the timely administration of registration and compliance with filing requirements under Chapter 97, HRS (lobbyists' registration and expenditure & contribution reports).
Circle one: 5 4 3 2 1 0
12. Oversees enforcement proceedings against individuals who do not comply with the filing requirements of Chapter 84 and 97, HRS including prosecuting or serving as legal counsel to the Commission in contested case hearings.
Circle one: 5 4 3 2 1 0

Hawaii State Ethics Commission
Executive Director's Evaluation
August 20, 2020

5=Excellent 4=Good 3=Adequate 2=Less than adequate 1=Poor 0=No opinion

13. Manages resolution of cases in a timely manner, including negotiations based on the facts, the law, and the Commission's guidance & objectives.

Circle one: 5 4 3 2 1 0

14. Drafts and/or reviews staff opinion letters, advisory opinions, legal memoranda and other documents related to complaints, investigations, enforcement proceedings, etc.

Circle one: 5 4 3 2 1 0

D. Education Program

15. Develops, conducts, and manages education workshops, including mandatory ethics training for state government officials as required by law.

Circle one: 5 4 3 2 1 0

16. Oversees the development, design, and maintenance of the Commission's website.

Circle one: 5 4 3 2 1 0

17. Develops educational materials, including the Commission's newsletter and other publications.

Circle one: 5 4 3 2 1 0

E. Media

18. Responds to inquiries from the media in a clear, concise and professional manner, including correcting misstatements about Commission business without violating confidentiality.

Circle one: 5 4 3 2 1 0

19. Monitors the media for commentary related to the work of the Commission and keeps Commission members informed regarding any response/correction/clarification provided to the media.

Circle one: 5 4 3 2 1 0

20. Ensures that any comments to the media are confined to factual and legal matters (as opposed to the Commission's deliberation process).

Circle one: 5 4 3 2 1 0

21. Issues appropriate news releases, commentaries, and letters to the editor as necessary.

Circle one: 5 4 3 2 1 0

F. Relations with other state and federal agencies and organizations

22. Maintains professional relations with other state, local, and federal agencies.

Circle one: 5 4 3 2 1 0

23. Maintains professional relations with local and national organizations, such as Common Cause Hawaii, the League of Women Voters, and the Council on Governmental Ethics Laws, to promote ethics and "good government" initiatives.

Circle one: 5 4 3 2 1 0

G. Legislation

24. Drafts, edits, and/or reviews legislative testimony; ensures testimony is clear, concise, and professional; also ensures content reflects appropriate depth of discussion.

Circle one: 5 4 3 2 1 0

Hawaii State Ethics Commission
Executive Director's Evaluation
August 20, 2020

5=Excellent 4=Good 3=Adequate 2=Less than adequate 1=Poor 0=No opinion

25. Understands and actively engages in the legislative process, including initiating and/or supporting desirable changes in the ethics and/or lobbying laws.
Circle one: 5 4 3 2 1 0
26. Attends legislative hearings, presents testimony, and fields questions from legislators in a clear, concise and professional manner.
Circle one: 5 4 3 2 1 0
27. Engages with key government decision-makers to support or oppose legislation, as appropriate.
Circle one: 5 4 3 2 1 0
28. Works collaboratively with community groups and members of the public on legislative matters of common interest.
Circle one: 5 4 3 2 1 0

H. Budget and Fiscal Operations

29. Plans, prepares, and manages Commission's budget, including making appropriate adjustments when needed.
Circle one: 5 4 3 2 1 0
30. Ensures all fiscal operations of the office, including payroll and procurement of all goods and services, are in accordance with applicable laws.
Circle one: 5 4 3 2 1 0
31. Negotiates and executes office lease agreements and other agreements and contracts on behalf of the Commission.
Circle one: 5 4 3 2 1 0

I. Administration and Management

33. Written communications are concise, well-organized, and well-reasoned.
Circle one: 5 4 3 2 1 0
34. Oral communication is clear, effective, and respectful.
Circle one: 5 4 3 2 1 0
35. Handles conflicts and disagreements with sensitivity and tact.
Circle one: 5 4 3 2 1 0
36. Demonstrates high standards of integrity and fairness.
Circle one: 5 4 3 2 1 0
37. Treats everyone with dignity and respect.
Circle one: 5 4 3 2 1 0
38. Works to develop and foster high morale and positive relationships with staff.
Circle one: 5 4 3 2 1 0

Hawaii State Ethics Commission
Executive Director's Evaluation
August 20, 2020

5=Excellent 4=Good 3=Adequate 2=Less than adequate 1=Poor 0=No opinion

39. Willing to compromise or change course of action where appropriate.

Circle one: 5 4 3 2 1 0

40. Possesses team building skills and fosters effective teamwork.

Circle one: 5 4 3 2 1 0

(form revised August 2020)