

### OPINION NO. 33

A member of the House of Representatives of the state legislature who serves on various committees, including Agriculture and Public Institutions and Social Services, is also sole owner of a business which processes cattle and hogs for two state institutions, is a director of a state soil and water conservation district, and owns some shares of stock and several pieces of real estate.

He has requested an opinion on whether the above situation violates the state ethics code, chapter 84, HRS. We will discuss his three types of interests separately.

In his slaughter business, he has processed animals for the two state institutions for more than 20 years. The amount of slaughtering he does for these institutions is not great, amounting to approximately \$1,500 a year, less than 10 per cent of his gross. He processes an animal or two at a time, the animals being brought in whenever they are needed or ready for slaughter.

This employment interest does not constitute a per se violation of the ethics code. The work is not done pursuant to contract, but on a piecework basis for amounts of less than \$1,000, so he does not violate section 10 in performing it. Nor do we find here such overwhelming power in his position in the legislature as to constitute a violation of Section 13. The amount of work he does is small, and stems from a business relationship predating his position in the legislature. He is a member of the minority party in the House, which does not have confirmation power over appointments, and he chairs no committees. He does not deal directly with those in charge of the department with which he does business, and the public significance of this work is not great.

However, he is on at least two committees before which legislation affecting this interest may well pass. The Committee on Agriculture may well have before it legislation regulating or having a great impact on the slaughter business. And the Committee on Public Institutions and Social Services considers matters of importance to the two clients. When such legislation comes before committees of which he is a member, he must exercise great care to avoid any action which may constitute a use of position to obtain unwarranted privileges.

His position as one of five directors of a soil and water conservation district, for which service he receives no compensation, does not constitute a violation of the code. Under chapter 180, HRS, such districts are governmental subdivisions of the State, organized for the purpose of providing for the conservation and protection of the lands and water resources of the State. The funds for projects are donated by members of the district, the State only paying the expenses and per diem of the directors.

The main function of the directors of a district is to act as coordinators between members of the district and various federal, state and county services available to district members. This includes such services as preparing soil and land capability maps, ascertaining safe use of soil and crop adaptability, laying out fields for drainage to prevent erosion, etc.

Thus, he occupies two elective state offices with largely compatible purposes. The mere occupying of these two positions does not constitute a violation of the ethics code.

Finally, the legislator owns several pieces of real property and some shares of stock.

As we have said earlier, serving in the legislature does not preclude ownership of personal or real property, so long as the legislator does not use his official position to obtain unwarranted treatment, and so long as he declares any such interests which may be affected by the actions of a state agency to the State Ethics Commission.

Dated: Honolulu, Hawaii, June 24, 1969.

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