

## OPINION NO. 66

A legislator has submitted the following facts to the Commission:

1. He is the vice-president and a director of a Hawaii corporation wholly owned by his parents. This corporation has in the past, and still is, working on a project with a state agency. He is not active in managing the corporation, but he has rendered legal services to the corporation, primarily in the nature of drafting legal documents, for which he is paid a reasonable hourly rate.
2. He is also the attorney-in-fact with a general power of attorney for his parents.
3. He has stated that none of the committees of which he is a member has any relationship to, or passes any judgment on, the activities and matters involving the state agency and the corporation.

He inquires 1) whether he will be in violation of chapter 84, HRS, if he participates in the framing, drafting, debating or voting on the floor on legislation relating to the business and the state agency in particular; and 2) whether it is improper for him to sign for his parents in transactions involving the state agency. This Commission has suggested to other legislators in Opinion Nos. 26-28 and 48 that they should disclose their interests to the presiding officer and obtain a ruling on how the interests may limit their participation.

The Commission also recognizes that a vital part of the legislative process is the bargaining and trading of votes. The state ethics laws do not prohibit such legislative bargaining for the general benefit of a legislator's constituents, but when a legislator attempts to effect special legislation by legislative activity, be it drafting, signing, introducing or bargaining, for the primary benefit of his own private interests, he will be in violation of HRS, §84-13, relating to fair treatment.

From the facts before us, we find no violation of the ethics law. We do not believe his resignation as an officer or director of the corporation is necessary.

With respect to the second question, relating to signing (or appearing) for his parents in transactions involving the state agency, we do not find any violation of the state ethics law in view of the fact that his legislative power in committee has no direct effect upon the state agency.

Dated: Honolulu, Hawaii, March 30, 1970.

STATE ETHICS COMMISSION  
James F. Morgan, Jr., Chairman  
S. Don Shimazu, Vice Chairman  
Vernon F.L. Char, Commissioner

Note: Commissioners July Simeona and Margaret W. Smalley were excused from the meeting at which this opinion was considered and adopted.