

## OPINION NO. 298

A member of the state legislature asked the Commission to determine if his particular situation involved any conflict of interest or other violation under the state ethics code. At the time of his election, the legislator had been a state employee and he had taken leave without pay to serve his term.

The sections of the code that were most relevant to the question he had raised had only limited application to legislators. HRS §84-13 (Supp. 1975) prohibits the use of position for unwarranted advantage for one's self or others. However, this section also states that

Nothing herein shall be construed to prohibit a legislator from introducing bills and resolutions, serving on committees or from making statements or taking action in the exercise of his legislative functions. Every legislator shall file a full and complete disclosure of the nature and extent of the interest or transaction which he believes may be affected by legislative action.

While we noted that this section might still have application to him should he attempt to use his position before other governmental agencies to gain a particular and unwarranted advantage for himself we advised him that insofar as his legislative duties were concerned, this section was of no effect.

Similarly, we stated that the conflicts section of the code, HRS §84-14, had only limited application to legislators. HRS §§84-14(a) and (b) prohibit state employees from taking action directly affecting their substantial financial interests or from acquiring interests which may be involved in action they take as state employees; these sections do not restrict the activities of legislators. Other sections of HRS §84-14 do have application to legislators. For example, HRS §84-14(d) would prohibit a legislator from representing a person or business for a fee or other compensation to secure passage of a bill in which the legislator had participated or would participate as a legislator; further, a legislator might not represent a person or business for a fee on a bill before the Legislature of which he was a member. In this legislator's own case, this meant that he might not represent either his interests or those of his fellow state employees if an organization of these employees should compensate him for taking such action before the legislature.

In conclusion, our finding was that there was no conflict of interest or other violation of the ethics statute involved in his sitting as a member of the legislature. We noted that certain sections of the ethics code might apply to his conduct as a legislator in the same way that those sections restricted the activities of all legislators. His position as a state employee on leave without pay, however, did not distinguish his situation from that of other legislators.

Dated: Honolulu, Hawaii, April 7, 1977.

STATE ETHICS COMMISSION  
I.B. Peterson, Acting Chairman  
Gary B.K.T. Lee, Acting Vice Chairman  
Audrey P. Bliss, Commissioner

Note: Chairman Paul C.T. Loo and Commissioner Dorothy K. Ching were excused from the meeting at which this opinion was considered.