
A BILL FOR AN ACT

RELATING TO ETHICS.

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- Employment of immediate family; restrictions.

5 (a) The following persons shall not appoint or employ, or
6 promote or advocate for appointment or employment, a member of
7 the person's immediate family for a position over which the
8 person exerts supervisory authority:

9 (1) The governor;

10 (2) The lieutenant governor;

11 (3) Members of the legislature;

12 (4) County mayors;

13 (5) County prosecutors;

14 (6) Members of the county councils;

15 (7) Members of the board of education;

16 (8) Members of the board of trustees of the office of

17 Hawaiian affairs;



1 (9) Department heads and department executive officers;
2 and the deputies and assistants to department heads
3 and executive officers;

4 (10) Directors, chairpersons, and members of state boards
5 and commissions; and

6 (11) Executive officers and members of the board of
7 directors of bodies corporate and other public
8 instrumentalities established by law.

9 (b) For elected officials, the employment practices
10 proscribed by this section shall be proscribed from the time the
11 official is certified to have been elected pursuant to section
12 11-155. For appointed officials, the employment practices
13 proscribed by this section shall be proscribed from the date of
14 nomination for appointment, regardless of whether the
15 appointment requires advice and consent of the senate.

16 (c) The proscription on employment provided in this
17 section shall not apply to any individual who has been an
18 employee for at least twelve consecutive months prior to the
19 election or appointment of an immediate family member listed in
20 subsection (a), nor shall it apply to an individual who has been
21 an employee for at least twelve months prior to becoming an
22 immediate family member of a person listed in subsection (a);



1 provided that no such employee shall be eligible for promotion
2 or advancement while under the supervisory authority of an
3 immediate family member other than an increase in salary as may
4 be generally applied to other employees in the same or similar
5 positions.

6 (d) An individual appointed or employed in violation of
7 this section shall not be entitled to compensation, nor shall
8 funds be expended from the state treasury to pay an individual
9 for any service undertaken in violation of this section.

10 SECTION 2. Section 84-3, Hawaii Revised Statutes, is
11 amended by adding three new definitions to be appropriately
12 inserted and to read as follows:

13 "Child" means an individual who is a biological, adopted,
14 or foster son or daughter; a stepchild; or a legal ward.

15 "Immediate family" means a person's spouse or reciprocal
16 beneficiary, and any child, parent, grandparent, or sibling of
17 the person, and the spouses or reciprocal beneficiaries of those
18 persons. For the purposes of this section, "child" includes
19 stepchild.

20 "Sibling" means a full-blood brother or sister, and a step-
21 and half-blood brother or sister."



1 SECTION 3. Section 84-15, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§84-15 Contracts.** (a) [A] No state agency nor any body
4 corporate or public instrumentality established by law shall
5 ~~[not]~~ enter into any contract ~~[to procure or dispose of goods or~~
6 ~~services, or for construction]~~, the value for which is greater
7 than \$10,000, with ~~[a legislator,~~] an employee, or a business in
8 which ~~[a legislator or]~~ an employee has a controlling interest~~[~~
9 ~~involving services or property of a value in excess of \$10,000]~~
10 unless:

- 11 (1) The contract is awarded by competitive sealed bidding
12 pursuant to section 103D-302;
- 13 (2) The contract is awarded by competitive sealed proposal
14 pursuant to section 103D-303; or
- 15 (3) The agency, body corporate, or public instrumentality
16 posts a notice of its intent to award the contract and
17 files a copy of the notice with the state ethics
18 commission at least ten days before the contract is
19 awarded.

20 (b) No legislator, or business in which a legislator has a
21 controlling interest, shall enter into or seek to enter into any
22 contract, the value of which is greater than \$10,000, or enter



1 into or seek to enter into multiple contracts the aggregate
2 value of which is greater than \$10,000 in any one-year period,
3 with any state agency or with any body corporate or public
4 instrumentality established by law.

5 [~~(b)~~] (c) A state agency, or body corporate, or public
6 instrumentality established by law shall not enter into a
7 contract with any person or business which is represented or
8 assisted personally in the matter by a person who has been an
9 employee of the agency, body corporate, or public
10 instrumentality within the preceding two years and who
11 participated while in state office or employment in the matter
12 with which the contract is directly concerned."

13 SECTION 4. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 5. This Act shall take effect on November 4, 2008.



Report Title:
Ethics

Description:

Prohibits state officials from employing or influencing the employment of immediate family members in positions under the official's jurisdiction. Prohibits state agencies, body corporate, and public instrumentalities from entering into contracts valued at \$10,000 or more per year with employees and legislators. (SB945 HD1)

