

JAN 21 2011

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# A BILL FOR AN ACT

RELATING TO NEPOTISM.

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

1           SECTION 1. Chapter 84, Hawaii Revised Statutes, is amended  
2 by adding three new sections to be appropriately designated and  
3 to read as follows:

4           "§84-A Nepotism prohibited. No legislator or employee, by  
5 virtue of the legislator or employee's public office or  
6 employment, shall appoint, confirm the appointment of, or vote  
7 for the appointment or confirmation of the appointment of an  
8 individual to a position that is to be directly or indirectly  
9 compensated from public funds or fees if the individual is  
10 related to the legislator or employee within the third degree of  
11 consanguinity or by affinity.

12           §84-B Consanguinity, determination. (a) Two individuals  
13 are related to each other by consanguinity if:

14           (1) One is a descendant of the other; or

15           (2) They share a common ancestor.

16           An adopted child is considered to be a child of the  
17 adoptive parent for the purpose of consanguinity.



1        (b) The degree of relationship by consanguinity between an  
2 individual and the individual's descendant is determined by the  
3 number of generations that separate them. A parent and child  
4 are related in the first degree, a grandparent and grandchild in  
5 the second degree, a great-grandparent and great-grandchild in  
6 the third degree and so on.

7        (c) If an individual and the individual's relative are  
8 related by consanguinity, but neither is descended from the  
9 other, the degree of relationship is determined by adding:

10        (1) The number of generations between the individual and  
11 the nearest common ancestor of the individual and the  
12 individual's relative; and

13        (2) The number of generations between the relative and the  
14 nearest common ancestor.

15        (d) An individual's relatives within the third degree by  
16 consanguinity are the individual's:

17        (1) Parent or child (relatives in the first degree);

18        (2) Brother, sister, grandparent, or grandchild (relatives  
19 in the second degree); and

20        (3) Great-grandparent, great-grandchild, aunt who is a  
21 sister of a parent of the individual, uncle who is a  
22 brother of a parent of the individual, nephew who is a



1 child of a brother or sister of the individual, or  
2 niece who is a child of a brother or sister of the  
3 individual (relatives in the third degree).

4 **§84-C Affinity, determination.** (a) Two individuals are  
5 related to each other by affinity if:

- 6 (1) They are married to each other;  
7 (2) The spouse of one of the individuals is related by  
8 consanguinity to the other individual;  
9 (3) They are parties to a reciprocal beneficiary  
10 relationship;  
11 (4) They reside in the same household at the time of the  
12 act of nepotism, as set forth in section 84-A; or  
13 (5) They have a hanai relationship; provided that two  
14 individuals have a hanai relationship if they are not  
15 blood relatives and if one of them performed a  
16 substantial role in the upbringing or material support  
17 of the other, as attested to by the written or oral  
18 designation by one of them or the relatives of one of  
19 them.

20 (b) The ending of a marriage by divorce or the death of a  
21 spouse ends relationships by affinity created by that marriage  
22 unless a child of that marriage is living, in which case the



1 marriage is considered to continue as long as a child of that  
2 marriage lives."

3 SECTION 2. In codifying the new sections added by  
4 section 1 of this Act, the revisor of statutes shall substitute  
5 appropriate section numbers for the letters used in designating  
6 the new sections in this Act.

7 SECTION 3. New statutory material is underscored.

8 SECTION 4. This Act shall take effect upon its approval.

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**Report Title:**

Nepotism; Government

**Description:**

Prohibits the practice of nepotism by legislators and state employees.

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