
A BILL FOR AN ACT

RELATING TO ETHICS.

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

1 SECTION 1. Chapter 78, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§78- Elected officials; drug testing; disqualification
5 and forfeiture of office. (a) All elected officials shall
6 submit to testing for illegal drugs after certification of their
7 election and prior to taking the oath of office. Thereafter,
8 elected officials shall submit to testing for illegal drugs if
9 there is a reasonable suspicion that the official is using
10 illegal drugs. Testing shall be conducted in compliance with
11 chapter 329B and shall be conducted at the expense of the
12 elected official. Test results shall be provided to the
13 personnel officer of the branch of government to which the
14 official has been elected or in which the official holds office
15 and the personnel officer shall take action, as appropriate, to
16 effectuate the purposes of this section.



1 (b) Any elected official who tests positive for illegal
2 drugs shall immediately be disqualified from taking office and
3 forfeit any office held.

4 (c) For purposes of this section:

5 "Elected official" means the governor, lieutenant governor,
6 members of the senate and the house of representatives, county
7 mayors, elected county prosecutors, members of the county
8 councils, members of the board of education and of the board of
9 trustees of the office of Hawaiian affairs, and any person
10 certified pursuant to section 11-155 to have won election to one
11 of these offices but who has not yet taken the oath of office.

12 "Illegal drug" means any controlled substance, as defined
13 in chapter 329, for which the person does not possess a valid
14 prescription."

15 SECTION 2. Chapter 84, Hawaii Revised Statutes, is amended
16 by adding a new section to be appropriately designated and to
17 read as follows:

18 "§84- Employment of spouses; restrictions. No legislator
19 may appoint, employ, promote, advance, or advocate for
20 appointment, promotion, or advancement in a position as a
21 legislative employee in the office over which the legislator
22 exercises jurisdiction or control an individual who is a spouse



1 of the legislator. An individual may not be appointed,
2 employed, promoted, or advanced in a position as a legislative
3 employee if such appointment, employment, promotion, or
4 advancement has been advocated by a legislator who is a spouse
5 of the individual. An individual appointed, employed, promoted,
6 or advanced in violation of this section is not entitled to pay,
7 and money may not be paid from the state treasury as pay to an
8 individual so appointed, employed, promoted, or advanced."

9 SECTION 3. Section 84-3, Hawaii Revised Statutes, is
10 amended by adding a new definition to be appropriately inserted
11 and to read as follows:

12 "Legislative employee" means an employee of the
13 legislative branch."

14 SECTION 4. Section 84-15, Hawaii Revised Statutes, is
15 amended to read as follows:

16 **"§84-15 Contracts.** (a) A state agency shall not enter
17 into any contract to procure or dispose of goods or services, or
18 for construction, with [~~a legislator,~~] an employee, or a
19 business in which [~~a legislator or~~] an employee has a
20 controlling interest, involving services or property of a value
21 in excess of \$10,000 unless:



1 (1) The contract is awarded by competitive sealed bidding
2 pursuant to section 103D-302;

3 (2) The contract is awarded by competitive sealed proposal
4 pursuant to section 103D-303; or

5 (3) The agency posts a notice of its intent to award the
6 contract and files a copy of the notice with the state
7 ethics commission at least ten days before the
8 contract is awarded.

9 (b) No legislator, or a business in which a legislator has
10 a controlling interest, shall enter into any contract for goods,
11 services, or construction with any entity that receives any
12 state funding, where the contract involves goods, services, or
13 property of a value in excess of \$10,000 in any fiscal year.

14 ~~[(b)]~~ (c) A state agency shall not enter into a contract
15 with any person or business ~~[which]~~ that is represented or
16 assisted personally in the matter by a person who has been an
17 employee of the agency within the preceding two years and who
18 participated while in state office or employment in the matter
19 with which the contract is directly concerned."

20 SECTION 5. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.

22 SECTION 6. This Act shall take effect upon its approval.



Report Title:

Ethics

Description:

Requires drug testing of elected officials after certification of election, but prior to taking the oath of office, and upon reasonable suspicion thereafter. Prohibits legislators from employing spouses in office under the legislator's jurisdiction. Prohibits state agencies from entering into contracts with a legislator for goods or services valued at \$10,000 or more per year. (SB945 HD1)

