

JAN 20 2012

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## A BILL FOR AN ACT

RELATING TO THE STATE ETHICS CODE.

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

1           SECTION 1. The legislature finds that information  
2 gathering is an important and constitutionally protected  
3 legislative function. Accordingly, the legislature frequently  
4 creates advisory task forces and working groups that seek to  
5 include individuals from the private sector. The legislature  
6 values the input it receives from those who have interest or  
7 expertise in a particular subject area.

8           The legislature finds that an individual is subject to the  
9 ethics code as an employee of the State if the individual has  
10 been nominated, appointed, or elected, and is an officer or an  
11 employee of the State. The legislature further finds that  
12 individuals are selected or invited to participate on task  
13 forces and working groups; they are not nominated, appointed, or  
14 elected to those positions. The legislature also finds that  
15 there is no employee-employer relationship between the State and  
16 members of legislatively created task forces and working groups,  
17 as task force and working group members do not act on behalf of  
18 or bind the State in any manner and do not perform adjudicatory



1 or decision-making actions. Therefore, the legislature believes  
2 that members of task forces and working groups are not employees  
3 of the State for the purposes of the state ethics code.

4 The purpose of this Act is to clarify in statute the  
5 legislature's understanding that members of legislatively  
6 created task forces and working groups are not considered  
7 employees of the State for the purposes of the state ethics  
8 code.

9 SECTION 2. Section 84-3, Hawaii Revised Statutes, is  
10 amended by amending the definition of "employee" to read as  
11 follows:

12 "Employee" means any nominated, appointed, or elected  
13 officer or employee of the State, including members of boards,  
14 commissions, and committees, and employees under contract to the  
15 State or of the constitutional convention, but excluding  
16 legislators, delegates to the constitutional convention, members  
17 of legislatively created task forces and working groups,  
18 justices, and judges."

19 SECTION 3. New statutory material is underscored.  
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1 SECTION 4. This Act shall take effect upon its approval.

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# S.B. NO. 2183

**Report Title:**

State Ethics Code; Employees

**Description:**

Clarifies that members of legislatively created task forces and working groups are not considered employees of the State for the purposes of the state ethics code.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

