

JAN 23 2014

A BILL FOR AN ACT

RELATING TO NEPOTISM.

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

1 SECTION 1. The legislature finds that government is faced
2 with many calls for the institution or enhancement of the
3 standards governing the expenditure of public funds in the areas
4 of accountability, transparency, honesty, and the use of best
5 practices. Government has the responsibility to ensure that the
6 expenditure of public funds is performed in a prudent and
7 fiscally responsible manner. The legislature also finds that
8 there have been recent situations in which nepotism has been
9 charged regarding the hiring practices used by public officials
10 within the State of Hawaii. The legislature acknowledges that
11 there are no laws regulating the employment of relatives in
12 Hawaii's state or county governments.

13 The purpose of this Act is to:

14 (1) Prohibit a public official or public employee from
15 appointing, employing, promoting, or advancing a
16 relative within an agency over which the public
17 official or public employee exercises control; and



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1 (2) Prohibit a legislator from naming or appointing to
2 public office or employment, and from voting for the
3 confirmation of, a relative of the legislator.

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

7 "§84- Prohibitive practices; nepotism. (a) A public
8 official shall not advocate for a relative for appointment,
9 employment, promotion, or advancement to a position in the
10 public official's agency or in an agency over which the public
11 official exercises jurisdiction or control.

12 (b) No public official or public employee of the State
13 shall appoint, employ, promote, or advance to a position in an
14 agency over which the public official or public employee
15 exercises jurisdiction or control:

- 16 (1) A relative;
- 17 (2) A relative of another public official elected to or
18 employed by the same agency; or
- 19 (3) A relative of another public official who exercises
20 jurisdiction or control over the same agency,
21 except under circumstances where the relative is highly
22 qualified for the position.

1 (c) For the purpose of subsections (a) and (b), a public
2 official who recommends a relative or refers a relative for
3 consideration by a public official or public employee standing
4 lower in the chain of command for appointment, employment,
5 promotion, or advancement shall be presumed to have advocated
6 for the appointment, employment, promotion, or advancement of
7 the relative.

8 (d) No legislator shall name or appoint to public office
9 or employment, or vote for the confirmation of, a relative of
10 the legislator.

11 (e) As used in this section, unless the context clearly
12 requires otherwise:

13 "Agency" means a branch of government, office, department,
14 division, agency, instrumentality, or a body corporate of the
15 State any county.

16 "Chain of command" means the hierarchical line of personnel
17 having authority in an agency, in which the authority passes
18 down from the head of the agency through a series of supervisory
19 or executive positions and in which each public official is
20 accountable to the public official directly superior within the
21 line.



1 "Public employee" means any person receiving remuneration
2 from public funds and in a full-time equivalent position.

3 "Public official" means any nominated, appointed, or
4 elected officer receiving remuneration from public funds.

5 "Relative" means a father, mother, son, daughter, brother,
6 sister, uncle, aunt, first cousin, nephew, niece, grandparent,
7 grandchild, husband, wife, father-in-law, mother-in-law, son-in-
8 law, daughter-in-law, brother-in-law, sister-in-law, stepfather,
9 stepmother, stepson, stepdaughter, stepbrother, stepsister, half
10 brother, or half sister."

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

13 **"§84-2 Applicability.** This chapter shall apply to every
14 nominated, appointed, or elected officer, employee, and
15 candidate to elected office of the State and for election to the
16 constitutional convention, but excluding justices and judges[+],
17 except that section 84- shall apply to justices and judges;
18 provided that in the case of elected delegates and employees of
19 the constitutional convention, this chapter shall apply only to
20 the enforcement and administration of the code of ethics adopted
21 by the constitutional convention."



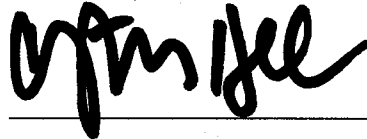
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1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: _____



S.B. NO. 2959

Report Title:

Nepotism; Standards of Conduct; Legislators; Judges

Description:

Prohibits a public official or public employee from appointing, employing, promoting, or advancing a relative within an agency over which the public official or public employee exercises control or the relative of another public official or employee employed by or exercising control over the same agency, except for a person who is highly qualified for the position. Prohibits legislators from appointing, employing, or voting to confirm a relative. Makes Act applicable to justices and judges.

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