



1 executive director from office, but only for neglect of duty,  
2 misconduct, or disability.

3 The salary of the executive director shall be fixed by the  
4 legislature and shall not be diminished during the executive  
5 director's term of office.

6 **§ -3 Staff; funding.** (a) The executive director may  
7 hire employees necessary to carry out the functions of the  
8 office. All employees shall serve at the executive director's  
9 pleasure.

10 (b) In determining the salary of the employees of the  
11 office, the executive director shall consult with the department  
12 of human resources development.

13 (c) The executive director and the executive director's  
14 full-time staff shall be entitled to participate in any employee  
15 benefit program plan or privilege available to other state  
16 employees.

17 **§ -4. Oversight and administrative responsibility;**  
18 **divisions.** (a) The office shall assume oversight and  
19 administrative responsibility for the office of the auditor,  
20 office of the ombudsman, office of information practices, Hawaii  
21 state ethics commission, and campaign spending commission.



1 (b) There is established within the office the following  
2 divisions:

3 (1) The audit division, which shall consist of the office  
4 of the auditor;

5 (2) The complaints division, which shall consist of the  
6 office of the ombudsman and office of information  
7 practices;

8 (3) The ethics division, which shall consist of the Hawaii  
9 state ethics commission; and

10 (4) The campaign spending division, which shall consist of  
11 the campaign spending commission."

12 SECTION 2. Section 11-311, Hawaii Revised Statutes, is  
13 amended by amending subsection (a) to read as follows:

14 "(a) There is established a campaign spending commission,  
15 which shall be placed within the [~~department of accounting and~~  
16 ~~general services for administrative purposes.~~] campaign spending  
17 division of the office of public accountability."

18 SECTION 3. Section 23-2, Hawaii Revised Statutes, is  
19 amended to read as follows:

20 "**§23-2 Auditor; appointment, tenure, removal.** The auditor  
21 shall be appointed, hold office for such term, and be subject to



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1 removal in the manner prescribed in [~~section 10, Article VII,~~  
2 article VII, section 10 of the Hawaii State Constitution. The  
3 office of the auditor shall be placed within in the audit  
4 division of the office of public accountability."

5 SECTION 4. Section 23-3, Hawaii Revised Statutes, is  
6 amended to read as follows:

7 "**§23-3 Salary of the auditor and appropriations.** (a)  
8 [~~Effective July 1, 2005, the salary of the auditor shall be the~~  
9 ~~same as the salary of the director of health.~~

10 ~~The salary of the auditor shall not be diminished during~~  
11 ~~the auditor's term of office, unless by general law applying to~~  
12 ~~all salaried officers of the State.] The salary of the auditor  
13 shall be fixed by the legislature and shall not be diminished  
14 during the auditor's term in office.~~

15 (b) The funds for the support of the auditor's office  
16 shall be provided for in the act providing for the expenses of  
17 the [~~legislature.~~] office of public accountability."

18 SECTION 5. Section 23G-1, Hawaii Revised Statutes, is  
19 amended to read as follows:

20 "**§23G-1 Legislative reference bureau; director,**  
21 **appointment, tenure, removal, compensation, vacancy.** The office



1 of the legislative reference bureau is established. The  
2 legislature, by a majority vote of each house in joint session,  
3 shall appoint a director for the bureau who shall serve for a  
4 period of six years and thereafter until a successor shall have  
5 been appointed. The legislature, by two-thirds vote of the  
6 members in joint session, may remove or suspend the director  
7 from office, but only for neglect of duty, misconduct, or  
8 disability.

9 If the director dies, resigns, becomes ineligible to serve,  
10 or is removed or suspended from office, the first assistant to  
11 the director shall become the acting director until a new  
12 director is appointed.

13 ~~[Effective July 1, 2005, the salary of the director shall~~  
14 ~~be the same as the salary of the director of health. The salary~~  
15 ~~of the director shall not be diminished during the director's~~  
16 ~~term of office, unless by general law applying to all salaried~~  
17 ~~officers of the State.] The salary of the director shall be~~  
18 ~~fixed by the legislature and shall not be diminished during the~~  
19 ~~director's term in office."~~

20 SECTION 6. Section 26-6, Hawaii Revised Statutes, is  
21 amended by amending subsection (b) to read as follows:



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- 1       "(b) The department shall:
- 2       (1) Preaudit and conduct after-the-fact audits of the
- 3             financial accounts of all state departments to
- 4             determine the legality of expenditures and the
- 5             accuracy of accounts;
- 6       (2) Report to the governor and to each regular session of
- 7             the legislature as to the finances of each department
- 8             of the State;
- 9       (3) Administer the state risk management program;
- 10       (4) Establish and manage motor pools;
- 11       (5) Manage the preservation and disposal of all records of
- 12             the State;
- 13       (6) Undertake the program of centralized engineering and
- 14             office leasing services, including operation and
- 15             maintenance and lease buyback processing pursuant to
- 16             subsection (d) of public buildings, for departments of
- 17             the State;
- 18       (7) Undertake the functions of the state surveyor;
- 19       (8) Establish accounting and internal control systems;



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1           (9) Under the direction of the chief information officer,  
2           provide centralized computer information management  
3           and processing services; and

4           (10) Establish a program to provide a means for public  
5           access to public information and develop an  
6           information network for state government[~~and~~

7           ~~(11) Assume administrative responsibility for the office of~~  
8           ~~information practices]."~~

9           SECTION 7. Section 84-21, Hawaii Revised Statutes, is  
10          amended by amending subsection (a) to read as follows:

11          "(a) There is established within the ethics division of  
12          the office of [the auditor for administrative purposes only]  
13          public accountability a commission to be known as the state  
14          ethics commission. The commission shall consist of five members  
15          appointed by the governor from a panel of ten persons nominated  
16          by the judicial council. Each member of the commission shall be  
17          a citizen of the United States and a resident of the State.  
18          Members of the commission shall hold no other public office."

19          SECTION 8. Section 84-35, Hawaii Revised Statutes, is  
20          amended to read as follows:



1       "~~§84-35~~ **Staff.** The ethics commission may employ and at  
2 pleasure remove [~~such~~] persons, including an executive director,  
3 as it may deem necessary for the performance of its functions.  
4 [~~Effective July 1, 2005, the salary of the executive director~~  
5 ~~shall be the same as the salary of the director of health.~~] The  
6 salary of the executive director shall be fixed by the  
7 legislature and shall not be diminished during the executive  
8 director's term of office. The commission shall fix the  
9 compensations of its employees within the amounts made available  
10 by appropriation therefor. The employees of the commission  
11 shall be exempt from chapter 76."

12       SECTION 9. Section 89C-1.5, Hawaii Revised Statutes, is  
13 amended by amending the definition of "appropriate authority" to  
14 read as follows:

15       ""Appropriate authority" means the governor, the respective  
16 mayors, the chief justice of the supreme court, the board of  
17 education, the board of regents, the state public charter school  
18 commission, the Hawaii health systems corporation board, the  
19 [~~auditor, the ombudsman,~~] executive director of public  
20 accountability, and the director of the legislative reference



1 bureau. These individuals or boards may make adjustments for  
2 their respective excluded employees."

3 SECTION 10. Section 92F-41, Hawaii Revised Statutes, is  
4 amended by amending subsection (a) to read as follows:

5 "(a) There is established an office of information  
6 practices within the [~~department of accounting and general~~  
7 ~~services for administrative purposes; provided that:~~

8 ~~(1) Any quasi-judicial functions of the office of~~  
9 ~~information practices shall not be subject to the~~  
10 ~~approval, review, or control of the comptroller; and~~

11 ~~(2) The comptroller shall not have the power to supervise~~  
12 ~~or control the office of information practices in the~~  
13 ~~exercise of its functions, duties, and powers under~~  
14 ~~section 92F-42.] complaints division of the office of  
15 public accountability."~~

16 SECTION 11. Section 96-2, Hawaii Revised Statutes, is  
17 amended to read as follows:

18 "**§96-2 Ombudsman; office established, appointment, tenure,**  
19 **removal, qualifications, salary, vacancy.** The office of  
20 ombudsman is established[~~-~~] within the complaints division of  
21 the office of public accountability. The legislature, by a



1 majority vote of each house in joint session, shall appoint an  
2 ombudsman who shall serve for a period of six years and  
3 thereafter until a successor shall have been appointed. An  
4 ombudsman may be reappointed but may not serve for more than  
5 three terms. The legislature, by two-thirds vote of the members  
6 in joint session, may remove or suspend the ombudsman from  
7 office, but only for neglect of duty, misconduct, or disability.

8 No person may serve as ombudsman within two years of the  
9 last day on which the person served as a member of the  
10 legislature, or while the person is a candidate for or holds any  
11 other state office, or while the person is engaged in any other  
12 occupation for reward or profit. [~~Effective July 1, 2005, the~~  
13 ~~salary of the ombudsman shall be the same as the salary of the~~  
14 ~~director of health. The salary of the ombudsman shall not be~~  
15 ~~diminished during the ombudsman's term of office, unless by~~  
16 ~~general law applying to all salaried officers of the State.] The  
17 salary of the ombudsman shall be fixed by the legislature and  
18 shall not be diminished during the ombudsman's term of office.~~

19 If the ombudsman dies, resigns, becomes ineligible to  
20 serve, or is removed or suspended from office, the first



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1 assistant to the ombudsman becomes the acting ombudsman until a  
2 new ombudsman is appointed for a full term."

3 SECTION 12. Section 96-3, Hawaii Revised Statutes, is  
4 amended by amending subsection (e) to read as follows:

5 "(e) The funds for the support of the office of the  
6 ombudsman shall be provided for in the act providing for the  
7 expenses of the [~~legislature.~~] office of public accountability."

8 SECTION 13. There is appropriated out of the general  
9 revenues of the State of Hawaii the sum of \$ or so  
10 much thereof as may be necessary for fiscal year 2021-2022 and  
11 the same sum or so much thereof as may be necessary for fiscal  
12 year 2022-2023 for the operating expenses of the office of  
13 public accountability.

14 The sums appropriated shall be expended by the office of  
15 public accountability for the purposes of this Act.

16 SECTION 14. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18 SECTION 15. This Act shall take effect on July 1, 2021.

19

INTRODUCED BY: *Dele A. Belotti*  
JAN 27 2021



# H.B. NO. 1341

**Report Title:**

Office of Public Accountability; Auditor; Ombudsman; OIP; State Ethics Commission; Campaign Spending Commission; LRB; Appropriation

**Description:**

Establishes the office of public accountability to assume oversight and administrative responsibility for the office of the auditor, office of the ombudsman, office of information practices, Hawaii state ethics commission, and campaign spending commission. Requires the salaries of the auditor, director of LRB, executive director of the Hawaii state ethics commission, and ombudsman to be set by the legislature. Appropriates funds.

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

