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# A BILL FOR AN ACT

RELATING TO STANDARDS OF CONDUCT.

**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 drugs. Testing shall be conducted in compliance with chapter  
11 329B. Testing shall be paid for by the elected official. Test  
12 results shall be provided to the personnel officer of the branch  
13 of government to which the official has been elected or in which  
14 the official holds office and the personnel officer shall take  
15 action, as appropriate, to effectuate the purposes of this  
16 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. Chapter 97, Hawaii Revised Statutes, is amended  
10 by adding a new section to be appropriately designated and to  
11 read as follows:

12 "§97- Spouses of legislators; lobbying restricted. If a  
13 legislator's spouse is a registered lobbyist or is employed or  
14 retained by a registered lobbyist for the purpose of influencing  
15 legislation, the legislator shall prohibit all staff employed by  
16 that legislator, including staff in personal, committee, and  
17 leadership offices, from having any official contact with the  
18 legislator's spouse. Legislators and employees on the staff of  
19 a legislator, including staff in personal, committee, and  
20 leadership offices, shall be prohibited from having any official  
21 contact with any spouse of a legislator who is a registered  
22 lobbyist or is employed or retained by such a registered



1 lobbyist. The prohibition in this section shall not apply to  
2 the spouse of a legislator who was serving as a registered  
3 lobbyist at least one year prior to the election of that  
4 legislator to office or at least one year prior to the  
5 lobbyist's marriage to that legislator."

6 SECTION 4. Section 84-3, Hawaii Revised Statutes, is  
7 amended by adding a new definition to be appropriately inserted  
8 and to read as follows:

9 "Legislative employee" means an employee of the  
10 legislative branch."

11 SECTION 5. New statutory material is underscored.

12 SECTION 6. This Act shall take effect on July 1, 2007.



**Report Title:**

Legislators; Standards of Conduct; Ethics

**Description:**

Establishes ethics requirements for legislators, spouse of legislators, employees, and lobbyists. (SD1)

