

JAN 21 2010

S.B. NO. 2318

A BILL FOR AN ACT

RELATING TO THE ETHICS COMMISSION.

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

1 SECTION 1. Section 84-17.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§84-17.5 Disclosure files; ~~[disposition.]~~ retention. (a)

4 All financial and gift disclosure statements filed by a
5 legislator, employee, or delegate to a constitutional convention
6 shall be maintained by the state ethics commission during the
7 term of office of the legislator, employee, or delegate and for
8 a period of six years thereafter. Upon the expiration of the
9 six-year period, the financial and gift disclosure ~~[statement]~~
10 statements and all paper copies thereof shall be destroyed~~[-]~~;
11 provided that the disclosure statements shall be retained for an
12 additional ten years in electronic form.

13 (b) Upon the expiration of six years after an election for
14 which a candidate for state elective office or a constitutional
15 convention has filed a financial disclosure statement, the state
16 ethics commission shall destroy the candidate's financial
17 disclosure statement and all paper copies thereof~~[-]~~; provided



1 that the financial disclosure statements shall be retained for
2 an additional ten years in electronic form.

3 (c) Financial and gift disclosure statements provided for
4 in [section] sections 84-11.5 and 84-17(d) shall [cease to be
5 public records once the six year period in subsection (a) or (b)
6 has run.] remain public records for so long as the statements
7 are available, either in paper or electronic form.

8 (d) [Nothing herein shall bar] Notwithstanding the
9 foregoing, the state ethics commission [from retaining] shall
10 retain a financial or gift disclosure statement or copy of a
11 financial or gift disclosure statement that is subject to a
12 request for access to a government document under chapter 92F,
13 has become part of a charge case or advisory opinion request, or
14 is part of an ongoing investigation.

15 (e) The state ethics commission may archive electronic
16 copies of disclosure statements required to be retained under
17 this section in a storage facility or the state archives. The
18 state ethics commission shall adopt rules regarding records
19 retention and archiving procedures for the disclosure statements
20 that shall be applied in a uniform and nondiscriminatory
21 manner."



1 SECTION 2. Section 97-4, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§97-4 Manner of filing; statement files; retention;
4 public records. All statements required by this chapter to be
5 filed with the state ethics commission:

6 (1) Shall be deemed properly filed when delivered or
7 deposited in an established post office within the
8 prescribed time, duly stamped, registered, or
9 certified, and directed to the state ethics
10 commission; provided, however, in the event it is not
11 received, a duplicate of the statement shall be
12 promptly filed upon notice by the state ethics
13 commission of its nonreceipt; [and]

14 (2) Shall be preserved by the state ethics commission for
15 a period of four years from the date of filing; [and
16 ~~shall constitute part of the public records of the~~
17 ~~state ethics commission.] provided that the statements
18 shall be retained for an additional ten years in
19 electronic form. The state ethics commission may
20 archive electronic copies of statements required to be
21 retained under this section in a storage facility or
22 the state archives. The state ethics commission shall~~



1 adopt rules regarding records retention and archiving
2 procedures for the statements that shall be applied in
3 a uniform and nondiscriminatory manner; and
4 (3) Shall remain public records for so long as the
5 statements are available, either in paper or
6 electronic form."

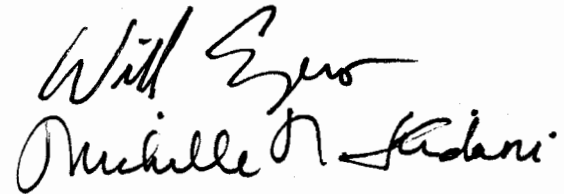
7 SECTION 3. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 4. This Act shall take effect on July 1, 2010.

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INTRODUCED BY:







Report Title:

Ethics Commission; Retention of Disclosure Information; Records

Description:

Requires the ethics commission to retain, in electronic form for ten years, financial and gift disclosure statements filed by legislators, employees, and delegates to a constitutional convention and statements filed by lobbyists. Makes such documents public records for so long as the documents are available, either in paper or electronic form.

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