

JAN 19 2022

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# A BILL FOR AN ACT

RELATING TO MANDATORY ETHICS TRAINING.

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

1           SECTION 1. The legislature finds that requiring all state  
2 officers and employees to be educated on the state ethics code  
3 is in the best interests of the State. Regular training by the  
4 state ethics commission will ensure that state employees are  
5 aware of current ethics laws, and will increase the public's  
6 confidence in state government.

7           Accordingly, the purpose of this Act is to establish an  
8 online ethics training course to be designed and administered by  
9 the state ethics commission and to make ethics training  
10 mandatory for all state officers and employees.

11           SECTION 2. Section 84-42, Hawaii Revised Statutes, is  
12 amended to read as follows:

13           "~~{}~~§84-42~~{}~~ **Mandatory ethics training course.** ~~[All~~  
14 ~~state officers and employees enumerated in section 84-41]~~ (a)  
15 Legislators, members of the board of education, trustees of the  
16 office of Hawaiian affairs, the governor, the lieutenant  
17 governor, executive department heads and deputies, and every



1 other person whose financial disclosure statement is a public  
 2 record pursuant to section 84-17(d) shall complete [an] a live  
 3 ethics training course administered by the state ethics  
 4 commission [as provided in this part. For the purposes of this  
 5 part, "ethics training" includes education and training in:

6 ~~(1) The ethics laws set forth in this chapter; and~~  
 7 ~~(2) The lobbying laws set forth in chapter 97.]~~ within  
 8 ninety days of taking office and at least once every  
 9 four years thereafter.

10 (b) All other employees shall complete either a live or an  
 11 online ethics training course administered by the state ethics  
 12 commission within ninety days of becoming an employee and at  
 13 least once every four years thereafter."

14 SECTION 3. Section 84-43, Hawaii Revised Statutes, is  
 15 amended to read as follows:

16 **"§84-43 Ethics training [~~course.]~~ courses; live and**  
 17 **online.** (a) The state ethics commission shall establish,  
 18 design, supervise, and conduct live and online ethics training  
 19 courses for [~~the officers]~~ all legislators and employees [~~to~~  
 20 ~~whom this part applies]~~.



1 (b) The live ethics training course may be conducted in  
2 person or via videoconference and shall include:

3 (1) Explanations and discussions of the ethics laws,  
4 administrative rules, and relevant internal policies;

5 (2) Specific technical and legal requirements;

6 (3) The underlying purposes and principles of ethics laws;

7 (4) Examples of practical application of the laws and  
8 principles; and

9 (5) A question-and-answer participatory segment regarding  
10 common problems and situations.

11 The state ethics commission shall develop the methods and  
12 prepare any materials necessary to implement the live ethics  
13 training course.

14 (c) The online ethics training course shall include  
15 explanations, discussions, and examples of the practical  
16 application of ethics laws and principles as the ethics  
17 commission deems appropriate. The state ethics commission shall  
18 develop the methods and prepare any materials necessary to  
19 implement the online ethics training course.

20 [~~e~~] (d) The state ethics commission shall:

21 (1) Administer the ethics training [~~course~~] courses;



- 1           (2) Designate those of its legal staff who are to conduct  
2           the live ethics training course; ~~and~~
- 3           (3) Notify each ~~[officer]~~ legislator or employee  
4           ~~[enumerated in section 84-41]~~, either directly or via  
5           the employee's employing agency, that their attendance  
6           or participation in ~~[this]~~ an applicable ethics  
7           training course is mandatory~~[-]~~, provided that a  
8           legislator's or employee's non-receipt of notice shall  
9           not be a defense to a charge concerning a violation of  
10           this chapter; and
- 11           (4) Design and administer the online ethics training  
12           course.
- 13           ~~[(d)]~~ (e) The state ethics commission may repeat the live  
14           course as necessary to accommodate all persons who are required  
15           to attend.
- 16           ~~[(e)]~~ (f) Each state agency shall provide to the state  
17           ethics commission in a timely manner the names and email  
18           addresses of those persons required to take the applicable  
19           course ~~[in a timely manner]~~ and shall assist the commission by  
20           providing adequate meeting facilities and equipment for the  
21           ethics training ~~[course.]~~ courses."



1 SECTION 4. Section 84-41, Hawaii Revised Statutes, is  
2 repealed.

3 [~~"§84-41 Applicability of part. This part applies to~~  
4 ~~legislators, members of the board of education, trustees of the~~  
5 ~~office of Hawaiian affairs, the governor, the lieutenant~~  
6 ~~governor, and executive department heads and deputies. This~~  
7 ~~part does not apply to any other officer or employee of the~~  
8 ~~State."~~]

9 SECTION 5. Notwithstanding any law to the contrary, all  
10 state legislators and employees who are in active service on the  
11 effective date of this Act shall successfully complete an online  
12 or live ethics training course, as applicable, within twelve  
13 months following the effective date of this Act and at least  
14 once every four years thereafter; provided that the requirement  
15 to successfully complete an ethics training course within the  
16 twelve month period immediately following the effective date of  
17 this Act shall not apply to those state legislators or employees  
18 who, within the past three years from the effective date of this  
19 Act, have successfully completed an online or live ethics  
20 training course, as applicable.

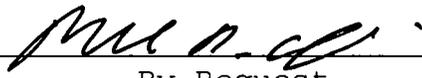


# S.B. NO. 2039

1 SECTION 6. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 7. This Act shall take effect on July 1, 2023.

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INTRODUCED BY:   
By Request



# S.B. NO. 2039

**Report Title:**

Hawaii State Ethics Commission Package; Ethics Code; Live and Online Classes; Mandatory Training

**Description:**

Requires all new state employees to complete ethics training either live or online within 90 days of the start of employment and every 4 years thereafter. Requires existing employees who have not received ethics training within the immediately preceding 3 years to complete live or online ethics training within 12 months of the Act's effective date and at least once every 4 years thereafter. Specifies that certain state officers shall complete live ethics training.

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

