
A BILL FOR AN ACT

RELATING TO STANDARDS OF CONDUCT.

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

1 SECTION 1. The legislature finds that it is in the public
2 interest that elected officials avoid not only conflicts of
3 interest that violate the State Ethics Code, but also any
4 appearance of conflict between their public and private duties.
5 The legislature finds that to accomplish this purpose, a
6 permanent, internal mechanism for providing legislative
7 oversight over the conduct of legislators should be established,
8 that mirrors procedures of the state ethics commission, and
9 ensures fairness, confidentiality, and due process.

10 The purpose of this Act is to uphold the public trust by
11 increasing government accountability through the establishment
12 of legislative standards of conduct committees to enforce the
13 legislature's standards of conduct.

14 SECTION 2. Chapter 84, Hawaii Revised Statutes, is amended
15 by adding a new part to be appropriately designated and to read
16 as follows:

17 **"PART . LEGISLATIVE STANDARDS OF CONDUCT COMMITTEES**



1 **§84-A House and senate legislative standards of conduct**

2 **committees established.** (a) Each house of the legislature
3 shall establish a bipartisan standards of conduct committee.
4 Each legislative standards of conduct committee shall be
5 appointed as follows: . The speaker of the house of
6 representatives and senate president shall serve as chairs of
7 their committees.

8 (b) The legislative reference bureau shall act as clerk of
9 each committee, without additional compensation. The
10 legislative reference bureau shall make and file as a record of
11 the respective body, a careful record of each committee
12 proceeding. Each legislative standards of conduct committee may
13 issue subpoenas and administer oaths for the purposes of the
14 committee.

15 (c) Each house shall establish its standards of conduct
16 committee by rule and shall be responsible for the expenses of
17 its committee.

18 **§84-B Duties of legislative standards of conduct**

19 **committees.** (a) Each legislative standards of conduct
20 committee shall:

21 (1) Adopt rules of procedure;



- 1 (2) Recommend ethics rules for members and employees of
2 its respective house;
- 3 (3) Review ethics issues as requested by the speaker of
4 the house for the house of representatives standards
5 of conduct committee, and the president of the senate
6 for the senate standards of conduct committee; and
- 7 (4) Perform the duties required by section 84-C.

8 **§84-C Charge; forwarding; determination.** (a) A person
9 alleging an ethics violation by a member of the legislature may
10 file a charge with the legislative standards of conduct
11 committee of the member's house. The charge shall be in writing
12 and signed under oath by the person making the charge.

13 (b) The legislative standards of conduct committee shall
14 immediately forward the charge to the state ethics commission,
15 which shall act upon the charge as provided by section 84-E.

16 (c) Upon receipt of a decision by the state ethics
17 commission pursuant to section 84-E that a charge does not fall
18 within the commission's jurisdiction, the legislative standards
19 of conduct committee shall determine whether there is sufficient
20 cause to file a complaint against the legislator. If sufficient
21 cause exists, the committee shall issue a complaint that
22 contains a statement of the facts alleged to constitute the



1 violation. The legislative standards of conduct committee shall
2 determine whether disciplinary action is warranted and, if so,
3 report its decision to the legislative body. The investigation
4 of the charge, complaint, and other proceedings of the committee
5 at this stage shall be on a confidential basis. The committee's
6 final decision on the complaint shall be in writing and signed
7 by or more of the members of the committee, and shall be a
8 public record.

9 (d) All actions taken by a legislative standards of
10 conduct committee shall be by majority vote of the members to
11 which the committee is entitled.

12 **§84-D Power of each house to organize and discipline.**

13 Nothing in this part shall be construed to diminish or constrain
14 the constitutional power of each house of the legislature to
15 determine the rules of its proceedings, determine the
16 qualifications of its members, and punish its members for
17 misconduct, disorderly behavior, or neglect of duty."

18 SECTION 3. Chapter 84, Hawaii Revised Statutes, is amended
19 by adding a new section to part IV to be appropriately
20 designated and to read as follows:

21 **§84-E Complaints forwarded by legislative standards of**
22 **conduct committees; procedure.** With respect to charges



1 forwarded to the ethics commission by a legislative standards of
2 conduct committee, the commission shall determine whether the
3 allegations, if true, fall within the jurisdiction of the
4 commission. If the commission determines that the charge:

5 (1) Falls within its jurisdiction it shall proceed with
6 the charge under section 84-31(b);

7 (2) Does not fall within its jurisdiction it shall return
8 the charge to the legislative standards of conduct
9 committee which forwarded it; or

10 (3) Is frivolous on its face it shall dismiss the charge.

11 In each instance the commission shall promptly provide the
12 legislative standards of conduct committee with an explanation
13 of the commission's decision on the charge. All charges
14 forwarded to the ethics commission under this section and
15 actions on charges taken pursuant to this section shall be
16 confidential as provided in this chapter."

17 SECTION 4. In codifying the new sections added by sections
18 2 and 3 of this Act, the revisor of statutes shall substitute
19 appropriate section numbers for the letters used in designating
20 the new sections in this Act.

21 SECTION 5. New statutory material is underscored.

22 SECTION 6. This Act shall take effect on January 1, 2112.



Report Title:

Legislators; Standards of Conduct; Ethics

Description:

Establishes legislative standards of conduct committees.
(HB1909 HD1)

