

JAN 24 2007

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# A BILL FOR AN ACT

RELATING TO ETHICS.

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

1           SECTION 1. The legislature finds that legislation should  
2 reflect the views of the many, rather than the few. Self-  
3 dealing legislation that benefits only special interests does a  
4 disservice to all of the citizens of Hawaii. The state ethics  
5 commission has jurisdiction over legislators' alleged conflicts  
6 of interests. However, a procedure is needed within the  
7 legislature, itself, to allow the legislature to promptly  
8 identify and advise its members on potential conflicts of  
9 interest, and to investigate, evaluate, and pass judgment on  
10 those of its members who have betrayed the public's trust.

11           The purpose of this Act is to better ensure that  
12 legislation reflects the views of the many, by establishing an  
13 ethics committee for each chamber of the legislature that will:

- 14           (1) Initiate, receive, and consider conflict of interest  
15                 complaints involving legislators; and  
16           (2) Render advisory opinions and recommend disciplinary  
17                 action.



1 SECTION 2. Chapter 21, Hawaii Revised Statutes, is amended  
2 by adding a new part to be appropriately designated and to read  
3 as follows:

4 "PART II. LEGISLATIVE ETHICS COMMITTEES

5 §21- Establishment of legislative ethics committees.

6 (a) There shall be two ethics committees, one in the house of  
7 representatives, and one in the senate, which shall be  
8 constituted no later than seven days after the convening of the  
9 legislature. Each committee shall consist of six members of the  
10 respective body.

11 (b) Members of the house of representatives ethics  
12 committee shall be appointed as follows:

13 (1) Three representatives by the speaker of the house of  
14 representatives; and

15 (2) Three representatives by the minority leader of the  
16 house of representatives.

17 The speaker and minority leader of the house of representatives  
18 shall each designate one of their respective appointees as a co-  
19 chair of the committee.

20 (c) Members of the senate ethics committee shall be  
21 appointed as follows:

22 (1) Three senators by the president of the senate; and



1           (2) Three senators by the minority leader of the senate.  
2 The president and minority leader of the senate shall each  
3 designate one of their respective appointees as a co-chair of  
4 the committee.

5           (d) The auditor shall act as clerk of each committee,  
6 without extra compensation, and shall make a careful record of  
7 each proceeding which shall be filed as a record of the  
8 respective body. The auditor may issue subpoenas, administer  
9 oaths, and exercise those powers conferred upon the auditor by  
10 chapter 23, for the execution of committee work. Any action,  
11 including but not limited to an action to consider a complaint  
12 and convene a hearing, taken by a committee shall require the  
13 affirmative vote of no fewer than three members. Complaints and  
14 the disposition of complaints shall be a matter of public  
15 record.

16           **§21- Powers and duties of ethics committees.** Each  
17 committee for their respective chamber of the legislature:

18           (1) Shall have the power to investigate alleged ethics  
19 violations governed by chapter 84 in all proceedings  
20 commenced within one year of the alleged violation;  
21 provided that nothing shall bar proceedings against a



- 1 legislator who by fraud or other device prevents  
2 discovery of a violation under chapter 84;
- 3 (2) May initiate and consider complaints alleging  
4 conflicts of interest involving legislators;
- 5 (3) Shall adopt, amend, and repeal rules for the committee  
6 that in the judgment of the committee are appropriate  
7 to carry out the provisions of this part;
- 8 (4) May render advisory opinions as to whether facts and  
9 circumstances of a particular case constitute or will  
10 constitute a violation of this part; and
- 11 (5) May recommend appropriate disciplinary action for any  
12 violations."

13 SECTION 3. Chapter 21, Hawaii Revised Statutes, is amended  
14 by designating sections 21-1 through 21-19 as part I and adding  
15 a title before section 21-1 to read as follows:

16 **"PART I. LEGISLATIVE INVESTIGATING COMMITTEES"**

17 SECTION 4. Section 21-1, Hawaii Revised Statutes, is  
18 amended to read as follows:

19 "**§21-1 Purpose.** The purpose of this [~~chapter~~] part is to  
20 establish procedures governing legislative investigating  
21 committees to provide for the creation and operation of  
22 legislative investigating committees in a manner which will



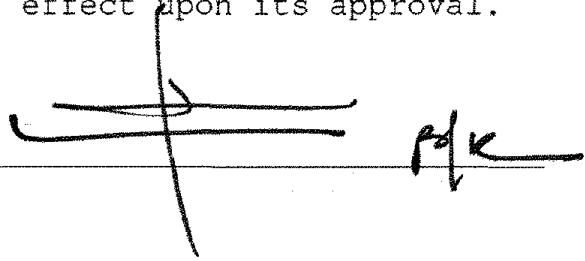
1 enable them to perform properly the powers and duties vested in  
2 them, including the conduct of hearings, in a fair and impartial  
3 manner, consistent with protection of the constitutional rights  
4 of persons called to testify at such hearings and preservation  
5 of the public good."

6 SECTION 4. New statutory material is underscored.

7 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

A handwritten signature consisting of a large, stylized 'F' with a vertical line through it, followed by the initials 'P/K'.



**Report Title:**

Legislative Ethics Committees

**Description:**

Requires the House of Representatives and Senate to each establish an ethics committee for each chamber of the Legislature to initiate, receive, and consider ethics complaints involving legislators, render advisory opinions, and recommend disciplinary action.

