

Honolulu, Hawaii

APR 05 2012

RE: H.B. No. 468
H.D. 1
S.D. 2

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred H.B. No. 468, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO COUNTY ETHICS COMMISSIONS,"

begs leave to report as follows:

The purpose and intent of this measure is to enact standards for the selection of county ethics commissioners to ensure their impartiality and independence. Specifically, this measure:

- (1) Requires each county to adopt a charter amendment for a selection process for county ethics commissioners that provides for the Judicial Council to nominate at least three persons for each vacant seat on a county ethics commission for appointment by the mayor; and
- (2) Establishes standards for the Judicial Council to consider in nominating county ethics commissioners.

Your Committee received testimony in support of this measure from the League of Women Voters of Hawaii and Common Cause Hawaii. The Department of the Attorney General submitted comments.

Your Committee finds that county ethics commissions should be independent and nonpartisan. The members must have the will and the courage to fulfill their duties with impartiality and due diligence. The selection process is critical to ensuring their independence and impartiality.



However, the Department of the Attorney General raised concerns with respect to mandating each county to adopt a charter amendment to provide that the Judicial Council nominate the members to serve on its county ethics commission. As such, the Department suggested that the selection process for ethics commissioner nominations remain at the discretion of each county.

Your Committee has amended this measure by:

- (1) Adopting the language suggested by the Department of the Attorney General to amend section 601-4, Hawaii Revised Statutes, to authorize the Judicial Council to nominate persons for appointment to a county ethics commission only if that county's charter or ordinance requires members of the commission to be appointed from nominations made by the State's Judicial Council; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 468, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 468, H.D. 1, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,

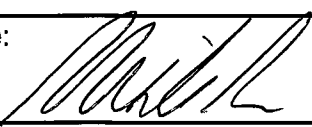


CLAYTON HEE, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 468, SDI	PAM, JDL	3/29/12		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)	✓			
GABBARD, Mike				✓
IHARA, Jr., Les	✓			
SLOM, Sam				✓
TOTAL	3			2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes