

JAN 18 2013

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# A BILL FOR AN ACT

RELATING TO COUNTY ETHICS COMMISSIONS.

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

1           SECTION 1. Article XIV of the Hawaii State Constitution  
2 provides in pertinent part: "Each code of ethics shall be  
3 administered by a separate ethics commission . . . . The  
4 members of ethics commissions shall be prohibited from taking an  
5 active part in political management or in political campaigns.  
6 Ethics commissioners shall be selected in a manner which assures  
7 their independence and impartiality."

8           Each member of the state ethics commission is appointed by  
9 the governor from a panel of ten persons nominated by the  
10 judicial council. The Hawaii supreme court appoints members of  
11 the judicial council, which does not presently include  
12 legislators. In contrast, members of each of the county ethics  
13 commissions are appointed by the mayor of the county and  
14 confirmed by the county council, both of which are subject to  
15 oversight by the particular county ethics commission.

16           The purpose of this Act is to afford the counties the same  
17 opportunity the State has been given, to assure the independence  
18 and impartiality of their respective ethics commissions, by



1 authorizing the State's judicial council to nominate persons for  
2 appointment to a county ethics commission; provided that the  
3 county's charter or ordinance requires members of the commission  
4 to be appointed from nominations made by the State's judicial  
5 council.

6 SECTION 2. Section 601-4, Hawaii Revised Statutes, is  
7 amended to read as follows:

8 "§601-4 **Judicial council.** (a) The supreme court shall  
9 provide for the appointment of a judicial council which shall  
10 serve in an advisory capacity only. The judicial council shall  
11 give continuing consideration to the administration of justice  
12 in the courts of the State. It shall make reports and  
13 recommendations biennially to the supreme court and also  
14 whenever deemed advisable by the court. The chief justice shall  
15 be a member and chairperson of the judicial council. The  
16 supreme court shall appoint, from time to time, such number of  
17 other members as it deems necessary to be fairly representative,  
18 but not to exceed fifteen, whose terms shall be in accordance  
19 with the rules of the supreme court. The members of the  
20 judicial council shall include laypersons as well as judges and  
21 lawyers. The members of the judicial council shall receive no  
22 compensation for their service but they shall be reimbursed for



1 their traveling and other expenses incidental to attending  
2 meetings.

3 (b) In addition to the duties and responsibilities  
4 assigned under subsection (a), the judicial council shall  
5 nominate persons for appointment to a county's ethics  
6 commission; provided that the county's charter or ordinance  
7 requires members of its ethics commission to be appointed from  
8 nominations made by the State's judicial council."

9 SECTION 3. New statutory material is underscored.

10 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

*Handwritten signatures:*  
Hedlung  
Randy Tom  
C. M. Sloan  
R. P.  
Will Eyo



# S.B. NO. 835

**Report Title:**

County Ethics Commissions; Selection of Members; Judicial Council

**Description:**

Authorizes the judicial council to nominate persons for appointment to a county ethics commission; provided that the county's charter or ordinance requires members of the commission to be appointed from nominations made by the judicial council.

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

