

STAND. COM. REP. NO.

172

Honolulu, Hawaii

FEB 11 2013

RE: S.B. No. 835

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committee on Public Safety, Intergovernmental and
Military Affairs, to which was referred S.B. No. 835 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 authorize 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.

Your Committee received testimony in support of this measure
from the League of Women Voters, Common Cause Hawaii, and one
individual.

Your Committee finds that each member of the Hawaii State
Ethics Commission is appointed by the Governor from a panel of ten
persons nominated by the Judicial Council. The Hawaii Supreme
Court appoints members of the Judicial Council, which does not
presently include legislators. In contrast, members of each of
the county ethics commissions are appointed by the Mayor of the
county and confirmed by the county or city council, both of which
are subject to oversight by the particular county ethics
commission.

Article XIV of the Hawaii State Constitution provides in
pertinent part: "Each code of ethics shall be administered by a
separate ethics commission . . . The members of ethics commissions
shall be prohibited from taking an active part in political

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management or in political campaigns. Ethics commissioners shall be selected in a manner which assures their independence and impartiality."

This measure affords the counties the same opportunity the State has been given, to assure the independence and impartiality of their respective ethics commissions, by authorizing the State's Judicial Council to nominate persons for appointment to a county ethics commission.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 835 and recommends that it pass Second Reading and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety,
Intergovernmental and Military
Affairs,



WILL ESPERO, Chair



