
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 5. New statutory material is underscored.

7 SECTION 6. This Act shall take effect upon its approval.

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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.

