

JAN 22 2010

A BILL FOR AN ACT

RELATING TO THE LEGISLATURE.

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

1 SECTION 1. 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-A Establishment of legislative ethics committees. (a)

6 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;



1 provided that if the house of representatives has less than
2 three minority members, the membership of the ethics committee
3 shall be adjusted to ensure equal numerical representation
4 between majority and minority members. The speaker and minority
5 leader of the house of representatives shall each designate one
6 of their respective appointees as a co-chair of the committee.

7 (c) Members of the senate ethics committee shall be
8 appointed as follows:

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

10 (2) Three senators by the minority leader of the senate;
11 provided that if the senate has less than three minority
12 members, the membership of the ethics committee shall be
13 adjusted to ensure equal numerical representation between
14 majority and minority members. The president and minority
15 leader of the senate shall each designate one of their
16 respective appointees as a co-chair of the committee.

17 (d) The auditor shall act as clerk of each committee,
18 without additional compensation, and shall make a careful record
19 of each proceeding; provided that the committee shall make rules
20 regarding what shall be a public record. The auditor may issue
21 subpoenas, administer oaths, and exercise those powers conferred
22 upon the auditor by chapter 23, for the execution of committee



1 work. Any action, including but not limited to an action to
2 consider a complaint and convene a hearing, taken by a committee
3 shall require the affirmative vote of no fewer than one-half of
4 the respective committee's members.

5 **§21-B Powers and duties of ethics committees.** (a) The
6 ethics committee for a respective chamber of the legislature,
7 with regard to their respective members:

8 (1) Shall have the power to investigate:

9 (A) Alleged ethics violations governed by chapter 84
10 in all proceedings commenced within one year of
11 the alleged violation; provided that nothing
12 shall bar proceedings against a legislator who by
13 fraud or other device prevents discovery of a
14 violation under chapter 84;

15 (B) Any alleged conflict of interest, misconduct,
16 disorderly behavior, or neglect of duty; and

17 (C) Alleged violations of the rules and policies of
18 the respective chambers; provided that the rules
19 and policies are adopted by the respective
20 chamber;

21 (2) May initiate and consider complaints, including
22 complaints received from members of the public,



1 alleging ethics violations, conflicts of interest,
2 misconduct, disorderly behavior, neglect of duty, or
3 violations of the respective chambers' rules and
4 policies 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, including
8 but not limited to the review of complaints, a
9 standard of review, the investigation of complaints,
10 and what records are open to public inspection;

11 (4) May render advisory opinions as to whether facts and
12 circumstances of a particular case constitute or will
13 constitute a violation of law, rule, or policy; and

14 (5) May recommend appropriate disciplinary action for any
15 violations.

16 (b) An ethics committee may undertake an investigation of
17 the complaint submitted to the respective committee upon a
18 prerequisite finding that the legislator has acted with the
19 appearance of impropriety."

20 SECTION 2. Chapter 21, Hawaii Revised Statutes, is amended
21 by designating sections 21-1 through 21-19 as part I and adding
22 a title before section 21-1 to read as follows:



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

2 SECTION 3. Section 21-1, Hawaii Revised Statutes, is
3 amended to read as follows:

4 **"§21-1 Purpose.** The purpose of this [~~chapter~~] part is to
5 establish procedures governing legislative investigating
6 committees to provide for the creation and operation of
7 legislative investigating committees in a manner which will
8 enable them to perform properly the powers and duties vested in
9 them, including the ethics of hearings, in a fair and impartial
10 manner, consistent with protection of the constitutional rights
11 of persons called to testify at such hearings and preservation
12 of the public good."

13 SECTION 4. Section 92-10, Hawaii Revised Statutes, is
14 amended to read as follows:

15 **"§92-10 Legislative branch; applicability. (a)**
16 Notwithstanding any provisions contained in this chapter to the
17 contrary, open meeting requirements, and provisions regarding
18 enforcement, penalties, and sanctions, as they are to relate to
19 the state legislature or to any of its members shall be such as
20 shall be from time to time prescribed by the respective rules
21 and procedures of the senate and the house of representatives,
22 which rules and procedures shall take precedence over this part.



1 Similarly, provisions relating to notice, agenda and minutes of
2 meetings, and such other requirements as may be necessary, shall
3 also be governed by the respective rules and procedures of the
4 senate and the house of representatives.

5 (b) A committee established pursuant to section 21-A may
6 hold executive meetings closed to the public upon the adoption
7 of rules for the review and investigation of complaints. A
8 meeting closed to the public shall be limited to matters
9 exempted by the rules of the respective house of the
10 legislature."

11 SECTION 5. Section 92F-3, Hawaii Revised Statutes, is
12 amended by amending the definition of "agency" to read as
13 follows:

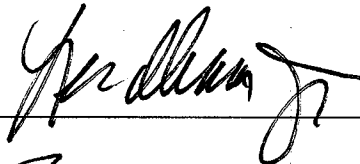
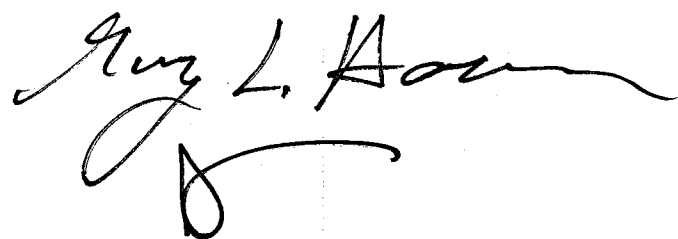
14 "Agency" means any unit of government in this State, any
15 county, or any combination of counties; department; institution;
16 board; commission; district; council; bureau; office; governing
17 authority; other instrumentality of state or county government;
18 or corporation or other establishment owned, operated, or
19 managed by or on behalf of this State or any county, but does
20 not include the nonadministrative functions of the courts of
21 this State[-] or legislative ethics committees established
22 pursuant to section 21-A."



1 SECTION 6. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 7. This Act shall take effect upon its approval.
4

INTRODUCED BY:


Suzanne Chun Oakland




Report Title:

Legislative Ethics Committees

Description:

Requires the house of representatives and the senate to each establish an ethics committee for each chamber to initiate, receive, and consider complaints of violations of law, rule, or policy involving legislators; authorizes the committees to render advisory opinions and recommend disciplinary action.

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

