Honolulu, Hawaii

FEB 1 1 2013

S.B. No. 835 RE:

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

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

The Senate Twenty-Seventh Legislature State of Hawai'i

Record of Votes Committee on Public Safety, Intergovernmental and Military Affairs PSM

Bill / Resolution No.:*	Committee Referral:		Da	Date:	
8B 885	PSM, JD		2-5-2013		
The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
ESPERO, Will (C)		/			
BAKER, Rosalyn H. (VC)					
GALUTERIA, Brickwood					-
GREEN, Josh		\			
SLOM, Sam					V
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		* 16/8L 10 III			
TOTAL		7			
Recommendation: Adopted Not Adopted					
Chair's or Designee's Signature:					
Distribution: Original Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

^{*}Only one measure per Record of Votes