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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 members  
4 of ethics commissions shall be prohibited from taking an active  
5 part in political management or in political campaigns. Ethics  
6 commissioners shall be selected in a manner which assures their  
7 independence and impartiality."

8           The five members of the state ethics commission are  
9 appointed by the governor from a panel of ten persons nominated  
10 by the judicial council. The Hawaii supreme court appoints  
11 members of the judicial council, which does not presently  
12 include legislators. Furthermore, justices and judges are  
13 exempt from the oversight of the ethics commission and the code  
14 of ethics pursuant to section 84-2, Hawaii Revised Statutes. In  
15 contrast, members of each of the county ethics commissions are  
16 appointed by the mayor of the county and confirmed by the county



1 council, both of which are subject to oversight by the  
2 particular county ethics commission.

3 Accordingly, the purpose of this Act is to afford the  
4 counties the same opportunity the State has been given, to  
5 assure the independence and impartiality of their respective  
6 ethics commissions, by authorizing the State's judicial council  
7 to nominate persons for appointment to a county ethics  
8 commission; provided that the county's charter or ordinance  
9 requires members of the commission to be appointed from  
10 nominations made by the State's judicial council.

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

13 "**§601-4 Judicial council.** (a) The supreme court shall  
14 provide for the appointment of a judicial council which shall  
15 serve in an advisory capacity only. The judicial council shall  
16 give continuing consideration to the administration of justice  
17 in the courts of the State. It shall make reports and  
18 recommendations biennially to the supreme court and also  
19 whenever deemed advisable by the court. The chief justice shall  
20 be a member and chairperson of the judicial council. The  
21 supreme court shall appoint, from time to time, such number of



1 other members as it deems necessary to be fairly representative,  
 2 but not to exceed fifteen, whose terms shall be in accordance  
 3 with the rules of the supreme court. The members of the  
 4 judicial council shall include laypersons as well as judges and  
 5 lawyers. The members of the judicial council shall receive no  
 6 compensation for their service but they shall be reimbursed for  
 7 their traveling and other expenses incidental to attending  
 8 meetings.

9 (b) The judicial council shall nominate persons for  
 10 appointment to a county's ethics commission; provided that the  
 11 county's charter or ordinance requires members of its ethics  
 12 commission to be appointed from nominations made by the State's  
 13 judicial council."

14 SECTION 3. New statutory material is underscored.

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

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INTRODUCED BY: 



# S.B. NO. 2989

**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.*

