

JAN 23 2009

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 Constitution of the State of
2 Hawaii provides in pertinent part: "Ethics commissioners shall
3 be selected in a manner which assures their independence and
4 impartiality." Each member of the state ethics commission is
5 appointed by the governor from a list of two persons nominated
6 by the judicial council. The Hawaii supreme court appoints
7 members of the judicial council, which does not include
8 legislators. In contrast, members of the Honolulu ethics
9 commission are appointed by the mayor and confirmed by the
10 Honolulu city council, both of which are subject to oversight by
11 the county ethics commission.

12 The legislature further finds that, in order to effectuate
13 article XIV of the state constitution, the process for selecting
14 members of county ethics commissions should not involve persons
15 who are subject to regulation by ethics commissions.



1 The purpose of this Act is to provide standards for the
2 selection of county ethics commissioners to ensure their
3 impartiality and independence.

4 SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended
5 by adding a new part to be appropriately designated and to read
6 as follows:

7 "PART . COUNTY ETHICS COMMISSIONS

8 §46- Process for selection of county ethics

9 commissioners. (a) Each county shall cause to be adopted a
10 charter amendment for the creation of or delegation to an
11 independent body to select members of the county ethics
12 commission. To ensure minimal involvement in the process by
13 persons over which the commission has oversight, members of each
14 county ethics commission shall be appointed:

15 (1) From a list of nominees selected by the independent
16 body whose members shall not be subject to
17 confirmation by the county legislative body and shall
18 not be subject to the jurisdiction of the ethics
19 commission of their county; or

20 (2) In accordance with comparable alternative selection
21 methods as provided by county ordinance.



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1 (b) Each county shall have a selection process in place
 2 that meets the criteria for any appointment made after the
 3 effective date of this part.

4 §46- Character of county ethics commissioners. A county
 5 ethics commissioner shall be selected on the basis of integrity,
 6 impartiality, and independence, as reflected by, among other
 7 things, the background and experiences of the person and the
 8 absence of potential conflicts of interest; provided that county
 9 ordinance may provide for additional criteria."

10 SECTION 3. This Act shall take effect on July 1, 2010.

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INTRODUCED BY:

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Report Title:

County Ethics Commissions; Selection of Members

Description:

Provides standards for the selection of county ethics commission members to ensure their impartiality and independence.

