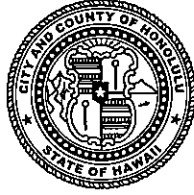


**HB 468, HD1**

OFFICE OF THE MAYOR  
CITY AND COUNTY OF HONOLULU

530 SOUTH KING STREET, ROOM 300 \* HONOLULU, HAWAII 96813  
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PETER B. CARLISLE  
MAYOR



March 22, 2011

The Honorable Will Espero, Chair  
Senate Committee on Public Safety, Government Operations, and Military Affairs  
Twenty-Sixth Legislature  
Regular Session of 2011  
State of Hawaii

**RE: Testimony of Mayor Peter Carlisle on H.B. 468, H.D. 1, Relating to County Ethics Commissions**

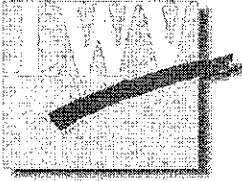
Chair Espero and members of the Senate Committee on Public Safety, Government Operations, and Military Affairs, Mayor Peter Carlisle submits the following comments on H.B. 468, H.D. 1.

The purpose of this bill is to require that each county adopt a charter amendment that provides the judicial council shall nominate at least three persons for each vacant seat on a county ethics commission and the mayor of the county shall appoint the new members from the nominees submitted by the judicial council. Thereafter, the nominee shall not be subject to council approval.

I understand that the intent of this bill is to promote independence and impartiality in the selection and appointment of county ethics commissioners which is laudable. However, I am concerned that this bill may actually have a contrary effect since the process proposed by this bill actually eliminates some important checks and balances present in the current system. For instance, under the current system, the nominees must appear before the county council at a public hearing where public testimony is taken on the nominee's qualifications and fitness to serve.

Furthermore, this bill assumes that the electorate will ratify a charter amendment proposed by the county council. Since compliance of with this bill will depend on voter approval, conceivably the counties may be unable to comply if voters do not ratify this charter amendment.

Thank you for this opportunity to testify before you.



# THE LEAGUE OF WOMEN VOTERS OF HAWAII

## TESTIMONY ON HB 468, HD1 RELATING TO COUNTY ETHICS COMMISSIONS

Senate Committee on Public Safety, Government Operations, and Military Affairs

Tuesday, March 22, 2011  
2:00 p.m.  
Conference Room 325

Testifier: JoAnn Maruoka

Chair Espero, Vice Chair Kidani, and PGM Committee members,

The League of Women Voters of Hawaii is cautiously hopeful that HB 468, HD1 maintains the intent and provides the appropriate means for selection of County Ethics Commissioners to ensure independence and impartiality. In this time of badly eroded public trust and confidence, we feel it's vital that every effort be made to address ethics requirements correctly and well.

County Ethics Commissions should be independent and nonpartisan. The members must have the will and the courage to fulfill their duties with impartiality and due diligence. The selection process is critical to ensuring their independence and impartiality.

We heartily concur with requiring the counties to establish a selection process that ensures minimal involvement by those who are subject to an ethics commission's oversight. That is why we strongly supported the HB 468 requirement that Commissioners be appointed from a list of nominees selected by an independent body and not subject to confirmation by the county legislative body.

HD1 changes the proposed process to the judicial council nominating at least three persons for each vacant seat on a county ethics commission; the respective county mayor appointing new members from among the nominees selected by the judicial council; and a nominee appointed by the mayor not being subject to county council confirmation. This appears to be sound.

Thank you for the opportunity to comment on HB 468, HD1.



*Hawaii*  
**COMMON CAUSE**  
*Holding Power Accountable*

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**Senate PGM Committee**  
**Chair Will Espero, Vice Chair Michelle Kidani**

**Tuesday 3/22/11 at 3:00PM in Room 224**  
**HB468 HD1 – County Ethics Commissions**

TESTIMONY

Nikki Love, Executive Director, Common Cause Hawaii

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Chair Espero, Vice Chair Kidani, and Committee Members:

**Common Cause Hawaii supports HB468 HD1**, which provides a process for the selection of county ethics commission members to ensure their impartiality and independence.

The current process for appointment seems to create an obvious conflict for those on county ethics commissions. The commissioners are appointed by the mayor and confirmed by the council – the very same individuals over which the commissioners have to enforce ethics laws. This undermines impartiality and independence, and does not promote public trust.

HB468 HD1 sets forth an improved process for selecting commissioners. The judicial council would select at least three nominees for each vacancy, considering the integrity, impartiality, and independence of the candidates; then the mayor would appoint commissioners from those nominees. This provides a process for review of qualifications and a degree of independence from the appointing authority.

Mahalo for the opportunity to submit testimony.