

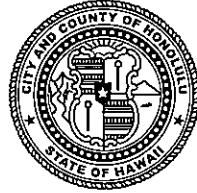
# HB 468, HD 1

## RELATING TO COUNTY ETHICS COMMISSIONS .

Provides standards for the selection of county ethics commission members to ensure their impartiality and independence. Effective January 7, 2059.

OFFICE OF THE MAYOR  
CITY AND COUNTY OF HONOLULU

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PETER B. CARLISLE  
MAYOR

March 13, 2012

The Honorable Will Espero, Chair  
Senate Committee on Public Safety, Government Operations, and Military Affairs  
Twenty-Sixth Legislature  
Regular Session of 2012  
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.



LEAGUE OF  
WOMEN VOTERS\*

***League of Women Voters of Hawaii***

49 South Hotel Street, Room 314 | Honolulu, HI 96813

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Senate Committee on Public Safety, Government Operations and Military Affairs  
Chair Senator Will Espero, Vice Chair Senator Michelle N. Kidani

Tuesday 3/13/12 at 2:50 PM in Room 224  
HB 468, HD1 — RELATING TO COUNTY ETHICS COMMISSIONS

TESTIMONY

JoAnn Maruoka, Legislative Committee Member, League of Women Voters of Hawaii

Chair Espero, Vice Chair Kidani, and Committee Members:

The League of Women Voters of Hawaii strongly supports HB 468, which provides standards for the selection of County Ethics Commissioners to ensure their 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 agree that the selection process for our State Ethics Commission is a sound reference model, and 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.

The requirement that Commissioners be appointed from a list of nominees selected by an independent body and not be subject to confirmation by the county legislative body is a good one. This will help assure the public of consistency in standards that apply to both the state and local governments, and reflect the people's expectations for integrity.

We strongly urge you to pass HB 468. Thank you for the opportunity to testify in its support.

**Larry Geller**  
Honolulu, HI 96817

HB468  
PGM

Tuesday, March 13, 2012  
2:50 p.m.  
Room 224

COMMITTEE ON PUBLIC SAFETY,  
GOVERNMENT OPERATIONS, AND MILITARY  
AFFAIRS  
Senator Will Espero, Chair  
Senator Michelle N. Kidani, Vice Chair

March 12, 2012

**Re: Relating to County Ethics Commissions**

**In Support**

Dear Sen. Espero, Sen. Kidani, and members of the Committee:

As a citizen, I am of course concerned that our government act with integrity at every level. Ethics commissions play a key role by enforcing ethics laws and in effect acting as the public's watchdogs over the process of governing. To fulfill this responsibly, ethics commissioners must be independent of those they oversee and act in an impartial manner.

The state of Hawaii has an admirable process whereby an independent body creates a list from which ethics commissioners are chosen. In this instance, and very appropriately, the advice and consent of the Senate is not required.

However, at the county level, the selection is not independent of those who will fall under the scrutiny of the ethics watchdogs. If the mayor appoints and the city councils approve, they are then overseen by the very people they have chosen . We need a better process.

**I therefore urge the Committee to pass this bill, but also to review the issue of how the independent body will be chosen as discussed by other testifiers last session. At the state level, the selection is made by the Judicial Council, a body which seems to have no counterpart on the county level.** The current version of the bill also refers to the Judicial Council. If that's appropriate, perhaps the issue is resolved.

This bill should lead to increased confidence in government on the part of all citizens of Hawaii, but only if the process is as well-designed for the counties as is the state selection process.

This issue should not result, I hope, in rejection of this legislation. Instead, I urge the committee to seek whatever advice is necessary and pass it with any necessary amendment.

Larry Geller

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 12, 2012 2:16 PM  
**To:** PGM Testimony  
**Cc:** rspacer@yahoo.com  
**Subject:** Testimony for HB468 on 3/13/2012 2:50:00 PM

Testimony for PGM 3/13/2012 2:50:00 PM HB468

Conference room: 224  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Richard Spacer  
Organization: Individual  
E-mail: [rspacer@yahoo.com](mailto:rspacer@yahoo.com)  
Submitted on: 3/12/2012

Comments:  
I support HB468 HD1. Please pass this bill. Thank you.

Richard Spacer  
Kauai