



GOV. MSG. NO. **1038**

EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

July 10, 2007

The Honorable Colleen Hanabusa, President  
and Members of the Senate  
Twenty-Fourth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

I am transmitting herewith SB755 SD1 HD1 CD1, without my approval, and with the statement of objections relating to the measure.

SB755 SD1 HD1 CD1

A BILL FOR AN ACT RELATING TO COUNTY  
ETHICS COMMISSIONS.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 755, entitled "A Bill for an Act Relating to County Ethics Commissions," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 755 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 755 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,  
State of Hawaii, this 25th  
day of June, 2007.



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LINDA LINGLE  
Governor of Hawaii

EXECUTIVE CHAMBERS

HONOLULU

July 10, 2007

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 755

Honorable Members  
Twenty-Fourth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 755, entitled "A Bill for an Act Relating to County Ethics Commissions."

The purpose of this bill is to direct counties to set forth, by county ordinance, a process by which county ethics commissioners will be selected by an independent body in the interest of ensuring sufficient independence and impartiality.

This bill is objectionable because it presumes that only one model, the State's model, is the only way to select independent and impartial county ethics commissioners. In addition, the bill establishes a criteria upon which commissioners are to be selected that is vague.

Further, the bill requires that the process be "set forth by county ordinance," which is problematic because it conflicts with existing county laws that require each of the county ethics commissions and the process for appointing commissions' members to be established by charter. As a result, each of the counties' charters would have to be amended to implement this bill's requirement that the appointment process be set forth by ordinance. This is an inappropriate and unnecessary infringement on county home rule.

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SENATE BILL NO. 755  
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For the foregoing reasons, I am returning Senate Bill  
No. 755 without my approval.

Respectfully,

A handwritten signature in black ink, appearing to read "Linda Lingle", written in a cursive style.

LINDA LINGLE  
Governor of Hawaii

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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 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 finds that the selection process of the  
13 state ethics commissioners should serve as a model for the  
14 selection of county ethics commissioners, in the interest of  
15 ensuring sufficient independence and impartiality of the  
16 commissioners.



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.** The members of county ethics commissions in each  
10 county shall be selected by an independent body as set forth by  
11 county ordinance in each county. To ensure minimal involvement  
12 in the process by persons over which the commission has  
13 oversight, members of each county ethics commission shall be  
14 appointed from a list of nominees selected by the independent  
15 body and shall not be subject to confirmation by the county  
16 legislative body. Each county shall have a selection process in  
17 place that meets these criteria for any appointment made after  
18 the effective date of this part.

19           **§46- Character of county ethics commissioners.** A county  
20 ethics commissioner shall be selected on the basis of integrity,  
21 impartiality, and independence, as reflected by, among other



1 things, the background and experiences of the person and the  
2 absence of potential conflicts of interest."

3 SECTION 3. This Act shall take effect on January 1, 2008.



