JAN 2 3 2009

A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE XIV OF THE HAWAII CONSTITUTION TO MAKE ETHICS COMMISSIONERS NOT SUBJECT TO THE JURISDICTION OF THE STATE ETHICS COMMISSION, AND TO REQUIRE ELECTED OFFICERS AND CANDIDATES FOR ELECTIVE OFFICE TO MAKE PUBLIC FINANCE DISCLOSURES THAT MAY INVOLVE POTENTIAL CONFLICTS OF INTEREST.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

- 1 SECTION 1. The purpose of this Act is to propose an amendment to article XIV of the Constitution of the State of 2 3 Hawaii to require that ethics commissioners are not themselves 4 subject to the jurisdiction of the ethics commission, and to 5 require elected officers and candidates for elective office to 6 make public finance disclosures that may involve potential conflicts of interest. 7 8 SECTION 2. Article XIV of the Constitution of the State of 9 Hawaii is amended to read as follows: 10 "ARTICLE XIV 11 CODE OF ETHICS The people of Hawaii believe that public officers and
- The people of Hawaii believe that public officers and
 employees must exhibit the highest standards of ethical conduct
 and that these standards come from the personal integrity of
 each individual in government. To keep faith with this belief,



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- 1 the legislature, each political subdivision and the
- 2 constitutional convention shall adopt a code of ethics which
- 3 shall apply to appointed and elected officers and employees of
- 4 the State or the political subdivision, respectively, including
- 5 members of the boards, commissions and other bodies.
- 6 Each code of ethics shall be administered by a separate
- 7 ethics commission, except the code of ethics adopted by the
- 8 constitutional convention which shall be administered by the
- 9 state ethics commission. The members of ethics commissions
- 10 shall be prohibited from taking an active part in political
- 11 management or in political campaigns. Ethics commissioners
- 12 shall be selected in a manner which assures their independence
- 13 and impartiality. Ethics commissioners shall not themselves be
- 14 subject to the jurisdiction of the ethics commission.
- 15 Each code of ethics shall include, but not be limited to,
- 16 provisions on gifts, confidential information, use of position,
- 17 contracts with government agencies, post-employment, financial
- 18 disclosure and lobbyist registration and restriction. The
- 19 financial disclosure provisions shall require all elected
- 20 officers, all candidates for elective office and such appointed
- 21 officers and employees as provided by law to make public
- 22 financial disclosures [-], including financial information that



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1 may involve potential conflicts of interest. Other public 2 officials having significant discretionary or fiscal powers as 3 provided by law shall make confidential financial disclosures. 4 All financial disclosure statements shall include, but not be 5 limited to, sources and amounts of income, business ownership, officer and director positions, ownership of real property, 6 7 debts, creditor interests in insolvent businesses and the names 8 of persons represented before government agencies." 9 SECTION 3. The questions to be printed on the ballot shall 10 be as follows: 11 "Shall the Constitution of the State of Hawaii be amended 12 to provide that the ethics commissioners shall not be 13 subject to the jurisdiction of the ethics commission and 14 that elected officers and candidates for elective office 15 shall be required to make public finance disclosures that 16 may involve potential conflicts of interest?" 17 SECTION 4. Constitutional material to be repealed is

bracketed and stricken. New constitutional material is

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underscored.

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- 1 SECTION 5. This amendment shall take effect upon
- 2 compliance with article XVII, section 3, of the Constitution of

3 the State of Hawaii.

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INTRODUCED BY:

Report Title:

Ethics; Constitutional Amendment

Description:

Proposes a constitutional amendment to require that ethics commissioners are not themselves subject to the jurisdiction of the ethics commission. Requires elected officers and candidates for elective office to make public finance disclosures that may involve potential conflicts of interest.