

JAN 28 2009

A BILL FOR AN ACT

RELATING TO FINANCIAL DISCLOSURES.

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

1 SECTION 1. The legislature finds that financial disclosure
2 statements filed by members of boards and commissions with the
3 state ethics commission are not made public. Some board members
4 are vested with authority to run departments, and are thus
5 entrusted with significant policy and financial decisions. This
6 Act identifies ten boards and commissions whose members file
7 financial disclosures that are not released for public review,
8 but who exercise authority equivalent to executive branch
9 departments headed by a single executive.

10 Confidential disclosures keep the public unaware of
11 potential conflicts of interest between a board or commission's
12 work and their members' personal affairs. While the
13 confidential disclosure statements are received and reviewed by
14 the Hawaii state ethics commission, the commission is generally
15 not aware of the issues that the approximately one hundred fifty
16 boards and commissions handle on a day-to-day basis.
17 Individuals who deal with these boards and commissions are in



1 the best position to determine whether board or commission
2 members have conflicts of interest. Public disclosure
3 statements are necessary so that those who appear before boards
4 and commissions can assure themselves that board or commission
5 members have no conflicts of interest, or if they do, that they
6 may recuse themselves.

7 The legislature further finds that public disclosure
8 statements build public confidence in state government. While
9 some board and commission members may feel reluctant to serve if
10 required to make public financial disclosures, the legislature
11 finds that the interests of the public outweigh these concerns
12 when members are charged with significant discretionary and
13 fiscal powers.

14 The purpose of this Act is to make ethics requirements
15 consistent between public officials exercising equivalent
16 authority and to assure the public that these public officials
17 are performing their duties without conflicts of interest.

18 SECTION 2. Section 84-17, Hawaii Revised Statutes, is
19 amended by amending subsection (d) to read as follows:

20 "(d) The financial disclosure statements of the following
21 persons shall be public records and available for inspection and
22 duplication:



- 1 (1) The governor, the lieutenant governor, the members of
2 the legislature, candidates for and delegates to the
3 constitutional convention, the members of the board of
4 education, the trustees of the office of Hawaiian
5 affairs, and candidates for state elective offices;
- 6 (2) The directors of the state departments and their
7 deputies, regardless of the titles by which the
8 foregoing persons are designated; provided that with
9 respect to the department of the attorney general, the
10 foregoing shall apply only to the attorney general and
11 the first deputy attorney general;
- 12 (3) The administrative director of the State;
- 13 (4) The president, the vice presidents, the assistant vice
14 presidents, the chancellors, and the provosts of the
15 University of Hawaii;
- 16 (5) The superintendent, the deputy superintendent, the
17 state librarian, and the deputy state librarian of the
18 department of education;
- 19 (6) The administrative director and the deputy director of
20 the courts; ~~and~~
- 21 (7) The administrator and the assistant administrator of
22 the office of Hawaiian affairs ~~[-]~~; and



- 1 (8) The members of the following boards and commissions:
- 2 (A) The board of agriculture;
- 3 (B) The Hawaii community development authority;
- 4 (C) The board of trustees of the employees'
- 5 retirement system;
- 6 (D) The Hawaiian homes commission;
- 7 (E) The board of land and natural resources;
- 8 (F) The land use commission;
- 9 (G) The public utilities commission;
- 10 (H) The board of directors of the research
- 11 corporation of the University of Hawaii;
- 12 (I) The board of regents of the University of Hawaii;
- 13 and
- 14 (J) The Hawaii tourism authority;
- 15 provided that with respect to any person described in
- 16 this paragraph, no disclosures regarding the value of
- 17 the financial interests held by the person, including
- 18 disclosures made using a financial amount code that
- 19 conveys a range of values, shall be required."

20 SECTION 3. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.

22



Report Title:

Public Financial Disclosure Statements; Boards and Commissions

Description:

Requires members of ten boards and commissions to file financial disclosure statements that are open to public review.

