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## A BILL FOR AN ACT

RELATING TO ADVISORY OPINIONS BY THE STATE ETHICS COMMISSION.

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

1           SECTION 1. Section 84-31, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3           "(a) The ethics commission shall have the following powers  
4 and duties:

- 5           (1) It shall prescribe forms for the disclosures required  
6           by article XIV of the Hawaii constitution and section  
7           84-17 and the gifts disclosure statements required by  
8           section 84-11.5 and shall establish orderly procedures  
9           for implementing the requirements of those provisions;
- 10          (2) It shall render advisory opinions upon the request of  
11          any legislator, employee, or delegate to the  
12          constitutional convention, or person formerly holding  
13          such office or employment as to whether the facts and  
14          circumstances of a particular case constitute or will  
15          constitute a violation of the code of ethics[-] within  
16          thirty days after the request is filed with the  
17          commission, which thirty-day period may be extended  
18          for an additional thirty days for good cause. If no



1 advisory opinion is rendered within [~~thirty days after~~  
2 ~~the request is filed with the commission,~~] the  
3 required time period, it shall be deemed that an  
4 advisory opinion was rendered and that the facts and  
5 circumstances of that particular case do not  
6 constitute a violation of the code of ethics. The  
7 opinion rendered or deemed rendered, until amended or  
8 revoked, shall be binding on the commission in any  
9 subsequent charges concerning the legislator,  
10 employee, or delegate to the constitutional  
11 convention, or person formerly holding such office or  
12 employment, who sought the opinion and acted in  
13 reliance on it in good faith, unless material facts  
14 were omitted or misstated by such persons in the  
15 request for an advisory opinion;

16 (3) It shall initiate, receive, and consider charges  
17 concerning alleged violation of this chapter, initiate  
18 or make investigation, and hold hearings;

19 (4) It may subpoena witnesses, administer oaths, and take  
20 testimony relating to matters before the commission  
21 and require the production for examination of any  
22 books or papers relative to any matter under



1 investigation or in question before the commission.

2 Before the commission shall exercise any of the powers

3 authorized in this section with respect to any

4 investigation or hearings it shall by formal

5 resolution, supported by a vote of three or more

6 members of the commission, define the nature and scope

7 of its inquiry;

8 (5) It may, from time to time adopt, amend, and repeal any

9 rules, not inconsistent with this chapter, that in the

10 judgment of the commission seem appropriate for the

11 carrying out of this chapter and for the efficient

12 administration thereof, including every matter or

13 thing required to be done or which may be done with

14 the approval or consent or by order or under the

15 direction or supervision of or as prescribed by the

16 commission. The rules, when adopted as provided in

17 chapter 91, shall have the force and effect of law;

18 (6) It shall have jurisdiction for purposes of

19 investigation and taking appropriate action on alleged

20 violations of this chapter in all proceedings

21 commenced within six years of an alleged violation of

22 this chapter by a legislator or employee or former



1 legislator or employee. A proceeding shall be deemed  
 2 commenced by the filing of a charge with the  
 3 commission or by the signing of a charge by three or  
 4 more members of the commission. Nothing herein shall  
 5 bar proceedings against a person who by fraud or other  
 6 device, prevents discovery of a violation of this  
 7 chapter;

8 (7) It shall distribute its publications without cost to  
 9 the public and shall initiate and maintain programs  
 10 with the purpose of educating the citizenry and all  
 11 legislators, delegates to the constitutional  
 12 convention, and employees on matters of ethics in  
 13 government employment; and

14 (8) It shall administer any code of ethics adopted by a  
 15 state constitutional convention, subject to the  
 16 procedural requirements of this part and any rules  
 17 adopted thereunder."

18 SECTION 2. Statutory material to be repealed is bracketed  
 19 and stricken. New statutory material is underscored.

20 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:




By Request

JAN 17 2013

# H.B. NO. 203

**Report Title:**

State Ethics Commission Package; Advisory Opinions

**Description:**

Authorizes the state ethics commission, for good cause, to extend the period within which an advisory opinion must be rendered.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

