
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~~] that office or employment as to whether the
14 facts and circumstances of a particular case
15 constitute or will constitute a violation of the code
16 of ethics[-] within thirty days after the request is
17 filed with the commission, which thirty-day period may



1 be extended for an additional thirty days for good
2 cause. If no advisory opinion is rendered within
3 [~~thirty days after the request is filed with the~~
4 ~~commission,~~] the required time period, it shall be
5 deemed that an advisory opinion was rendered and that
6 the facts and circumstances of that particular case do
7 not constitute a violation of the code of ethics. The
8 opinion rendered or deemed rendered, until amended or
9 revoked, shall be binding on the commission in any
10 subsequent charges concerning the legislator,
11 employee, or delegate to the constitutional
12 convention, or person formerly holding [~~such~~] that
13 office or employment, who sought the opinion and acted
14 in reliance on it in good faith, unless material facts
15 were omitted or misstated by [~~such~~] those persons in
16 the request for an advisory opinion;

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

20 (4) It may subpoena witnesses, administer oaths, and take
21 testimony relating to matters before the commission



1 and require the production for examination of any
2 books or papers relative to any matter under
3 investigation or in question before the commission.
4 Before the commission shall exercise any of the powers
5 authorized in this section with respect to any
6 investigation or hearings it shall by formal
7 resolution, supported by a vote of three or more
8 members of the commission, define the nature and scope
9 of its inquiry;

10 (5) It may, from time to time adopt, amend, and repeal any
11 rules, not inconsistent with this chapter, that in the
12 judgment of the commission seem appropriate for the
13 carrying out of this chapter and for the efficient
14 administration thereof, including every matter or
15 thing required to be done or which may be done with
16 the approval or consent or by order or under the
17 direction or supervision of or as prescribed by the
18 commission. The rules, when adopted as provided in
19 chapter 91, shall have the force and effect of law;

20 (6) It shall have jurisdiction for purposes of
21 investigation and taking appropriate action on alleged



1 violations of this chapter in all proceedings
2 commenced within six years of an alleged violation of
3 this chapter by a legislator or employee or former
4 legislator or employee. A proceeding shall be deemed
5 commenced by the filing of a charge with the
6 commission or by the signing of a charge by three or
7 more members of the commission. Nothing herein shall
8 bar proceedings against a person who by fraud or other
9 device, prevents discovery of a violation of this
10 chapter;

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

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



H.B. NO. 184

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

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

4

INTRODUCED BY:



By Request

JAN 22 2015



H.B. NO. 184

Report Title:

Ethics Commission Package; Advisory Opinions

Description:

Requires the ethics commission to render advisory opinions for the legislature and constitutional convention within thirty days of request.

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

