

JAN 23 2015

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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]~~ 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."



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.

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INTRODUCED BY: *Janice Hernandez*  
By Request



**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.*

