
A BILL FOR AN ACT

RELATING TO ETHICS.

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[-];
16 provided that no advisory opinion shall be rendered
17 unless approved and signed by three or more members of
18 the commission. If no advisory opinion is rendered



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

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

18 (4) It may subpoena witnesses, administer oaths, and take
19 testimony relating to matters before the commission
20 and require the production for examination of any
21 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



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

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

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

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 Statutory material to be repealed is bracketed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



1 SECTION 3. This Act shall take effect on January 7, 2059.

2



Report Title:

State Ethics Commission; Advisory Opinions

Description:

Requires state ethics commission advisory opinions to be approved and signed by a majority of the commission members. Takes effect on 1/7/2059. (SD1)

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

