

TITLE 21 LEGISLATIVE AUDITOR

CHAPTER 6

STATE ETHICS COMMISSION

PETITIONS FOR ADOPTION, AMENDMENT OR REPEAL OF RULES
AND FOR DECLARATORY ORDERS

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Historical Note: This chapter is based substantially upon rules 7 and 8 of the State of Hawaii Ethics Commission Rules and Regulations. [Eff. 1/7/74 and 11/11/78; R _____]

§21-6-1 Who may petition. An interested person may petition the commission for the adoption, amendment, or repeal of any rule of the commission. The petition shall be submitted in duplicate to the commission. [Eff. _____] (Auth: HRS §§84-31(a)(5), 91-6) (Imp: HRS §91-6)

§21-6-2 Form and content of petition. The petition need not be in any special form, but it shall contain:

- (1) The petitioner's name, address, and telephone number, if any;
- (2) A statement of the nature of the petitioner's interest;
- (3) A draft or statement of the substance of the proposed rule or amendment or a designation

- of the provisions sought to be repealed, or both;
- (4) A statement of the reasons in support of the proposed rule, amendment, or repeal;
 - (5) Any other information relevant to the petition;
 - (6) The petitioner's signature. [Eff.]
- (Auth: HRS §§84-31(a)(5), 91-6) (Imp: HRS §91-6)

§21-6-3 Conformance of petition. The commission may reject any petition which does not conform to the requirements of this chapter. [Eff.]

(Auth: HRS §§84-31(a)(5), 91-6) (Imp: HRS §91-6)

§21-6-4 Processing of petition. The petition shall be dated upon receipt. The commission shall notify the petitioner of the date, time, and place where the commission shall consider the petition, the petitioner's privilege of personal appearance with or without counsel, and the privilege of presenting evidence and argument in support of the petition. [Eff.] (Auth: HRS §§84-31(a)(5), 91-6)

(Imp: HRS §91-6)

§21-6-5 Consideration and disposition of petition. Within thirty days after the receipt thereof, the commission shall either deny the petition in writing, stating its reasons for denial, or initiate proceedings in accordance with law for adoption, amendment, or repeal of the rule, as the case may be. [Eff.] (Auth: HRS §§84-31(a)(5), 91-6)

(Imp: HRS §91-6)

§21-6-6 Form and content of the petition for declaratory order. Any interested person may petition the commission for a declaratory order as to the applicability of any statutory provision or of any rule or order of the commission. The petition shall be submitted in duplicate and delivered to the office of the commission. The petition shall state the controversy or question, shall cite the statutory provision, rule, or order involved, and shall include a complete statement of the facts and the reasons or grounds prompting the petition, together with full

disclosure of the petitioner's interest, and shall be signed by the petitioner. The commission may reject any petition which does not conform to the requirements set forth above. [Eff.] (Auth: HRS §§84-31(a)(5), 91-8) (Imp: HRS §91-8)

§21-6-7 Processing of the petition for declaratory order; consideration and disposition. The commission shall notify the petitioner of the date, time, and place where the commission shall consider the petition, the petitioner's privilege of personal appearance with or without counsel, and the privilege of presenting evidence and argument in support of the petition. Within a reasonable time after the receipt of the petition, the commission shall render its order in writing. [Eff.] (Auth: HRS §§84-31(a)(5), 91-8) (Imp: HRS §91-8)

§21-6-8 Declaratory order on commission's own motion. Notwithstanding the other provisions of this rule, the commission on its own motion or upon receipt but without notice or hearing may issue a declaratory order to resolve a controversy or answer a question. [Eff.] (Auth: HRS §84-31(a)(5)) (Imp: HRS §91-8)