

Charlotte A. Carter-Yamauchi  
Acting Director

Research (808) 587-0666  
Revisor (808) 587-0670  
Fax (808) 587-0681



LEGISLATIVE REFERENCE BUREAU  
State of Hawaii  
State Capitol, Room 446  
415 S. Beretania Street  
Honolulu, Hawaii 96813

**2015 LISTING OF OPINIONS  
ISSUED BY THE ATTORNEY GENERAL  
STATE OF HAWAII**

<b>OPINION NO.</b> (Date Issued)	<b>DIGEST</b>
<b>15-01</b> (September 8, 2015)	<b>County surcharge on state tax.</b> Under section 248.2.6(a), HRS, the ten percent of the county surcharge retained by the State – including amounts, if any, that exceed the actual amount to reimburse the State for the costs of assessment, collection, and disposition of the county surcharge on state tax incurred by the State – are proper general fund realizations. The State’s retention of these amounts is consistent with a plain reading of the statute, consistent with legislative intent, and does not offend the equal protection and due process clauses of the state or federal constitutions.
<b>15-02</b> (November 19, 2015)	<b>Legislature’s authority to create an exemption from the State Ethics Code.</b> In the context of “technology transfer” activities at the University of Hawaii, three questions were presented: (A) May the Legislature, consistent with article XIV of the Hawaii Constitution, exempt a state entity or the entity’s employees from the State Ethics Code, chapter 84, HRS? (B) If exempting an employee is not permissible under article XIV, is there another constitutional means to exempt certain conduct, such as technology transfer activities? (C) If an exemption is structured to exempt conduct rather than an employee, what are the constitutional limitations of the Legislature’s authority to determine the scope of the Ethics Code? Short answers: (A) No. Article XIV makes the application of a State Ethics Code mandatory to state employees, such as employees of the University of Hawaii. (B) Yes. Both the text and history of article XIV make clear that the Legislature determines the scope of the ethics code itself. It may therefore be possible to craft an exemption for certain <i>conduct</i> , while ensuring that <i>employees</i> remain subject to the code. (C) The only limitations are those set by article XIV and other provisions of the state and federal constitutions. Article XIV requires that the code address certain topics, such as gifts and the use of confidential information, but does not specify what conduct is permissible for each of these topics. Consequently, the Legislature may constitutionally exercise substantial discretion over what conduct the ethics code prohibits, permits, or otherwise regulates.

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