

CHAPTER 204
FORMERLY
SENATE BILL NO. 125

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO STATE PUBLIC INTEGRITY COMMISSION ADVISORY OPINIONS AND THE POWERS OF COMMISSION COUNSEL.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 58, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5807 Waivers of restrictions and advisory opinions.

(c) Upon the written request of any state employee, state officer, honorary state official or state agency or a public officer as defined in § 5812 of this title, the Commission, ~~or Commission Counsel subject to §5808A(a), of this title~~ may issue an advisory opinion as to the applicability of this chapter to any particular fact situation. Any person who acts in good faith reliance upon any such advisory opinion shall not be subject to discipline or other sanction hereunder with respect to the matters covered by the advisory opinion provided there was a full disclosure to the Commission ~~or Commission Counsel~~ of all material facts necessary for the advisory opinion.

§ 5808A Commission Counsel; powers and duties.

(a) There shall be a Commission Counsel who shall be the legal representative of the Commission and have the following powers and duties:

~~(9) Under circumstances in which the Commission has not convened for 60 or more consecutive days, and after notice to the Commission, Commission Counsel may issue written advisory opinions upon the request of any state employee, state officer, honorary state official or state agency as to the applicability of this chapter to any particular fact situation if the request concerns an issue that does not require a waiver and that has previously been determined by:~~

~~a. written opinion of the Commission or;~~

~~b. court opinion interpreting the State Code of Ethics~~

Approved March 17, 2016