

STAND. COM. REP. NO. **2110**

Honolulu, Hawaii

FEB 08 2018

RE: S.B. No. 2142
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2142 entitled:

"A BILL FOR AN ACT RELATING TO LOBBYISTS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Remove the requirement that failure to file a statement or report required by the lobbyists law be willful in order to be subject to an administrative fine; and
- (2) Clarify that the Hawaii State Ethics Commission may assess an administrative fine pursuant to a settlement agreement.

Your Committee received testimony in support of this measure from the Hawaii State Ethics Commission, Common Cause Hawaii, and League of Women Voters of Hawaii.

Your Committee finds that existing statutory provisions relating to administrative penalties for lobbyists who fail to file required statements or reports are obsolete and inconsistent with other provisions of the lobbyists law. The existing state of mind requirement is no longer appropriate now that failing to file or report is no longer a criminal misdemeanor. Administrative



finances are also appropriate as conditions for the settlement of violations without the need for a hearing.

Your Committee has concerns that removing the requirement that failure to file a statement or report required by the lobbyists law be willful in order to be subject to administrative fine could create a standard approaching strict liability for such a violation. Your Committee finds that this issue raises concerns that merit further consideration and encourages further discussion to establish a reasonable standard other than strict liability.

Your Committee has amended this measure by:

- (1) Removing language that deleted the requirement that failure to file a statement or report required by the lobbyists law be willful in order to be subject to administrative fine; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2142, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2142, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



BRIAN T. TANIGUCHI, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* SB 2142	Committee Referral: JDC	Date: 2/2/18		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
RHOADS, Karl (VC)	✓			
GABBARD, Mike				✓
KIM, Donna Mercado	✓			
THIELEN, Laura H.	✓			
TOTAL	4	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Karl Rhoads</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes