

JAN 19 2018

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# A BILL FOR AN ACT

RELATING TO LOBBYISTS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that the mens rea  
2 requirement to prove a violation of the lobbyists law, section  
3 97-7, Hawaii Revised Statutes, is no longer appropriate, given  
4 that the failure to file a statement or report with the state  
5 ethics commission is no longer a criminal offense.

6           Accordingly, the purpose of this Act is to remove statutory  
7 remnants from when violations of the lobbyists law resulted in  
8 criminal penalties. This Act also clarifies that the state  
9 ethics commission may assess an administrative fine pursuant to  
10 a settlement agreement.

11           SECTION 2. Section 97-7, Hawaii Revised Statutes, is  
12 amended to read as follows:

13           "**§97-7 Penalties; administrative fines.** (a) Any person  
14 who:

15           (1) ~~[Wilfully fails]~~ Fails to file any statement or report  
16           required by this chapter;



- 1           (2)   ~~[Wilfully files]~~ Files a statement or report
- 2                   containing false information or material omission of
- 3                   any fact;
- 4           (3)   Engages in activities prohibited by section 97-5; or
- 5           (4)   Fails to provide information required by section 97-2
- 6                   or 97-3;

7 shall be subject to an administrative fine imposed by the state  
8 ethics commission that shall not exceed \$1,000 for each  
9 violation of this chapter. All fines collected under this  
10 section shall be deposited into the general fund.

- 11           (b)   No fine shall be assessed unless:
- 12                   (1)   The commission convenes a hearing in accordance with
- 13                   section 97-6(c) and chapter 91 [7] and a decision has
- 14                   been rendered by the commission; or
- 15                   (2)   ~~[A decision has been rendered by the commission.]~~ The
- 16                   commission and the alleged violator agree to resolve
- 17                   any alleged violation prior to completion of the
- 18                   contested case process and the resolution includes
- 19                   payment of an administrative fine, restitution, or
- 20                   both."



# S.B. NO. 2142

1           SECTION 3. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

4           SECTION 4. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6           SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: \_\_\_\_\_



By Request



# S.B. NO. 2142

**Report Title:**

State Ethics Commission Package; Lobbyists; Administrative Fines; Settlement Agreement

**Description:**

Amends the lobbyists law to eliminate outdated references to criminal violations and to clarify that the State Ethics Commission may require payment of an administrative fine or restitution pursuant to a settlement agreement.

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

