

JAN 18 2019

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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 lobbyist 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. Accordingly,  
6 the purpose of this Act is to:

7           (1) Remove statutory remnants from when violations of the  
8 lobbyist law resulted in criminal penalties; and

9           (2) Allow the state ethics commission to assess an  
10 administrative fine pursuant to a settlement  
11 agreement.

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

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

16           (1) [~~Wilfully fails~~] Fails to file any statement or report  
17 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[+] the state ethics  
12 commission:

13           (1) ~~[The commission convenes]~~ Convenes a hearing in  
14                   accordance with section 97-6(c) and chapter 91[+] and  
15                   renders a decision; or

16           (2) ~~[A decision has been rendered by the commission.]~~  
17                   Together with the alleged violator, agrees to resolve  
18                   any alleged violation prior to completion of the  
19                   contested case process, provided that the resolution  
20                   includes payment of an administrative fine or  
21                   restitution, or both."



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:                     *M. N. M.*                      
By Request



# S.B. NO. 144

**Report Title:**

State Ethics Commission Package; Lobbyists; Fines

**Description:**

Removes statutory remnants from when violations of the lobbyist law resulted in criminal penalties. Allows the state ethics commission to assess an administrative fine 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.*

