

JAN 25 2012

A BILL FOR AN ACT

RELATING TO LOBBYISTS.

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

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PART I

SECTION 1. Section 97-2, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

"(e) This chapter shall not apply to:

- (1) Any individual who represents oneself and not any other person before the legislature or administrative agency; provided that such individual must nonetheless file a statement of expenditures if the individual meets any of the provisions of section 97-3(a);
- (2) Any federal, state, or county official or employee acting in the official's or employee's official capacity, unless the federal, state or county official, or employee contracts for the services of a lobbyist;
- (3) Any elected public official acting in the public official's official capacity, unless the public official contracts for the services of a lobbyist;



- 1 (4) Any newspaper or other regularly published periodical
2 or radio or television station (including any
3 individual who owns, publishes, or is employed by a
4 newspaper or periodical or radio or television
5 station) while publishing in the regular course of
6 business news items, editorials, or other comments, or
7 paid advertisements, which directly or indirectly urge
8 the passage or defeat of legislative or administrative
9 action;
- 10 (5) Any attorney who advises the attorney's clients on the
11 construction or effect of proposed legislative or
12 administrative action; provided that such attorney
13 must nonetheless register if the attorney meets any of
14 the provisions of [~~section 97-1(6),~~] a lobbyist as
15 defined in section 97-1; and
- 16 (6) Any person who possesses special skills and knowledge
17 relevant to certain areas of legislation, whose skills
18 and knowledge may be helpful to the legislative and
19 executive branches of state government, and who makes
20 an occasional appearance at the request of the
21 legislature or an administrative agency, or the
22 lobbyist even though receiving reimbursement or other



1 payment from the legislature or administrative agency
2 or the lobbyist for the appearance."

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

5 "**§97-7 Penalties; administrative fines.** (a) Any person
6 who:

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

9 (2) [~~Wilfully files~~] Files a statement or report
10 containing false information or material omission of
11 any fact;

12 (3) Engages in activities prohibited by section 97-5; or

13 (4) Fails to provide information required by section 97-2
14 or 97-3;

15 shall be subject to an administrative fine imposed by the
16 commission that shall not exceed \$500 for each violation of this
17 chapter. All fines collected under this section shall be
18 deposited into the general fund.

19 (b) No fine shall be assessed unless:

20 (1) The commission convenes a hearing in accordance with
21 section 97-6(c) and chapter 91; and

22 (2) A decision has been rendered by the commission.



1 (c) The provisions of this chapter shall not prohibit
2 prosecution under any appropriate provision of the Hawaii Penal
3 Code.

4 (d) This section shall not apply to any person who, prior
5 to the commencement of proceedings under this section, has paid
6 or agreed to pay the fines prescribed under this section."

7 PART II

8 SECTION 3. Chapter 97, Hawaii Revised Statutes, is amended
9 by adding two new sections to be appropriately designated and to
10 read as follows:

11 "§97- **Criminal referral.** In lieu of an administrative
12 determination that a violation of this chapter has been
13 committed, the state ethics commission may refer the complaint
14 to the attorney general or county prosecutor at any time it
15 believes a person may have recklessly, knowingly, or
16 intentionally committed a violation.

17 §97- **Criminal prosecution.** (a) Any person who
18 recklessly, knowingly, or intentionally violates any provision
19 of this chapter shall be guilty of a petty misdemeanor.

20 (b) Any person who knowingly or intentionally falsifies
21 any report required by this chapter with the intent to



1 circumvent the law or deceive the state ethics commission shall
2 be guilty of a misdemeanor.

3 (c) Prosecutions for violations of this chapter shall not
4 commence after five years have elapsed from the date of the
5 violation or date of filing of the report covering the period in
6 which the violation occurred, whichever is later.

7 (d) This section shall not apply to any person who, prior
8 to the commencement of proceedings under this section, has paid
9 or agreed to pay the fines prescribed by section 97-7."

10 PART III

11 SECTION 4. This Act does not affect rights and duties that
12 matured, penalties that were incurred, and proceedings that were
13 begun before its effective date.

14 SECTION 5. If any provision of this Act, or the
15 application thereof to any person or circumstance, is held
16 invalid, the invalidity does not affect other provisions or
17 applications of the Act that can be given effect without the
18 invalid provision or application, and to this end the provisions
19 of this Act are severable.

20 SECTION 6. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.

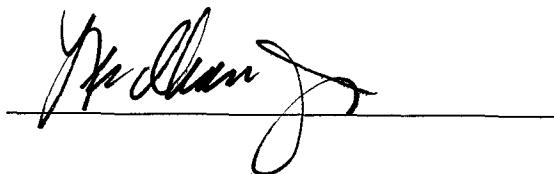


S.B. NO. 2684

1 SECTION 7. This Act shall take effect upon its approval or
2 July 1, 2012, whichever is later.

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INTRODUCED BY:



S.B. NO. 2684

Report Title:

Lobbyists; Contributions and Expenditures Statements; Reporting; Penalties

Description:

Removes requirement that failure to report be wilful in order to be subject to fines; and provides criminal penalties for violations.

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

