

## ACT 207

S.B. NO. 439

A Bill for an Act Relating to Administrative Fines Under the State Ethics Code.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 84, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“~~§84-~~ **Administrative fines.** (a) Where an administrative fine has not been established for a violation of a provision of this chapter, any person, including a legislator or employee, who violates a provision of this chapter shall be subject to an administrative fine imposed by the ethics commission that shall not exceed \$500 for each violation. All fines collected under this section shall be deposited in the general fund.

(b) No fine shall be assessed under this section unless:

- (1) The commission convenes a hearing in accordance with section 84-31(c) and chapter 91; and
- (2) A decision has been rendered by the commission.”

SECTION 2. Section 84-17, Hawaii Revised Statutes, is amended by amending subsection (i) to read as follows:

“(i) Failure of a legislator, a delegate to the constitutional convention, or employee to file a disclosure of financial interests as required by this section shall be a violation of this chapter. Any legislator, delegate to a constitutional convention, or employee who fails to file a disclosure of financial interests when due shall be assessed [~~a penalty~~] an administrative fine of \$50. The state ethics commission shall notify a person, by registered mail, return receipt requested, of the failure to file, and the disclosure of financial interests shall be submitted to the commission not later than 4:30 p.m. on the tenth day after notification of the failure to file has been mailed to the person. If a disclosure of financial interests has not been filed within ten days of the due date, an additional [~~penalty~~] administrative fine of \$10 for each day a disclosure remains unfiled shall be added to the [~~penalty-~~] administrative fine. All [~~penalties~~] administrative fines collected under this section shall be deposited in the State’s general fund. Any [~~monetary penalty~~] administrative fine for late filing shall be in addition to any other action the commission may take under this chapter for violations of the state ethics code. The commission may waive any [~~penalties~~] administrative fines assessed under this subsection for good cause shown.”

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

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.<sup>1</sup>

SECTION 5. This Act shall take effect upon approval.

(Approved June 20, 2006.)

**Note**

1. Edited pursuant to HRS §23G-16.5.