

JAN 25 2006

S.B. NO. 2902

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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. Lobbying is an honorable profession that is  
2 integral to the democratic process. It is constitutionally  
3 protected and fundamental to the creation of good public policy.  
4 When lobbyists are allowed to make significant expenditures to  
5 gain access to legislators or to persuade legislators to support  
6 their interests, however, equal political representation and  
7 participation may be threatened.

8           In rating lobbyists' regulation in the states, the Center  
9 for Public Integrity found that many states excelled in some  
10 areas, yet had poor showings in other areas. For example, a  
11 state may have strong spending disclosure requirements, but  
12 provide inadequate public access to information.

13           Specifically, the Center for Public Integrity reported  
14 that, of the fifty states, twenty-seven states received failing  
15 scores for reasons that include:

- 16           (1) A state's statutory definition of lobbyist excludes  
17           some executive branch lobbyists;
- 18           (2) Infrequent filing periods;



1 (3) A failure to require lobbyists to itemize expenses; or

2 (4) State agencies' failure to provide total spending  
3 information by year, reporting deadline, or industry.

4 Fourteen states received passing grades, but with low  
5 scores because of lax enforcement mechanisms and a lack of  
6 "cooling off" laws that mandate a break in the time between a  
7 legislator leaving public office and subsequently becoming a  
8 lobbyist.

9 Only nine states achieved relatively satisfactory scores.  
10 These nine states prohibit lobbyists from giving gifts to  
11 legislators and require both monthly spending reports and a  
12 listing of the bill numbers addressed by lobbyists. These  
13 states also provide electronic disclosure and strong public  
14 access to lobbyist reports.

15 The intent of this Act is to provide a higher standard of  
16 disclosure of the activities of lobbyists and of lobbyists'  
17 relationships with elected officials in the State of Hawaii.

18 SECTION 2. Chapter 97, Hawaii Revised Statutes, is amended  
19 by adding three new sections to be appropriately designated and  
20 to read as follows:

21 "§97- Delinquent filing of required statements;  
22 disclosure. The ethics commission shall disclose and make



1 available to the public a list of individuals who fail to file  
2 required statements by required filing dates. The list shall be  
3 made available to the public in a printed form or electronically  
4 on the website of the ethics commission.

5 **§97- Additional disclosures required.** The statements  
6 required pursuant to section 97-3 also shall disclose:

7 (1) Any expenditure made to household members of any  
8 public official for the purpose of attempting to  
9 influence legislative or administrative action or a  
10 ballot issue;

11 (2) Campaign contributions to any candidate made during a  
12 regular session of the legislature; and

13 (3) Direct business associations with public officials,  
14 candidates, or their respective household members.

15 **§97- Electronic filing.** The ethics commission shall  
16 provide for the electronic online filing of:

17 (1) Registration forms;

18 (2) All required contribution and expenditure statements;  
19 and

20 (3) Other required disclosure statements;

21 in a manner prescribed by the commission. A lobbyist or person  
22 who is required to register or file any contribution and



1 expenditure or other disclosure statement without access to a  
2 computer or the Internet shall not be required to register and  
3 file statements electronically."

4 SECTION 3. Section 97-3, Hawaii Revised Statutes, is  
5 amended by amending subsection (c) to read as follows:

6 "(c) The statement shall contain the following  
7 information:

- 8 (1) The name and address of each person with respect to  
9 whom expenditures for the purpose of lobbying in the  
10 total sum of \$25 or more per day was made by the  
11 person filing the statement during the statement  
12 period and the amount or value of such expenditure;
- 13 (2) The name and address of each person with respect to  
14 whom expenditures for the purpose of lobbying in the  
15 aggregate of \$150 or more was made by the person  
16 filing the statement during the statement period and  
17 the amount or value of such expenditures;
- 18 (3) The total sum or value of all expenditures for the  
19 purpose of lobbying made by the person filing the  
20 statement during the statement period in excess of  
21 \$750 during the statement period;



- 1 (4) The name and address of each person making
- 2 contributions to the person filing the statement for
- 3 the purpose of lobbying in the total sum of \$25 or
- 4 more during the statement period and the amount or
- 5 value of such contributions; and
- 6 (5) The subject area of the legislative and administrative
- 7 action [~~which~~] that was supported or opposed by the
- 8 person filing the statement during the statement
- 9 period[~~]~~, which shall include identification of
- 10 legislation by specific measure number."

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

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

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**SB. NO. 2902**

**Report Title:**

Lobbyists; Disclosures; Electronic Filing

**Description:**

Clarifies lobbyists requirements and prohibitions. Requires ethics commission to provide for online filing of required documents and to publicly disclose names of late filers.

