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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. Although Hawaii requires registration and  
2 disclosure by lobbyists attempting to influence legislative or  
3 administrative action, the statutory definition of  
4 "administrative action" is limited to certain rulemaking subject  
5 to chapter 91, Hawaii Revised Statutes, relating to  
6 administrative procedure.

7           Recent scandals at the federal level involving contacts  
8 between lobbyists and executive branch officials have shown the  
9 need for increased public awareness and scrutiny of lobbyists'  
10 efforts to influence executive branch officials and employees.

11           The purpose of this Act is to provide for increased  
12 disclosure of attempts to influence decisions of the governor  
13 and other executive agencies, by expanding the law relating to  
14 lobbyists to include the lobbying for administrative action  
15 extending beyond rulemaking.

16           SECTION 2. Section 97-1, Hawaii Revised Statutes, is  
17 amended to read as follows:

18           "**§97-1 Definitions.** When used in this chapter:



- 1        [~~1~~] "Administrative action" means [~~the proposal, drafting,~~  
2                    ~~consideration, amendment, enactment, or defeat by any~~  
3                    ~~administrative agency of any rule, regulation, or~~  
4                    ~~other action governed by section 91-3.~~] any act by an  
5                    administrative agency to effectuate the public powers,  
6                    functions, or duties of an administrative agency,  
7                    including but not limited to any act:
- 8                    (A) In the nature of policymaking, rulemaking,  
9                    adjudication, licensing, regulation, or  
10                    enforcement;
- 11                    (B) Relating to contracts, requests for proposals,  
12                    development of specifications, or engaging  
13                    another person to perform a governmental  
14                    function;
- 15                    (C) To formulate, adopt, amend, or repeal any rule  
16                    governed by section 91-3;
- 17                    (D) To adopt, amend, or repeal any fee imposed on the  
18                    affairs, actions, or persons regulated by an  
19                    administrative agency; or
- 20                    (E) To affect the passage, defeat, or implementation  
21                    of any legislation.



1        [~~2~~] "Administrative agency" means a commission, board,  
2                    agency, or other body, or official in the state  
3                    government that is not a part of the legislative or  
4                    judicial branch.

5        [~~3~~] "Contribution" includes a gift, subscription,  
6                    forgiveness of a loan, advance, or deposit of money,  
7                    or anything of value and includes a contract, promise,  
8                    or agreement, whether or not enforceable, to make a  
9                    contribution.

10       [~~4~~] "Expenditure" includes a payment, distribution,  
11                    forgiveness of a loan, advance, deposit, or gift of  
12                    money, or anything of value and includes a contract,  
13                    promise, or agreement, whether or not enforceable, to  
14                    make an expenditure. "Expenditure" also includes  
15                    compensation or other consideration paid to a lobbyist  
16                    for the performance of lobbying services.

17                    "Expenditure" excludes the expenses of preparing  
18                    written testimony and exhibits for a hearing before  
19                    the legislature or an administrative agency.

20       [~~5~~] "Legislative action" means the sponsorship, drafting,  
21                    introduction, consideration, modification, enactment,  
22                    or defeat of any bill, resolution, amendment, report,



1 nomination, appointment, or any other matter pending  
2 or proposed in the legislature.

3 ~~[(6) "Lobbyist" means any individual who for pay or other  
4 consideration engages in lobbying in excess of five  
5 hours in any month of any reporting period described  
6 in section 97-3 or spends more than \$750 lobbying  
7 during any reporting period described in section 97-  
8 3.]~~

9 ~~[(7)]~~ "Lobbying" means communicating directly or through an  
10 agent, or soliciting others to communicate, with any  
11 official in the legislative or executive branch, for  
12 the purpose of attempting to influence legislative or  
13 administrative action or a ballot issue.

14 "Lobbyist" means any individual who for pay or other  
15 consideration engages in lobbying in excess of five  
16 hours in any month of any reporting period described  
17 in section 97-3 or spends more than \$750 lobbying  
18 during any reporting period described in section 97-3.

19 ~~[(8)]~~ "Person" means a corporation, individual, union,  
20 association, firm, sole proprietorship, partnership,  
21 committee, club, or any other organization or a



1 representative of a group of persons acting in  
2 concert."

3 SECTION 3. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 4. This Act shall take effect on July 1, 2007.

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INTRODUCED BY:

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[Signature]

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JAN 22 2007



**Report Title:**

Lobbyists; Administrative Action

**Description:**

Expands the regulation of lobbyists to include the lobbying for administrative action extending beyond rulemaking.

