

JAN 24 2007

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 public disclosure
2 requirements for lobbyists are important to ensuring open
3 government and upholding public trust in the policymaking
4 process. In 2003, the nonpartisan Center for Public Integrity
5 conducted a survey of lobbyist disclosure laws in all fifty
6 states. Hawaii fared poorly, ranking thirty-sixth in the
7 nation. Numerous other states had stronger lobbyist disclosure
8 requirements in such areas as registration, spending reports,
9 public access, and improved enforcement through audits.

10 The purpose of this Act is to:

- 11 (1) Require annual and renewal registration forms, and a
12 fee of \$25 for certain lobbyists;
- 13 (2) Require expenditure statements for contributions made
14 during a session;
- 15 (3) Establish an intermittent deadline schedule for filing
16 expenditure statements;



1 (4) Require electronic filing of registration and
2 expenditure statements; and

3 (5) Require the state ethics commission to conduct a
4 review and audit of the filed documentation, and make
5 an appropriation to the commission.

6 SECTION 2. Section 97-2, Hawaii Revised Statutes, is
7 amended by amending subsections (a) and (b) to read as follows:

8 "(a) Every lobbyist shall file electronically a
9 registration form with the state ethics commission within five
10 days of becoming a lobbyist[-], and annually thereafter on
11 December 30 of each year.

12 (b) Each lobbyist shall provide and certify the following
13 information:

14 (1) The name, mailing address, and business telephone
15 number of the lobbyist.

16 (2) The name and principal place of business of each
17 person by whom the lobbyist is retained or employed or
18 on whose behalf the lobbyist appears or works and a
19 written authorization to act as a lobbyist from each
20 person by whom the lobbyist is employed or with whom
21 the lobbyist contracts.



1 (3) The subject areas on which the lobbyist expects to
2 lobby.

3 A lobbyist shall include with the registration form a photograph
4 of the lobbyist. There shall be an annual registration fee of
5 \$25, payable with the filing of the registration form, due from
6 the employer of or the entity retaining the lobbyist that has
7 annual revenues equal to or exceeding \$50,000 in the year ending
8 on December 31 of the year of the registration form. Payment
9 shall be made payable to the state ethics commission; provided
10 that the funds shall be deposited into a special account to
11 defray the costs of the commission for purposes of section
12 97-6."

13 SECTION 3. Section 97-3, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "**§97-3 Contributions and expenditures; statement.** (a)

16 The following persons shall electronically file a statement of
17 expenditures with the state ethics commission on [~~March 31,~~
18 ~~May 31, and January 31~~] the last day of February, April 15,
19 May 31, and January 15 of each year[+] as provided in subsection

20 (b):

21 (1) Each lobbyist.



1 (2) Each person who spends \$750 or more of the person's or
2 any other person's money in any six-month period for
3 the purpose of attempting to influence legislative or
4 administrative action or a ballot issue by
5 communicating or urging others to communicate with
6 public officials; provided that any amounts expended
7 for travel costs, including incidental meals and
8 lodging, shall not be included in the tallying of the
9 \$750.

10 (3) Each person who employs or contracts for the services
11 of one or more lobbyists, whether independently or
12 jointly with other persons. If the person is an
13 industry, trade, or professional association, only the
14 association is the employer of the lobbyist.

15 (b) ~~[The March 31 report shall cover the period from~~
16 ~~January 1 through the last day of February. The May 31 report~~
17 ~~shall cover the period from March 1 through April 30. The~~
18 ~~January 31 report shall cover the period from May 1 through~~
19 ~~December 31 of the previous year.] The last day of February
20 report shall cover the immediate preceding period from January 1
21 through February 14; the April 15 report shall cover the
22 immediate preceding period from February 15 through April 1; the~~



1 May 31 report shall cover the immediate preceding period from
2 April 1 through May 14; and the January 15 report shall cover
3 the immediately preceding period from May 15 through
4 December 31.

5 (c) The statement shall contain the following information:

6 (1) The name and address of each person with respect to
7 whom expenditures for the purpose of lobbying in the
8 total sum of \$25 or more per day was made by the
9 person filing the statement during the statement
10 period and the amount or value of such expenditure;

11 (2) The name and address of each person with respect to
12 whom expenditures for the purpose of lobbying in the
13 aggregate of \$150 or more was made by the person
14 filing the statement during the statement period and
15 the amount or value of such expenditures;

16 (3) The total sum or value of all expenditures for the
17 purpose of lobbying made by the person filing the
18 statement during the statement period in excess of
19 \$750 during the statement period;

20 (4) The name and address of each person making
21 contributions to the person filing the statement for
22 the purpose of lobbying in the total sum of \$25 or



1 more during the statement period and the amount or
2 value of such contributions; and

3 (5) The subject area of the legislative and administrative
4 action which was supported or opposed by the person
5 filing the statement during the statement period.

6 (d) ~~[The receipt or expenditure of any money for the
7 purpose of influencing the election or defeat of any candidate
8 for an elective office or for the passage or defeat of any
9 proposed measure at any special or general election is excluded
10 from the reporting requirement of this section.]~~ For periods in
11 which the legislature is in session, the reports shall include:

12 (1) Expenditures relating to lobbying for a bill,
13 including the bill number; and

14 (2) Campaign contributions, including the name of the
15 legislator, candidate committee, or committee, and
16 date and amount of the contribution.

17 (e) For periods when the legislature is not in session,
18 the receipt or expenditure of any money for the purpose of
19 influencing the election or defeat of any candidate for an
20 elective office or for the passage or defeat of any proposed
21 measure at any special or general election is excluded from the
22 reporting requirement of this section."



1 SECTION 4. Section 97-6, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) The state ethics commission shall administer and
4 implement this chapter, and shall have the following powers and
5 duties:

6 (1) Initiate, receive, and consider charges concerning
7 alleged violations of this chapter, and investigate or
8 cause to be investigated on a confidential basis, the
9 activities of any person to determine whether the
10 person is in compliance with this chapter;

11 (2) Prescribe forms for the statements and reports
12 required by sections 97-2 and 97-3 and establish
13 orderly procedures for implementing the requirements
14 of those provisions;

15 (3) Render advisory opinions upon the request of any
16 person subject to this chapter. If no advisory
17 opinion is rendered within thirty days after the
18 request is filed with the commission, it shall be
19 deemed that an advisory opinion was rendered and that
20 the facts and circumstances of that particular case do
21 not constitute a violation of this chapter. The
22 opinion rendered or deemed rendered, until amended or



1 revoked, shall be binding on the commission in any
2 subsequent charges concerning the person subject to
3 this chapter who sought the opinion and acted in
4 reliance on it in good faith, unless material facts
5 were omitted or misstated by the person in the request
6 for an advisory opinion;

7 (4) Issue subpoenas, administer oaths, and exercise those
8 powers conferred upon the commission by section 92-16;

9 (5) Adopt rules, not inconsistent with this chapter, as in
10 the judgment of the commission seem appropriate for
11 the carrying out of this chapter and for the efficient
12 administration of this chapter, including every matter
13 or thing required to be done or which may be done with
14 the approval or consent or by order or under the
15 direction or supervision of, or as prescribed by, the
16 commission. The rules, when adopted as provided in
17 chapter 91, shall have the force and effect of law;

18 [and]

19 (6) Have jurisdiction for purposes of investigation and
20 taking appropriate action on alleged violations of
21 this chapter in all proceedings commenced within three
22 years of an alleged violation of this chapter. A



1 proceeding shall be deemed commenced by the filing of
2 a charge with the commission or by the signing of a
3 charge by three or more members of the commission.

4 Nothing shall bar proceedings against a person who by
5 fraud or other device prevents discovery of a
6 violation of this chapter[-]; and

7 (7) Review and audit required filings under this chapter
8 for accuracy and compliance."

9 SECTION 5. Section 97-2.5, Hawaii Revised Statutes, is
10 repealed.

11 [~~"§97-2.5 Renewal of registration. Each registered~~
12 ~~lobbyist shall renew the lobbyist's registration biennially by~~
13 ~~filing a registration and authorization form with the state~~
14 ~~ethics commission within ten days of the opening of the 1983~~
15 ~~regular session of the legislature and on every odd-numbered~~
16 ~~year's session thereafter."~~]

17 SECTION 6. There is appropriated out of the general
18 revenues of the State of Hawaii the sum of \$, or so
19 much thereof as may be necessary for fiscal year 2007-2008, for
20 implementation of this Act.

21 The sum appropriated shall be expended by the state ethics
22 commission for the purposes of this Act.



Report Title:

Lobbyists

Description:

Requires annual filing or renewal of registration form and annual registration fee. Requires expenditure statement and campaign contributions during session. Establishes filing deadlines for expenditure statements.

