

JAN 28 2009

A BILL FOR AN ACT

RELATING TO LOBBYISTS.

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

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

3 "§97-1 Definitions. When used in this chapter:

4 [~~(1)~~] "Administrative action" means the proposal, drafting,
5 consideration, amendment, enactment, or defeat by any
6 administrative agency of any rule, regulation, or other action
7 governed by section 91-3.

8 [~~(2)~~] "Administrative agency" means a commission, board,
9 agency, or other body, or official in the state government that
10 is not a part of the legislative or judicial branch.

11 [~~(3)~~] "Contribution" includes a gift, subscription,
12 forgiveness of a loan, advance, or deposit of money, or anything
13 of value and includes a contract, promise, or agreement, whether
14 or not enforceable, to make a contribution.

15 "Executive action" means the proposal, consideration, or
16 defeat of any act, bill, resolution, amendment, nomination,



1 appointment, or any other matter pending or proposed before the
2 governor or lieutenant governor, or other state official.

3 [~~4~~] "Expenditure" includes a payment, distribution,
4 forgiveness of a loan, advance, deposit, or gift of money, or
5 anything of value and includes a contract, promise, or
6 agreement, whether or not enforceable, to make an expenditure.
7 "Expenditure" also includes compensation or other consideration
8 paid to a lobbyist for the performance of lobbying services.

9 "Expenditure" excludes the expenses of preparing written
10 testimony and exhibits for a hearing before the legislature or
11 an administrative agency.

12 [~~5~~] "Legislative action" means the sponsorship, drafting,
13 introduction, consideration, modification, enactment, or defeat
14 of any bill, resolution, amendment, report, nomination,
15 appointment, or any other matter pending or proposed in the
16 legislature.

17 [~~6~~] "Lobbyist" means any individual who for pay or other
18 consideration engages in lobbying in excess of five hours in any
19 month of any reporting period described in section 97-3 or
20 spends more than \$750 lobbying during any reporting period
21 described in section 97-3.



1 ~~[-(7)-]~~ "Lobbying" means communicating directly or through an
2 agent, or soliciting others to communicate, with any official in
3 the legislative or executive branch, for the purpose of
4 attempting to influence executive, legislative, or
5 administrative action or a ballot issue.

6 ~~[-(8)-]~~ "Person" means a corporation, individual, union,
7 association, firm, sole proprietorship, partnership, committee,
8 club, or any other organization or a representative of a group
9 of persons acting in concert."

10 SECTION 2. Section 97-2, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "§97-2 Registration of lobbyists, requirements[-]; fees.

13 (a) Every lobbyist shall file a registration form with the
14 state ethics commission and pay the required fee within five
15 days of becoming a lobbyist.

16 (b) Each lobbyist shall provide and certify the following
17 information:

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

20 (2) The name and principal place of business of each
21 person by whom the lobbyist is retained or employed or
22 on whose behalf the lobbyist appears or works and a



1 written authorization to act as a lobbyist from each
2 person by whom the lobbyist is employed or with whom
3 the lobbyist contracts.

4 (3) The subject areas on which the lobbyist expects to
5 lobby.

6 (c) Unless otherwise provided by law, each lobbyist
7 registered under this section shall pay to the state ethics
8 commission an annual registration fee of \$50; provided that
9 lobbyists who represent only nonprofit organizations with annual
10 revenues of less than \$200,000 shall be exempt from this
11 subsection.

12 [~~(e)~~] (d) A lobbyist shall report any change in any of the
13 information contained in the registration statement within ten
14 days after the change has occurred.

15 [~~(d)~~] (e) A lobbyist shall file a notice of termination
16 within ten days after the lobbyist ceases the activity which
17 required the lobbyist's registration. The lobbyist and the
18 employer of the lobbyist shall remain subject, however, to the
19 requirements of chapter 97 for the period during which the
20 registration was effective.

21 [~~(e)~~] (f) This chapter shall not apply to:



- 1 (1) Any individual who represents oneself and not any
2 other person before the executive branch, legislature,
3 or administrative agency; provided that such
4 individual [~~must~~] shall nonetheless file a statement
5 of expenditures if the individual meets any of the
6 provisions of section 97-3(a);
- 7 (2) Any federal, state, or county official or employee
8 acting in the official's or employee's official
9 capacity, unless the federal, state or county
10 official, or employee contracts for the services of a
11 lobbyist;
- 12 (3) Any elected public official acting in the public
13 official's official capacity, unless the public
14 official contracts for the services of a lobbyist;
- 15 (4) Any newspaper or other regularly published periodical
16 or radio or television station (including any
17 individual who owns, publishes, or is employed by a
18 newspaper or periodical or radio or television
19 station) while publishing in the regular course of
20 business news items, editorials, or other comments, or
21 paid advertisements, [~~which~~] that directly or



1 indirectly urge the passage or defeat of legislative
2 or administrative action;

3 (5) Any attorney who advises the attorney's clients on the
4 construction or effect of proposed executive,
5 legislative, or administrative action; provided that
6 such attorney [~~must~~] shall nonetheless register if the
7 attorney meets [~~any of the provisions of section 97-~~
8 ~~1(6);~~] the definition of a lobbyist in section 97-1;
9 and

10 (6) Any person who possesses special skills and knowledge
11 relevant to certain areas of legislation, whose skills
12 and knowledge may be helpful to the legislative and
13 executive branches of state government, and who makes
14 an occasional appearance at the request of the
15 legislature or an administrative agency, or the
16 lobbyist even though receiving reimbursement or other
17 payment from the legislature or administrative agency
18 or the lobbyist for the appearance."

19 SECTION 3. Section 97-2.5, Hawaii Revised Statutes, is
20 amended to read as follows:

21 "§97-2.5 **Renewal of registration.** Each registered
22 lobbyist shall renew the lobbyist's registration [~~biennially~~]



1 annually by filing a registration and authorization form and
2 paying any required registration fee with the state ethics
3 commission within ten days of the opening of the [~~1983~~] 2010
4 regular session of the legislature and [~~on~~] every [~~odd-numbered~~
5 ~~year's~~] session thereafter."

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

8 "§97-3 Contributions [and], expenditures [;], and other
9 disclosures; statement. (a) The following persons shall file a
10 statement of contributions, expenditures, and other disclosures
11 with the state ethics commission on March 31, May 31, and
12 January 31 of each year:

- 13 (1) Each lobbyist.
- 14 (2) Each person who spends \$750 or more of the person's or
15 any other person's money in any six-month period for
16 the purpose of attempting to influence executive,
17 legislative, or administrative action or a ballot
18 issue by communicating or urging others to communicate
19 with public officials; provided that any amounts
20 expended for travel costs, including incidental meals
21 and lodging, shall not be included in the tallying of
22 the \$750.



1 (3) Each person who employs or contracts for the services
2 of one or more lobbyists, whether independently or
3 jointly with other persons. If the person is an
4 industry, trade, or professional association, only the
5 association is the employer of the lobbyist.

6 (b) The March 31 report shall cover the period from
7 January 1 through the last day of February. The May 31 report
8 shall cover the period from March 1 through April 30. The
9 January 31 report shall cover the period from May 1 through
10 December 31 of the previous year.

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

12 ~~[-(1) The name and address of each person with respect to~~
13 ~~whom expenditures for the purpose of lobbying in the~~
14 ~~total sum of \$25 or more per day was made by the~~
15 ~~person filing the statement during the statement~~
16 ~~period and the amount or value of such expenditure;~~

17 ~~-(2) The name and address of each person with respect to~~
18 ~~whom expenditures for the purpose of lobbying in the~~
19 ~~aggregate of \$150 or more was made by the person~~
20 ~~filing the statement during the statement period and~~
21 ~~the amount or value of such expenditures;]~~



- 1 (1) The name and address of each person with respect to
2 whom expenditures were made in the form of an
3 invitation or admission to an event for the purpose of
4 lobbying and the amount or value of those
5 expenditures;
- 6 (2) The name and address of each person with respect to
7 whom expenditures, in any sum, were made for the
8 purpose of lobbying by the person filing the statement
9 during the statement period and the amount of each
10 expenditure. The statement shall include any
11 expenditure made to any household member of any
12 executive, legislative, or agency person that the
13 lobbyist lobbied;
- 14 (3) The name and address of each person with respect to
15 whom any expenditure, in any sum, was made by the
16 person filing the statement, during the statement
17 period, for the purpose of influencing the election or
18 defeat of any candidate for an elective office or for
19 the passage or defeat of any proposed measure at any
20 special or general election;
- 21 [~~3~~] (4) The total sum or value of all expenditures for
22 the purpose of lobbying made by the person filing the



1 statement during the statement period in excess of
2 \$750 during the statement period;

3 ~~[(4)]~~ (5) The name and address of each person making
4 contributions to the person filing the statement for
5 the purpose of lobbying in the total sum of \$25 or
6 more during the statement period and the amount or
7 value of such contributions; ~~[and]~~

8 ~~[(5)]~~ (6) The ~~[subject area of the]~~ specific executive,
9 legislative ~~[and]~~, or administrative ~~[action]~~ actions
10 which ~~[was]~~ were supported or opposed by the person
11 filing the statement during the statement period~~[-]~~;
12 and

13 (7) The nature of any business association that the person
14 filing the statement had during the statement period
15 with any executive, legislative, or agency person that
16 the lobbyist lobbied during the statement period.

17 ~~[(d)]~~ ~~The receipt or expenditure of any money for the~~
18 ~~purpose of influencing the election or defeat of any candidate~~
19 ~~for an elective office or for the passage or defeat of any~~
20 ~~proposed measure at any special or general election is excluded~~
21 ~~from the reporting requirement of this section.]~~



1 (d) The commission shall review and audit a random
 2 sampling of the statements filed under this section in
 3 accordance with rules adopted by the commission pursuant to
 4 chapter 91."

5 SECTION 5. Section 97-5, Hawaii Revised Statutes, is
 6 amended to read as follows:

7 "[+]§97-5[+] **Restricted activities.** No lobbyist shall
 8 accept or agree to accept any payment in any way contingent upon
 9 the defeat, enactment, or outcome of any proposed executive,
 10 legislative, or administrative action."

11 SECTION 6. 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 7. Statutory material to be repealed is bracketed
 15 and stricken. New statutory material is underscored.

16 SECTION 8. This Act shall take effect upon its approval.

17

INTRODUCED BY: _____




By Request _____

Will Eyo
 Arind Y. Ly
 Suzanne Chun Oalland
 Fred [unclear]
 Greg L. [unclear]

Report Title:

Lobbyists; Disclosure

Description:

Requires lobbyists to disclose contributions, expenditures, business associations, and specific measures lobbied during the reporting period. Establishes an annual registration fee for lobbyists. Requires the ethics commission to randomly audit lobbyist statements of contributions, expenditures, and other disclosures.

