

JAN 18 2013

A BILL FOR AN ACT

RELATING TO LOBBYISTS.

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

1 SECTION 1. The purpose of this Act is to expand the
2 definition of "administrative action" in section 97-1, Hawaii
3 Revised Statutes, to include the granting or denying of an
4 application for a business or development-related permit,
5 license, or approval as required by state law and the
6 procurement of goods and services under the Hawaii public
7 procurement code.

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

10 "§97-1 Definitions. When used in this chapter:

11 ~~[(1)]~~ "Administrative action" means ~~[the]~~ :

12 (1) The proposal, drafting, consideration, amendment,
13 enactment, or defeat by any administrative agency of
14 any rule, regulation, or other action governed by
15 section 91-3 [-];

16 (2) The granting or denying by an administrative agency of
17 an application for a business or development-related



1 permit, license, or approval as required by state law;
 2 or
 3 (3) The procurement of goods and services through
 4 contracts covered by the Hawaii public procurement
 5 code.

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

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

14 ~~[(4)]~~ "Expenditure" includes a payment, distribution,
 15 forgiveness of a loan, advance, deposit, or gift of money, or
 16 anything of value and includes a contract, promise, or
 17 agreement, whether or not enforceable, to make an expenditure.

18 "Expenditure" also includes compensation or other consideration
 19 paid to a lobbyist for the performance of lobbying services.

20 "Expenditure" excludes the expenses of preparing written
 21 testimony and exhibits for a hearing before the legislature or
 22 an administrative agency.



1 ~~[(5)]~~ "Legislative action" means the sponsorship,
2 drafting, introduction, consideration, modification, enactment,
3 or defeat of any bill, resolution, amendment, report,
4 nomination, appointment, or any other matter pending or proposed
5 in the legislature.

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

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

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

20 SECTION 3. Section 97-2, Hawaii Revised Statutes, is
21 amended by amending subsection (e) to read as follows:

22 "(e) This chapter shall not apply to:



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



1 (5) Any attorney who advises the attorney's clients on the
 2 construction or effect of proposed legislative or
 3 administrative action; provided that such attorney
 4 must nonetheless register if the attorney [~~meets any~~
 5 ~~of the provisions of section 97-1(6);~~] is a "lobbyist"
 6 as defined in section 97-1; and

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

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

18 SECTION 5. This Act shall take effect on July 1, 2013.

19 INTRODUCED BY: *[Signature]*
Will Eyer

Samuel S. Stone

April 2, 1862

Paul P. Stone



S.B. NO. 862

Report Title:

Lobbyists; Executive Branch; Administrative Action

Description:

Expands the definition of "administrative action" in lobbyist laws to include granting or denying applications for business or development-related permits, licenses, or approvals and procurement of goods and services under the Hawaii public procurement code; clarifies that the lobbying laws apply to lobbying of the executive branch.

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