



# HAWAII STATE ETHICS COMMISSION

State of Hawaii • Bishop Square, 1001 Bishop Street, ASB Tower 970 • Honolulu, Hawaii 96813

---

March 11, 2014

The Honorable Karl Rhoads, Chair  
The Honorable Sharon E. Har, Vice Chair  
House Committee on Judiciary  
Hawaii State Capitol, Room 438  
415 South Beretania Street  
Honolulu, Hawaii 96813

Re: **Testimony on S.B. No. 2629, S.D. 1, Relating to Lobbyists**

Hearing: March 11, 2014, 2:00 p.m.  
State Capitol, Conference Room 325

The Honorable Karl Rhoads, Chair; The Honorable Sharon E. Har, Vice Chair;  
and the Honorable Members of the House Committee on Judiciary:

This bill amends Hawaii Revised Statutes (“HRS”) chapter 97, the Lobbyists Law, to require lobbyists to report expenditures and contributions relating to an issue considered during a special session of the legislature within 30 days of the close (or sine die) of that special session. The Commission agrees that more timely reporting of expenditures and contributions is in the public interest and, therefore, supports the bill.

Currently, the Lobbyists Law requires lobbyists and lobbying organizations that meet threshold criteria<sup>1</sup> to file lobbying expenditures and contributions statements three times per year: the first reports expenditures made and contributions received from January 1 through the end of February; a second reports expenditures made and contributions received from March 1 through April 30; and a third reports expenditures

---

<sup>1</sup> HRS section 97-3(a) requires the following individuals and organizations to file a statement of lobbying expenditures and contributions:

- (1) Each lobbyist.
- (2) Each person who spends \$750 or more of the person's or any other person's money in any six-month period for the purpose of attempting to influence legislative or administrative action or a ballot issue by communicating or urging others to communicate with public officials; provided that any amounts expended for travel costs, including incidental meals and lodging, shall not be included in the tallying of the \$750.
- (3) Each person who employs or contracts for the services of one or more lobbyists, whether independently or jointly with other persons. If the person is an industry, trade, or professional association, only the association is the employer of the lobbyist.

The Honorable Karl Rhoads, Chair  
The Honorable Sharon E. Har, Vice Chair  
March 11, 2014  
Page 2

made and contributions received from May 1 through December 31.<sup>2</sup> The deadline for reporting expenditures and contributions relating to an issue considered as part of a special session is January 31 following the special session. All of the reports filed by lobbyists and lobbying organizations are available through the Commission's website.

The Commission agrees that the filing of this additional report will provide more timely information regarding the lobbying expenditures and contributions relating to an issue considered as part of a special session.

Thank you for considering the Commission's comments on S.B. No. 2629, S.D. 1.

---

<sup>2</sup> The reports are due 30 days after the end of the respective reporting period.



49 South Hotel Street, Room 314 | Honolulu, HI 96813  
www.lwv-hawaii.com | 808.531.7448 | voters@lwv-hawaii.com

COMMITTEE ON JUDICIARY

Rep. Karl Rhoads, Chair

Rep. Sharon E. Har, Vice Chair

Tuesday, March 11, 2014, 2:00 PM, Room 325

SB2629 SD1 Lobbyists; Statement of Expenditures; Special Session

Testimony in SUPPORT

Wynnie Hee, LWV-HI Legislative Committee Member

Chair Rhoads, Vice Chair Har, and Committee Members:

The League of Women Voters of Hawaii supports the timely disclosure of money spent to influence legislation; therefore, we stand in support of SB2629 SD1 which would amend Chapter 97, Hawaii Revised Statutes, relating to the filing of lobbyist expenditure reports for special sessions as well as amending the definition of "lobbyist."

We find the amendments proposed in SD1 to be reasonable clarifications and improvements to this bill: allowing 30 days after the end of special session for statement of expenditures to be filed; specifying that the special session reporting period is from May 1 through sine die of the special session and covering only expenditures and contributions relating to legislative action considered during that special session.

The need for amendment of Chapter 97, Hawaii Revised Statutes, became apparent during last fall's special session on marriage equality which drew over 20,000 individual testifiers and scores of organizations including religious groups, labor unions, and professional and civic groups. Many persons and groups that never would have considered themselves lobbyists and had never spent money to influence legislation before *did so for the first time* preceding and during this special session. Thus, the necessity to spell out what constitutes a lobbyist arose.

We feel these proposed amendments enhance our law relating to lobbyists. We do not see them as controversial and urge you to PASS SB2629 SD1.

Thank you for this opportunity to submit testimony.



House Judiciary Committee  
Chair Karl Rhoads, Vice Chair Sharon Har

Tuesday 03/11/14 at 02:00PM in Room 325  
SB2629 SD1– Relating to Lobbyists

Testimony of Support  
Carmille Lim, Executive Director, Common Cause Hawaii

---

Dear Chair Rhoads, Vice Chair Har, and members of the House Judiciary Committee:

**Common Cause Hawaii supports SB2629 SD1**, which requires persons who engage in lobbying ninety days prior to the convening of a special session or through sine die of that special session, or both, to file a statement of expenditures – on activities related to special session -- with the state ethics commission within ten days of sine die of that special session.

This bill aims to provide greater transparency on such activities that occur during special session – which is held in between regular sessions and in between regular lobbying expenditure reporting periods. In 2013, the Hawaii State Legislature convened a special session on Same-Sex Marriage, which was considered a controversial issue in Hawaii. During special session, mailers were distributed on Oahu which targeted several legislators in a slanderous way and/or contained false information. Additionally, the mailers were sent anonymously – they did not include information on who or what organization paid for or mailed these literature. The source was eventually traced back to a religious institution.

Hawaii residents deserve to know who is trying to influence their public opinion on issues and legislators, and in a timely manner, and such organizations must be held accountable for these types of activities.

Thank you for the opportunity to testify on SB2629 SD1.

**SB2629**

Submitted on: 3/7/2014

Testimony for JUD on Mar 11, 2014 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nancy Davlantes	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

**SB2629**

Submitted on: 3/10/2014

Testimony for JUD on Mar 11, 2014 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Susan Dursin	Individual	Support	No

Comments: Dear Chair Rhoads, Vice Chair Har and Members of the Judiciary Committee: I would like to speak in favor of SB2629, SD1. The work of lobbyists is, to a large extent, out of the public's view. There is great distrust about the extent of their influence. This bill would take important steps to open the process to public view. Thank you for considering my testimony. Susan Dursin Captain Cook, HI

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

# GRASSROOT

Institute of Hawaii

March 11, 2014  
2:00 PM  
House Conference Room 325



**To: House Committee on Judiciary**  
**Rep. Karl Rhoads, Chair**  
**Rep. Sharon E. Har, Vice Chair**

**From: Grassroot Institute of Hawaii**  
**President Keli'i Akina, Ph.D.**

RE: SB 2629 RELATING TO LOBBYISTS

Dear Chair and Committee Members:

The Grassroot Institute of Hawaii would like to offer its comments on HB 2629, which would require those who engage in lobbying before a special legislative session to file a statement of expenditures with the state ethics commission within 30 days of sine die of that session.

We are deeply concerned about the effect of this legislation on citizen involvement in the legislature—especially as relates to the controversial issues that often give rise to a special session and that are, understandably, the subject of higher public interest. The concern over the activities of large advocacy groups is understandable, but this bill reaches too far in the attempt to address that question. While the amendment has helped clarify the threshold for reportable spending, we still fear that this threshold is too low in light of the time and expense of even the smallest grassroots citizen effort. In addition, the guidelines on what constitutes lobbying expenditures under the bill are still too vague.

The average citizen should not have to consult with lawyers in order to feel secure expressing his or her beliefs before the legislature during a special session.

We believe that the bill, as written, will have a chilling effect on citizen participation in government when it is most needed—during a special session where pressing or complex issues are up for debate. Participation in the legislative process can be unusual and intimidating for many. To require special filings and requirements in such a case would be sufficient to discourage citizen participation. By stifling citizen action in this way, this bill is actually a barrier to free speech and an active and politically-involved populace.

Grassroot Institute of Hawaii supports transparent, accountable government. However, we believe that this bill is unnecessary, given the infrequency of the event it contemplates, and is detrimental to grassroots participation in government. Moreover, we believe that it infringes upon free speech and thereby undermines the democratic process.

Thank you for the opportunity to submit our testimony.

Sincerely,

Keli'i Akina, Ph.D.

President, Grassroot Institute of Hawaii