



EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

June 22, 2017

**GOV. MSG. NO. 1151**

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Twenty-Ninth State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,  
Speaker and Members of the  
House of Representatives  
Twenty-Ninth State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 22, 2017, the following bill was signed into law:

HB511 HD1 SD1 CD1

RELATING TO LOBBYISTS  
**ACT 051 (17)**

Sincerely,

DAVID Y. IGE  
Governor, State of Hawai'i

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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. The legislature finds that Hawaii's lobbyist  
2 registration law is both under- and over-inclusive, such that  
3 amending the definitions of "expenditure", "lobbying", and  
4 "lobbyist" is necessary to provide additional transparency to  
5 the public while relieving some individuals, particularly  
6 certain representatives of charitable, nonprofit organizations,  
7 from having to register as lobbyists. Similarly, the  
8 legislature finds that several provisions of the lobbyists law  
9 should be amended to avoid unnecessary paperwork and confusion.  
10 Among other things, the legislature finds that the employer of a  
11 lobbyist should have the authority to terminate that lobbyist's  
12 registration if the lobbyist does not do so.

13           Accordingly, the purpose of this Act is to provide  
14 additional clarity and consistency in the administration and  
15 enforcement of Hawaii's lobbying laws.

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 other action  
4 governed by section 91-3.

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

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

12           [~~(4)~~] "Expenditure" includes a payment, distribution,  
13 forgiveness of a loan, advance, deposit, or gift of money, or  
14 anything of value and includes a contract, promise, or  
15 agreement, whether or not enforceable, to make an expenditure.  
16 "Expenditure" also includes compensation or other consideration  
17 paid to a lobbyist for the performance of lobbying services.  
18 "Expenditure" excludes [~~the expenses of preparing written~~  
19 ~~testimony and exhibits for a hearing before the legislature or~~  
20 ~~an administrative agency.~~] any amounts expended:



- 1        (1) For intrastate travel costs, including incidental  
2        meals and lodging; provided that this exception does  
3        not apply to any amounts expended for the travel costs  
4        of state legislators, board and commission members, or  
5        any other employees of the State; or
- 6        (2) By a nonprofit organization to prepare and submit an  
7        application for a grant pursuant to chapter 42F, and  
8        for each of the nonprofit organization's employees to  
9        lobby a maximum of ten hours in a month for that  
10       application.

11       [~~5~~] "Legislative action" means the sponsorship, drafting,  
12       introduction, consideration, modification, enactment, or defeat  
13       of any bill, resolution, amendment, report, nomination,  
14       appointment, or any other matter pending or proposed in the  
15       legislature.

16       "Lobbying" means communicating directly or through an  
17       agent, or soliciting others to communicate, with any official in  
18       the legislative or executive branch, for the purpose of  
19       attempting to influence legislative or administrative action or  
20       a ballot issue. "Lobbying" shall not include the preparation



1 and submission of a grant application pursuant to chapter 42F by  
2 a representative of a nonprofit organization.

3 ~~[-6-]~~ "Lobbyist" means any individual who ~~[fee]~~:

4 (1) Receives or expects to receive, either by employment  
5 or contract, \$1,000 or more in monetary or in-kind  
6 compensation in any calendar year for engaging in  
7 lobbying, either personally or through the lobbyist's  
8 agents; or

9 (2) For pay or other consideration ~~[engages]~~, on behalf of  
10 another person:

11 (A) Engages in lobbying in excess of five hours in  
12 any month of any reporting period described in  
13 section 97-3 ~~[or spends more than \$750]~~;

14 (B) Engages in lobbying in excess of ten hours during  
15 any calendar year; or

16 (C) Makes expenditures of \$1,000 or more of the  
17 person's or any other person's money lobbying  
18 during any reporting period described in section  
19 97-3 ~~[-]~~;

20 provided that an employee of a nonprofit organization who spends  
21 fewer than ten hours in any month lobbying on a grant



1 application submitted pursuant to chapter 42F is not a lobbyist  
2 if the employee does not engage in lobbying on matters that are  
3 unrelated to the grant application.

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

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

13 SECTION 3. Section 97-2, Hawaii Revised Statutes, is  
14 amended by amending subsections (d) and (e) to read as follows:

15 "(d) A lobbyist shall file a notice of termination within  
16 ten days after the lobbyist ceases the activity ~~[which]~~ that  
17 required the lobbyist's registration. If the lobbyist fails to  
18 file a notice of termination, the person who employed or  
19 contracted for the services of the lobbyist may file the notice.  
20 The lobbyist and the ~~[employer]~~ person who employed or  
21 contracted for the services of the lobbyist shall remain



1 subject, however, to the requirements of this chapter [97] for  
2 the period during which the registration was effective.

3 (e) This chapter shall not apply to:

4 (1) Any individual who represents oneself and not any  
5 other person before the legislature or administrative  
6 agency; provided that [~~such~~] the individual [~~must~~  
7 ~~nonetheless~~] shall file a statement of expenditures if  
8 the individual meets any of the provisions of section  
9 97-3(a);

10 (2) Any federal, state, or county official or employee  
11 acting in the official's or employee's official  
12 capacity, unless the federal, state or county  
13 official, or employee contracts for the services of a  
14 lobbyist;

15 (3) Any elected public official acting in the public  
16 official's official capacity, unless the public  
17 official contracts for the services of a lobbyist;

18 (4) Any newspaper or other regularly published periodical  
19 or radio or television station [~~+~~], including any  
20 individual who owns, publishes, or is employed by a  
21 newspaper or periodical or radio or television



1 station[+], while publishing in the regular course of  
2 business news items, editorials, or other comments, or  
3 paid advertisements, which directly or indirectly urge  
4 the passage or defeat of legislative or administrative  
5 action;

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

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





1 SECTION 4. Section 97-3, Hawaii Revised Statutes, is  
2 amended by amending subsections (a), (b), and (c) to read as  
3 follows:

4 "(a) The following persons shall file a statement of  
5 expenditures with the state ethics commission on March 31,  
6 May 31, and January 31 of each year and within thirty days after  
7 adjournment sine die of any special session of the legislature:

8 (1) Each lobbyist;

9 (2) Each person who [~~spends \$750~~] makes expenditures of  
10 \$1,000 or more of the person's or any other person's  
11 money in any [~~six-month period~~] reporting period  
12 described in this section for the purpose of  
13 [~~attempting to influence legislative or administrative~~  
14 ~~action or a ballot issue by communicating or urging~~  
15 ~~others to communicate with public officials; provided~~  
16 ~~that any amounts expended for travel costs, including~~  
17 ~~incidental meals and lodging, shall not be included in~~  
18 ~~the tallying of the \$750,~~] lobbying; and

19 (3) Each person who employs or contracts for the services  
20 of one or more lobbyists, whether independently or  
21 jointly with other persons. If the person is an



1 industry, trade, or professional association, only the  
2 association is the employer of the lobbyist.

3 (b) The March 31 report shall cover the period from  
4 January 1 through the last day of February. The May 31 report  
5 shall cover the period from March 1 through April 30. The  
6 January 31 report shall cover the period from May 1 through  
7 December 31 of the previous year. The report to be filed within  
8 thirty days after adjournment sine die of a special session of  
9 the legislature shall ~~cover~~:

10 (1) Cover the period from May 1 through adjournment sine  
11 die of that special session ~~[and shall apply]~~;

12 (2) Be filed only by persons listed in subsection (a) who  
13 engage in lobbying activities, or who make  
14 expenditures for the purpose of attempting to  
15 influence legislative action considered during a  
16 special session; and

17 (3) Apply to and include only those expenditures and  
18 contributions that relate to legislative action  
19 considered during that special session~~[ ]~~;



1 provided that those expenditures and contributions included in  
2 the report need not be included by the person filing the report  
3 in any subsequent statement of expenditures.

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

5 (1) The name and address of each person with respect to  
6 whom expenditures for the purpose of lobbying in the  
7 total sum of \$25 or more per day was made by the  
8 person filing the statement during the statement  
9 period and the amount or value of [~~such~~] the  
10 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~~] the 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; provided that the  
20 sum or value of each expenditure is itemized in the  
21 following categories, as applicable:



- 1 (A) Preparation and distribution of lobbying  
2 materials;
- 3 (B) Media advertising;
- 4 (C) Compensation paid to lobbyists;
- 5 (D) Fees paid to consultants [~~or~~] for services;
- 6 (E) Entertainment and events;
- 7 (F) Receptions, meals, food, and beverages;
- 8 (G) Gifts;
- 9 (H) Loans; [~~and~~]
- 10 (I) Interstate transportation, including incidental  
11 meals and lodging; and
- 12 [~~(I)~~] (J) Other disbursements;
- 13 (4) The name and address of each person making  
14 contributions to the person filing the statement for  
15 the purpose of lobbying in the total sum of \$25 or  
16 more during the statement period and the amount or  
17 value of [~~such~~] the contributions; and
- 18 (5) The subject area of the legislative and administrative  
19 action [~~which~~] that was supported or opposed by the  
20 person filing the statement during the statement  
21 period."



1 SECTION 5. Section 97-4.5, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 " ~~[+]§97-4.5[+] Lobbyist list. [As soon as is feasible~~  
4 ~~after the commencement of each regular session of the~~  
5 ~~legislature, the state ethics commission shall publish a list of~~  
6 ~~registered lobbyists, the names of the persons whom they~~  
7 ~~represent, and other pertinent information but shall not include~~  
8 ~~in such list the addresses of the lobbyists. The list shall be~~  
9 ~~supplemented from time to time as may be necessary.] All~~  
10 lobbyist registration statements shall be posted on the state  
11 ethics commission's website within a reasonable time after  
12 filing, and may be removed from the website after four years."

13 SECTION 6. Section 97-7, Hawaii Revised Statutes, is  
14 amended by amending subsection (a) to read as follows:

- 15 "(a) Any person who:
- 16 (1) Wilfully fails to file any statement or report  
17 required by this chapter;
- 18 (2) Wilfully files a statement or report containing false  
19 information or material omission of any fact;
- 20 (3) Engages in activities prohibited by section 97-5; or



1 (4) Fails to provide information required by section 97-2  
2 or 97-3;

3 shall be subject to an administrative fine imposed by the state  
4 ethics commission that shall not exceed [~~\$500~~] \$1,000 for each  
5 violation of this chapter. All fines collected under this  
6 section shall be deposited into the general fund."

7 SECTION 7. The state ethics commission, in its discretion,  
8 may make any changes that it deems necessary to internal  
9 procedures or forms to aid in the implementation of this Act.

10 SECTION 8. If any provision of this Act, or the  
11 application thereof to any person or circumstance, is held  
12 invalid, the invalidity does not affect other provisions or  
13 applications of the Act that can be given effect without the  
14 invalid provision or application, and to this end the provisions  
15 of this Act are severable.

16 SECTION 9. This Act does not affect rights and duties that  
17 matured, penalties that were incurred, and proceedings that were  
18 begun before its effective date.

19 SECTION 10. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.

21 SECTION 11. This Act shall take effect upon its approval.



H.B. NO. 511  
H.D. 1  
S.D. 1  
C.D. 1

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APPROVED this 22 day of JUN , 2017

A handwritten signature in black ink, appearing to read "David Ige". The signature is fluid and cursive, with a large loop under the "I".

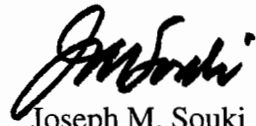
GOVERNOR OF THE STATE OF HAWAII

HB No. 511, HD 1, SD 1, CD 1

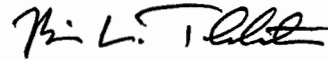
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 2, 2017  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Twenty-Ninth Legislature of the State of Hawaii, Regular Session of 2017.



Joseph M. Souki  
Speaker  
House of Representatives



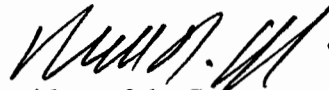
Brian L. Takeshita  
Chief Clerk  
House of Representatives



**THE SENATE OF THE STATE OF HAWAII**

Date: May 2, 2017  
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the  
Senate of the Twenty-ninth Legislature of the State of Hawaii, Regular Session of 2017.



President of the Senate



Clerk of the Senate