
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 "expenditures", "lobbying", and
4 "lobbyist" will provide additional transparency to the public
5 while relieving some individuals, particularly certain
6 representatives of charitable, nonprofit organizations, from
7 having to register as lobbyists. Similarly, the legislature
8 finds that several provisions of the lobbyists law should be
9 amended to avoid unnecessary paperwork and confusion. Among
10 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 on their own.

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:



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

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

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

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

15 ~~[(4)]~~ "Expenditure" includes a payment, distribution,
16 forgiveness of a loan, advance, deposit, or gift of
17 money, or anything of value and includes a contract,
18 promise, or agreement, whether or not enforceable, to
19 make an expenditure. "Expenditure" also includes
20 compensation or other consideration paid to a lobbyist
21 for the performance of lobbying services.



1 "Expenditure" excludes [~~the expenses of preparing~~
2 ~~written testimony and exhibits for a hearing before~~
3 ~~the legislature or an administrative agency.~~] any
4 amounts expended:

5 (1) For intrastate travel costs, including incidental
6 meals and lodging, provided that this exception
7 does not apply to any amounts expended for the
8 travel costs of state legislators, board and
9 commission members, or any other employees of the
10 State; or

11 (2) By a nonprofit organization to prepare and submit
12 an application for a grant pursuant to chapter
13 42F, and for each of the nonprofit organization's
14 employees to lobby a maximum of ten hours in a
15 month for that application.

16 ~~(5)~~ "Legislative action" means the sponsorship, drafting,
17 introduction, consideration, modification, enactment,
18 or defeat of any bill, resolution, amendment, report,
19 nomination, appointment, or any other matter pending
20 or proposed in the legislature.



1 "Lobbying" means communicating directly or through an
 2 agent, or soliciting others to communicate, with any
 3 official in the legislative or executive branch, for
 4 the purpose of attempting to influence legislative or
 5 administrative action or a ballot issue. "Lobbying"
 6 shall not include the preparation and submission of a
 7 grant application pursuant to chapter 42F by a
 8 representative of a nonprofit organization.

9 ~~[(6)]~~ "Lobbyist" means any individual who ~~[for]~~:

10 (1) Receives or expects to receive, either by employment
 11 or contract, more than \$1,000 in monetary or in-kind
 12 compensation in any calendar year for engaging in
 13 lobbying, either personally or through the lobbyist's
 14 agents; or

15 (2) For pay or other consideration [engages], on behalf of
 16 another person:

17 (A) Engages in lobbying in excess of five hours in
 18 any month of any reporting period described in
 19 section 97-3 ~~[or spends]~~;

20 (B) Engages in lobbying in excess of ten hours during
 21 any calendar year;



- 1 (C) Engages in lobbying on three or more bills,
2 resolutions, or both, during any legislative
3 session; or
- 4 (D) Makes expenditures of more than [\$750] \$1,000 of
5 the person's or any other person's money lobbying
6 during any reporting period described in section
7 97-3 [-];
- 8 provided that an employee of a nonprofit organization
9 who spends fewer than ten hours in any month lobbying
10 on a grant application submitted pursuant to chapter
11 42F is not a lobbyist if the employee does not lobby
12 on matters that are unrelated to the grant
13 application.
- 14 ~~[-(7) "Lobbying" means communicating directly or through an~~
15 ~~agent, or soliciting others to communicate, with any~~
16 ~~official in the legislative or executive branch, for~~
17 ~~the purpose of attempting to influence legislative or~~
18 ~~administrative action or a ballot issue.]~~
- 19 ~~[-(8)] "Person" means a corporation, individual, union,~~
20 association, firm, sole proprietorship, partnership,
21 committee, club, or any other organization or a



1 representative of a group of persons acting in
2 concert."

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

5 "(d) A lobbyist shall file a notice of termination within
6 ten days after the lobbyist ceases the activity which required
7 the lobbyist's registration. If the lobbyist fails to file a
8 notice of termination, the person who employed or contracted for
9 the services of the lobbyist may file the notice. The lobbyist
10 and the ~~[employer]~~ person who employed or contracted for the
11 services of the lobbyist shall remain subject, however, to the
12 requirements of this chapter [97] for the period during which
13 the registration was effective.

14 (e) This chapter shall not apply to:

15 (1) Any individual who represents oneself and not any
16 other person before the legislature or administrative
17 agency; provided that ~~[such]~~ the individual ~~[must~~
18 ~~nonetheless]~~ shall file a statement of expenditures if
19 the individual meets any of the provisions of section
20 97-3(a);



- 1 (2) Any federal, state, or county official or employee
2 acting in the official's or employee's official
3 capacity, unless the federal, state or county
4 official, or employee contracts for the services of a
5 lobbyist;
- 6 (3) Any elected public official acting in the public
7 official's official capacity, unless the public
8 official contracts for the services of a lobbyist;
- 9 (4) Any newspaper or other regularly published periodical
10 or radio or television station (including any
11 individual who owns, publishes, or is employed by a
12 newspaper or periodical or radio or television
13 station) while publishing in the regular course of
14 business news items, editorials, or other comments, or
15 paid advertisements, which directly or indirectly urge
16 the passage or defeat of legislative or administrative
17 action;
- 18 (5) Any attorney who advises the attorney's clients on the
19 construction or effect of proposed legislative or
20 administrative action; provided that such attorney
21 must nonetheless register if the attorney meets [any



1 ~~of the provisions of section 97-1(6);]~~ the definition
2 of "lobbyist" as defined in section 97-1; and

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

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

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

19 (1) Each lobbyist;

20 (2) Each person who [~~spends \$750~~] makes expenditures of
21 \$1,000 or more of the person's or any other person's



1 money in any [~~six-month period~~] reporting period
2 described in this section for the purpose of
3 [~~attempting to influence legislative or administrative~~
4 ~~action or a ballot issue by communicating or urging~~
5 ~~others to communicate with public officials; provided~~
6 ~~that any amounts expended for travel costs, including~~
7 ~~incidental meals and lodging, shall not be included in~~
8 ~~the tallying of the \$750;] lobbying; and~~

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

14 (b) The March 31 report shall cover the period from
15 January 1 through the last day of February. The May 31 report
16 shall cover the period from March 1 through April 30. The
17 January 31 report shall cover the period from May 1 through
18 December 31 of the previous year. The report to be filed within
19 thirty days after adjournment sine die of a special session of
20 the legislature shall [~~cover~~]:



- 1 (1) Cover the period from May 1 through adjournment sine
2 die of that special session [~~and shall apply~~];
- 3 (2) Be filed only by persons listed in subsection (a) who
4 engage in lobbying activities, or who make
5 expenditures for the purpose of attempting to
6 influence legislative action considered during a
7 special session; and
- 8 (3) Apply to and include only those expenditures and
9 contributions that relate to legislative action
10 considered during that special session[-];
11 provided that those expenditures and contributions included in
12 the report need not be included by the person filing the report
13 in any subsequent statement of expenditures.
- 14 (c) The statement shall contain the following information:
- 15 (1) The name and address of each person with respect to
16 whom expenditures for the purpose of lobbying in the
17 total sum of \$25 or more per day was made by the
18 person filing the statement during the statement
19 period and the amount or value of [~~such~~] the
20 expenditure;



- 1 (2) The name and address of each person with respect to
2 whom expenditures for the purpose of lobbying in the
3 aggregate of \$150 or more was made by the person
4 filing the statement during the statement period and
5 the amount or value of [~~such~~] the expenditures;
- 6 (3) The total sum or value of all expenditures for the
7 purpose of lobbying made by the person filing the
8 statement during the statement [~~period in excess of~~
9 \$750 ~~during the statement~~] period; provided that the
10 sum or value of each expenditure is itemized in the
11 following categories, as applicable:
- 12 (A) Preparation and distribution of lobbying
 - 13 materials;
 - 14 (B) Media advertising;
 - 15 (C) Compensation paid to lobbyists;
 - 16 (D) Fees paid to consultants [~~or~~] for services;
 - 17 (E) Entertainment and events;
 - 18 (F) Receptions, meals, food, and beverages;
 - 19 (G) Gifts;
 - 20 (H) Loans; [~~and~~]



1 (I) Interstate transportation, including incidental
2 meals and lodging; and

3 (J) Other disbursements;

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

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

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

14 "[~~f~~]§97-4.5[~~}]~~ **Lobbyist list.** [~~As soon as is feasible~~
15 ~~after the commencement of each regular session of the~~
16 ~~legislature, the state ethics commission shall publish a list of~~
17 ~~registered lobbyists, the names of the persons whom they~~
18 ~~represent, and other pertinent information but shall not include~~
19 ~~in such list the addresses of the lobbyists. The list shall be~~
20 ~~supplemented from time to time as may be necessary.] All
21 lobbyist registration statements shall be posted on the state~~



1 ethics commission's website within a reasonable time after
2 filing, and may be removed from the website after four years."

3 SECTION 6. The state ethics commission, in its discretion,
4 may make any changes that it deems necessary to internal
5 procedures or forms to aid in the implementation of this Act.

6 SECTION 7. If any provision of this Act, or the
7 application thereof to any person or circumstance, is held
8 invalid, the invalidity does not affect other provisions or
9 applications of the Act that can be given effect without the
10 invalid provision or application, and to this end the provisions
11 of this Act are severable.

12 SECTION 8. This Act does not affect rights and duties that
13 matured, penalties that were incurred, and proceedings that were
14 begun before its effective date.

15 SECTION 9. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 10. This Act shall take effect upon its approval.



Report Title:

State Ethics Commission; Lobbyist Law; Lobbying; Enforcement

Description:

Clarifies the laws governing lobbyists by amending the definitions of "expenditure," "lobbyist," and "lobbying." Allows a former employer of a lobbyist to file a notice of termination of employment. Amends requirements for reports covering special sessions of the Legislature. Requires the posting of lobbyist registration statements on the State Ethics Commission's website within a reasonable time after filing and the posting shall remain on the website for at least four years. (HB511 HD1)

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