

JAN 20 2023

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# A BILL FOR AN ACT

RELATING TO LOBBYING.

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

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

3           1. By amending the definition of "administrative action"  
4 to read:

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

9           (1) Adoption or rejection of any rule or other action  
10           governed by section 91-3, including an amendment or  
11           repeal of an existing rule;

12           (2) Adoption or rejection of any executive order,  
13           including an amendment or repeal of an existing  
14           executive order;

15           (3) Administration or execution of any state program or  
16           policy, including the negotiation, award, or



1           administration of a state contract, grant, loan,  
2           permit, or license;

3           (4) Adoption or rejection of any standard, rate, or other  
4           quasi-legislative enactment by a state agency; or

5           (5) Nomination or confirmation of a person for a position  
6           that is subject to confirmation by the senate."

7           2. By amending the definition of "lobbying" to read:

8           ""Lobbying" means communicating directly or through an  
9 agent, or soliciting others to communicate, with any official in  
10 the legislative or executive branch, for the purpose of  
11 attempting to influence legislative ~~[or]~~ action, administrative  
12 action, or a ballot issue. "Lobbying" shall not include  
13 communication:

14           (1) Made by a public official acting in that person's  
15           official capacity;

16           (2) Made by a representative of a media organization if  
17           the purpose of the communication is gathering and  
18           disseminating news and information to the public;

19           (3) Made in a speech, article, publication, or other  
20           material that is distributed and made available to the



- 1           public, or made through radio, television, cable  
2           television, or other medium of mass communication;
- 3       (4) Made in the course of participating in an advisory  
4           committee, task force, working group, or similar  
5           entity established by the legislature or other state  
6           entity;
- 7       (5) Required by subpoena, civil investigative demand, or  
8           otherwise compelled by statute, rule, or other action  
9           by an administrative agency or the legislature,  
10          including any communication compelled by a state  
11          contract, grant, loan, permit, or license;
- 12       (6) Made to an official with regard to a judicial  
13          proceeding or a criminal or civil law enforcement  
14          inquiry, investigation, or proceeding;
- 15       (7) Made in connection with a filing or proceeding that  
16          the government is specifically required by statute or  
17          regulation to maintain or conduct on a confidential  
18          basis;
- 19       (8) Made on behalf of an individual with regard to that  
20          individual's benefits, employment, or other personal  
21          matters involving only that individual, except that



1           this paragraph shall not apply to the formulation,  
2           modification, or adoption of private legislation for  
3           the relief of that individual;

4           (9) Made under a whistleblower protection act or similar  
5           provision of law; or

6           (10) Directly involving the preparation and submission of a  
7           grant application pursuant to chapter 42F by a  
8           representative of a nonprofit organization."

9           SECTION 2. This Act does not affect rights and duties that  
10          matured, penalties that were incurred, and proceedings that were  
11          begun before its effective date.

12          SECTION 3. Statutory material to be repealed is bracketed  
13          and stricken. New statutory material is underscored.

14          SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: 



# S.B. NO. 805

**Report Title:**

Lobbying; Lobbyists; Ethics; Definitions

**Description:**

Amends the definitions of "administrative action" and "lobbying" in Chapter 97, HRS.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

