

A Bill for an Act Relating to the Registration of Lobbyists.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

“CHAPTER LOBBYISTS

Sec. -1 Definitions. When used in this chapter:

- (1) “Administrative action” means the proposal, drafting, consideration, amendment, enactment, or defeat by any administrative agency of any rule, regulation, or other action governed by Hawaii Revised Statutes section 91-3.
- (2) “Administrative agency” means a commission, board, agency or other body or official in the state government that is not a part of the legislative or judicial branch.
- (3) “Contribution” includes a gift, subscription, forgiveness of loan, advance, or deposit of money or anything of value and includes a contract, promise, or agreement, whether or not enforceable, to make a contribution.
- (4) “Expenditure” includes a payment, distribution, forgiveness of a loan, advance, deposit, or gift of money or anything of value and includes a contract, promise, or agreement, whether or not enforceable, to make an expenditure. It includes the expenses of preparing written testimony and exhibits for a hearing before the legislature or an administrative agency.
- (5) “Legislative action” means the sponsorship, drafting, introduction, consideration, modification, enactment, or defeat of any bill, resolution, amendment, report, nomination, appointment, or any other matter pending or proposed in the legislature.
- (6) “Lobbyist” means any person who lobbies.
- (7) “Lobbying” means communicating directly or through an agent, or soliciting others to communicate with any official in the legislative or executive branch, for the purpose of influencing any legislative or administrative action.
- (8) “Person” means a corporation, individual, union, association, firm, sole proprietor, partnership, committee, club, or any other organization or a representative of a group or persons acting in concert.

Sec. -2 Registration of lobbyists, exceptions. (a) Any person who lobbies shall register with the clerk of either house of the state legislature or the appropriate administrative agency, and shall furnish and certify the following information:

- (1) His name, business address, and telephone number;
- (2) The name and address of the person by whom he is employed or

whom he represents and in whose interest he appears or works for;

- (3) The duration of such employment or representation;
- (4) How much he is paid and is to receive for lobbying;
- (5) By whom he is paid or is to be paid for lobbying; and
- (6) How much he is to be paid for expenses for lobbying, and a written authorization from each person who employs him or asks him to represent them to act in influencing legislative or administrative action shall be submitted with the information.

(b) Registration shall be effective for one year from the date of filing.

(c) The lobbyist shall submit any amendment to the registration within ten days for each person who employs him after his registration. Any person employing a lobbyist shall inform the clerk of either house of the state legislature or the appropriate administrative agency within ten days of a cancellation of the lobbyist's employment.

(d) This chapter shall not apply to:

- (1) Any individual person who represents himself and not any other person before the legislature or administrative agency; provided that such person must nonetheless register if he meets any of the provisions of sec. -3(a);
- (2) Any federal, state, or county official or employee acting in his official capacity;
- (3) Any elected public official acting in his official capacity;
- (4) Any newspaper or other regularly published periodical or radio or television station (including any individual who owns, publishes, or is employed by a newspaper or periodical or radio or television station) while publishing in the regular course of business news items, editorials, or other comments, or paid advertisements, which directly or indirectly urge the passage or defeat of legislative or administrative action;
- (5) Any attorney who advises his clients on the construction or effect of proposed legislative or administrative action; provided that such attorney must nonetheless register if he meets any of the provisions of sec. -3(a); and
- (6) Any person who possesses special skills and knowledge relevant to certain areas of legislation, whose skills and knowledge may be helpful to the legislative and executive branches of state government, and who makes an occasional appearance at the request of the legislature or an administrative agency, or the lobbyist even though receiving reimbursement or other payment from the legislature or administrative agency or the lobbyist for the appearance.

Sec. -3 Contributions and expenditures; statement. (a) A lobbyist must file a certified statement with the legislative auditor if he:

- (1) Expends \$100 or more in any calendar quarter for lobbying; or
 - (2) Receives compensation or reimbursement for lobbying; or
 - (3) Engages in lobbying activities as part of his regular employment whether or not he is directly compensated for such activities.
- (b) The statement shall be filed with the legislative auditor on June 30

and December 31 of each year and shall contain the following information:

- (1) The name and address of each person with respect to whom expenditures for the purpose of lobbying in the total sum of \$25 or more per day was made by the lobbyist during the statement period and the amount or value of such expenditure;
 - (2) The name and address of each person with respect to whom expenditures for the purpose of lobbying in the aggregate of \$150 or more was made by the lobbyist during the statement period and the amount or value of such expenditures;
 - (3) The total sum or value of all expenditures for the purpose of lobbying made by the lobbyist during the statement period in excess of \$300 during the statement period;
 - (4) The name and address of each person making contributions to the lobbyist for the purpose of lobbying in the total sum of \$25 or more during the statement period and the amount or value of such contributions; and
 - (5) The subject area of the legislative and administrative action which was supported or opposed by the lobbyist during the statement period.
- (c) The receipt or expenditure of any money for the purpose of influencing the election or defeat of any candidate for an elective office or for the passage or defeat of any proposed measure at any special or general election is excluded from the reporting requirement of this section.

Sec. -4 Manner of filing; public records. All statements required by this chapter to be filed with the legislative auditor:

- (1) Shall be deemed properly filed when delivered or deposited in an established post office within the prescribed time, duly stamped, registered, or certified, and directed to the legislative auditor; provided, however, in the event it is not received, a duplicate of the statement shall be promptly filed upon notice by the legislative auditor of its nonreceipt; and
- (2) Shall be preserved by the legislative auditor for a period of four years from the date of filing; and shall constitute part of the public records of the legislative auditor and shall be open to public inspection.

Sec. -5 Restricted activities. No lobbyist shall accept or agree to accept any payment in any way contingent upon the defeat, enactment, or outcome of any proposed legislative or administrative action.

Sec. -6 Administration. It shall be the duty and responsibility of the office of the legislative auditor:

- (1) On the verified complaint of any person, to investigate or cause to be investigated the activities of any lobbyist to determine whether the lobbyist is in compliance with this chapter; and
- (2) To refer for prosecution any violation of section 3.

Sec. -7 Penalties. Any person who wilfully fails to file a statement or who wilfully files a statement containing false information or material omission of any fact required by section 3 shall be guilty of a petty misde-

meanor.”

SECTION 2. This Act shall take effect on January 1, 1976, provided that sec. -7 shall take effect on July 1, 1976.

(Approved May 30, 1975.)