

JAN 22 2016

S.B. NO. 2359

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 public disclosure
2 and transparency of lobbying activities of all types are
3 critical to further accountability, enhance public trust, and
4 reduce the existence and perception of undue influence in
5 government policy making. The purpose of this Act is to
6 increase government transparency.

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

9 "**§97-1 Definitions.** When used in this chapter:

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

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



1 "Contractual relationship" means the business relationship
2 between two or more parties, under which the parties make
3 promises to each other, the breach of which the law provides a
4 remedy, or the performance of which the law recognizes as a
5 duty.

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

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

19 ~~[(5)]~~ "Legislative action" means the sponsorship,
20 drafting, introduction, consideration, modification, enactment,
21 or defeat of any bill, resolution, amendment, report,



1 nomination, appointment, or any other matter pending or proposed
2 in the legislature.

3 ~~[(6)] "Lobbyist" means any individual who for pay or other~~
4 ~~consideration engages in lobbying in excess of five hours in any~~
5 ~~month of any reporting period described in section 97-3 or~~
6 ~~spends more than \$750 lobbying during any reporting period~~
7 ~~described in section 97-3.~~

8 ~~(7)]~~ "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 administrative action or
12 a ballot issue.

13 "Lobbyist" means any individual who for pay or other
14 consideration engages in lobbying in excess of five hours in any
15 month of any reporting period described in section 97-3 or
16 spends more than \$750 lobbying during any reporting period
17 described in section 97-3.

18 ~~[(8)]~~ "Person" means a corporation, individual, union,
19 association, firm, sole proprietorship, partnership, committee,
20 club, or any other organization or a representative of a group
21 of persons acting in concert."



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

4 "**§97-3 Contributions, contractual relationships, and**
5 **expenditures; statement.** (a) The following persons shall file
6 a statement of expenditures and contractual relationships with
7 the state ethics commission on March 31, May 31, and January 31
8 of each year and within thirty days after adjournment sine die
9 of any special session of the legislature:

10 (1) Each lobbyist;

11 (2) Each person who spends \$750 or more of the person's or
12 any other person's money in any six-month period for
13 the purpose of attempting to influence legislative or
14 administrative action or a ballot issue by
15 communicating or urging others to communicate with
16 public officials; provided that any amounts expended
17 for travel costs, including incidental meals and
18 lodging, shall not be included in the tallying of the
19 \$750; and

20 (3) Each person who employs or contracts for the services
21 of one or more lobbyists, whether independently or



1 jointly with other persons. If the person is an
2 industry, trade, or professional association, only the
3 association is the employer of the lobbyist.

4 (b) The March 31 report shall cover the period from
5 January 1 through the last day of February. The May 31 report
6 shall cover the period from March 1 through April 30. The
7 January 31 report shall cover the period from May 1 through
8 December 31 of the previous year. The report to be filed within
9 thirty days after adjournment sine die of a special session of
10 the legislature shall cover the period from May 1 through
11 adjournment sine die of that special session and shall apply to
12 and include only those expenditures and contributions that
13 relate to legislative action considered during that special
14 session[-] and those contractual relationships that existed with
15 members of the legislature from May 1 through adjournment sine
16 die of that special session.

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

18 (1) The name and address of each person with respect to
19 whom expenditures for the purpose of lobbying in the
20 total sum of \$25 or more per day was made by the



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



1 (H) Loans; and

2 (I) Other disbursements;

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

8 (5) The subject area of the legislative and administrative
9 action which was supported or opposed by the person
10 filing the statement during the statement period~~[-]~~;
11 and

12 (6) Any contractual relationship in existence during the
13 statement period between the lobbyist or person filing
14 the statement, as applicable, and a member of the
15 legislature, a governor-appointed executive of a
16 principal department, or a mayor-appointed county
17 cabinet member; the name of the parties to the
18 contract; services or products provided; and the
19 amount of any money exchanged pursuant to the
20 contract."

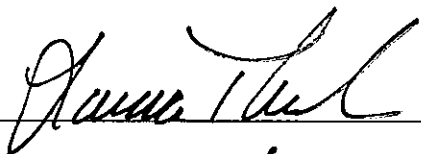


1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect upon its approval.

4

INTRODUCED BY:


~~SEN. A.C. Scholten~~



Breene Hunt





Will Egan



SP Riviere





S.B. NO. 2359

Report Title:

Ethics; Disclosure; Lobbyists; Contractual Relationships

Description:

Requires lobbyists and persons, including a corporation, union, association, firm, sole proprietorship, partnership, organization, or committee, to file a report to the state ethics commission to disclose contractual relationships between the lobbyist or person filing the statement and a member of the legislature, a governor-appointed executive of a principal department, or a mayor-appointed county cabinet member.

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

