

JAN 23 2015

A BILL FOR AN ACT

RELATING TO LOBBYISTS.

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

SECTION 1. The purpose of this Act is to expand the definition of "administrative action" in section 97-1, Hawaii Revised Statutes, to include the granting or denying of an application for a business or development-related permit, license, or approval as required by state law and the procurement of goods and services under the Hawaii public procurement code.

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

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

~~[(1)]~~ "Administrative action" means ~~[the]~~:

(1) The proposal, drafting, consideration, amendment, enactment, or defeat by any administrative agency of any rule, regulation, or other action governed by section 91-3[-];

(2) The granting or denying by an administrative agency of an application for a business or development-related



1 permit, license, or approval as required by state law;

2 or

3 (3) The procurement of goods and services through
4 contracts covered by the Hawaii public procurement
5 code.

6 "Administrative agency" means a commission, board, agency,
7 or other body, or official in the state government, including
8 the executive branch, that is not a part of the legislative or
9 judicial branch.

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

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

20 [~~"Expenditure"~~] The term excludes the expenses of preparing



1 written testimony and exhibits for a hearing before the
2 legislature or an administrative agency.

3 "Legislative action" means the sponsorship, drafting,
4 introduction, consideration, modification, enactment, or defeat
5 of any bill, resolution, amendment, report, nomination,
6 appointment, or any other matter pending or proposed in the
7 legislature.

8 "Lobbyist" means any individual who for pay or other
9 consideration engages in lobbying in excess of five hours in any
10 month of any reporting period described in section 97-3 or
11 spends more than \$750 lobbying during any reporting period
12 described in section 97-3.

13 "Lobbying" means communicating directly or through an
14 agent, or soliciting others to communicate, with any official in
15 the legislative or executive branch[7] for the purpose of
16 attempting to influence legislative or administrative action or
17 a ballot issue.

18 "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 97-2, Hawaii Revised Statutes, is
2 amended by amending subsection (e) to read as follows:

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 individual [~~must~~] shall
7 nonetheless file a statement of expenditures if the
8 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[~~7~~] or employee contracts for the services of
14 a 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[7] or other comments,
3 or paid advertisements, which directly or indirectly
4 urge the passage or defeat of legislative or
5 administrative 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 register if the attorney ~~[meets any~~
10 ~~of the provisions of section 97-1(6);]~~ is a "lobbyist"
11 as defined in section 97-1; and

12 (6) Any person who possesses special skills and knowledge
13 relevant to certain areas of legislation, whose skills
14 and knowledge may be helpful to the legislative and
15 executive branches of state government, and who makes
16 an occasional appearance at the request of the
17 legislature ~~[or]~~, an administrative agency, or [the] a
18 lobbyist [even though receiving] regardless of whether
19 or not the person receives reimbursement or other
20 payment from the legislature ~~[or]~~, an administrative
21 agency, or [the] a lobbyist for the appearance."



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 on July 1, 2015.

4

INTRODUCED BY:

Frederick
Will Egan
James H. L.



S.B. NO. 653

Report Title:

Lobbyists; Executive Branch; Administrative Action

Description:

Expands the definition of "administrative action" in lobbyist law to include granting or denying applications for business or development-related permits, licenses, or approvals and procurement of goods and services under Hawaii public procurement code. Clarifies that lobbying laws apply to lobbying by the executive branch.

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

