

JAN 20 2017

A BILL FOR AN ACT

RELATING TO LOBBYISTS.

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

1 SECTION 1. The purpose of this Act is to:

- 2 (1) Expand the definition of "administrative action" in
3 section 97-1, Hawaii Revised Statutes, to include the
4 granting or denying of an application for a business
5 or development-related permit, license, or approval as
6 required by state law and the procurement of goods and
7 services under the Hawaii public procurement code; and
8 (2) Clarify that lobbying laws apply to lobbying by the
9 executive branch.

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

12 "§97-1 Definitions. When used in this chapter:

13 [~~1~~] "Administrative action" means [~~the~~]:

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



1 (2) The granting or denying by an administrative agency of
 2 an application for a business or development-related
 3 permit, license, or approval as required by state law;
 4 or

5 (3) The procurement of goods and services through
 6 contracts covered under the Hawaii public procurement
 7 code.

8 [~~2~~] "Administrative agency" means a commission, board,
 9 agency, or other body, or official in the state government,
 10 including the executive branch, that is not a part of the
 11 legislative or judicial branch.

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

16 [~~4~~] "Expenditure" includes a payment, distribution,
 17 forgiveness of a loan, advance, deposit, or gift of money, or
 18 anything of value and includes a contract, promise, or
 19 agreement, whether or not enforceable, to make an expenditure.

20 [~~"Expenditure" also]~~ The term includes compensation or other
 21 consideration paid to a lobbyist for the performance of lobbying



1 services. [~~"Expenditure"~~] The term excludes the expenses of
2 preparing written testimony and exhibits for a hearing before
3 the legislature or an administrative agency.

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

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

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

19 [~~(8)~~] "Person" means a corporation, individual, union,
20 association, firm, sole proprietorship, partnership, committee,



1 club, or any other organization or a representative of a group
2 of persons acting in concert."

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

5 "(e) This chapter shall not apply to:

6 (1) Any individual who represents oneself and not any
7 other person before the legislature or administrative
8 agency; provided that [~~such~~] the individual [~~must~~]
9 shall nonetheless file a statement of expenditures if
10 the individual meets any of the provisions of section
11 97-3(a);

12 (2) Any federal, state, or county official or employee
13 acting in the official's or employee's official
14 capacity, unless the federal, state, or county
15 official, or employee contracts for the services of a
16 lobbyist;

17 (3) Any elected public official acting in the public
18 official's official capacity, unless the public
19 official contracts for the services of a lobbyist;

20 (4) Any newspaper or other regularly published periodical
21 or radio or television station (including any



1 individual who owns, publishes, or is employed by a
2 newspaper or periodical, or radio or television
3 station) while publishing in the regular course of
4 business news items, editorials~~[7]~~ or other comments,
5 or paid advertisements, which directly or indirectly
6 urge the passage or defeat of legislative or
7 administrative action;

8 (5) Any attorney who advises the attorney's clients on the
9 construction or effect of proposed legislative or
10 administrative action; provided that ~~[such]~~ the
11 attorney ~~[must]~~ shall nonetheless register if the
12 attorney ~~[meets any of the provisions of section~~
13 ~~97-1(6)+]~~ is a "lobbyist" as defined in section 97-1;
14 and

15 (6) Any person who possesses special skills and knowledge
16 relevant to certain areas of legislation, whose skills
17 and knowledge may be helpful to the legislative and
18 executive branches of state government, and who makes
19 an occasional appearance at the request of the
20 legislature ~~[or]~~, an administrative agency, or ~~[the]~~ a
21 lobbyist ~~[even though receiving]~~ regardless of whether



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1 the person receives reimbursement or other payment
 2 from the legislature [e~~r~~], an administrative agency,
 3 or [the] a lobbyist for the appearance."

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

6 SECTION 5. This Act shall take effect on July 1, 2017.

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INTRODUCED BY: *[Signature]*
Shine Derricks Ki
~~DC. Anthony~~
BSG
Karl Rhoads



S.B. NO. 630

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.

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