

ACT 129

S.B. NO. 3012-80

A Bill for an Act Relating to Registration of Lobbyists.

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

SECTION 1. Chapter 97, Hawaii Revised Statutes, is amended to read as follows:

(a) Section 97-1, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 97-1 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 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 a 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 excludes 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:
  - (A) Any individual engaged for pay or other consideration who spends more than five hours in any month or \$275 in any six-month period for the purpose of attempting to influence legislative or administrative action or a ballot issue by communicating or urging others to communicate with public officials; or
  - (B) Any individual who spends \$275 or more of his own or any person's money in any six-month period for the purpose of attempting to influence legislative or administrative action or a ballot issue by communicating or urging others to communicate with public officials.
- (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 proprietorship, partnership, committee, club, or any other organization or a representative of a group of persons acting in concert."

(b) Section 97-2, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 97-2 Registration of lobbyists, requirements.** (a) Every lobbyist shall file a registration form with the state ethics commission within five days of becoming a lobbyist.

(b) Each lobbyist shall provide and certify the following information:

- (1) The name, mailing address, and business telephone number of the lobbyist.
- (2) The name and principal place of business of each person by whom the lobbyist is retained or employed or on whose behalf he appears or works and a written authorization to act as a lobbyist from each person by whom he is employed or with whom he contracts.
- (3) The subject areas on which the lobbyist expects to lobby.

(c) A lobbyist shall report any change in any of the information contained in the registration statement within ten days after the change has occurred.

(d) A lobbyist shall file a notice of termination within ten days after he ceases the activity which required his registration. The lobbyist and the employer of the lobbyist shall remain subject, however, to the requirements of chapter 97 for the period during which the registration was effective.

(e) 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 section 97-3(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 section 97-3(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."

(c) Chapter 97, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated, and to read as follows:

**"Sec. 97- Renewal of registration.** Each registered lobbyist shall renew his registration by filing a registration and authorization form with the state ethics commission within ten days of the opening of each regular session of the legislature."

(d) Section 97-3, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 97-3 Contributions and expenditures; statement.** (a) The following persons shall file a statement of expenditures with the state ethics commission on June 30 and December 31 of each year:

- (1) Each lobbyist.
- (2) Each person who employs or contracts for the services of one or more lobbyists, whether independently or jointly with other persons. If a filer is an industry, trade, or professional association, only the association is the employer of the lobbyist.

(b) The June 30 report shall cover the period from December 15 of the preceding calendar year through June 15 of the year of the report; and the December 30 report shall cover the period from June 16 through December 14 of the same year.

(c) The statement 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 \$275 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.
- (d) 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."

(e) Section 97-4, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 97-4 Manner of filing; public records.** All statements required by this chapter to be filed with the state ethics commission:

- (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 state ethics commission; provided, however, in the event it is not received, a duplicate of the statement shall be promptly filed upon notice by the state ethics commission of its nonreceipt; and
- (2) Shall be preserved by the state ethics commission for a period of four years from the date of filing; and shall constitute part of the public records of the state ethics commission and shall be open to public inspection pursuant to section 92-51."

(f) Chapter 97, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated, and to read as follows:

**"Sec. 97- Lobbyist list.** As soon as is feasible after the commencement of each regular session of the legislature, the state ethics commission shall publish a list of registered lobbyists, the names of the persons whom they represent, and other pertinent information but shall not include in such list the addresses of the lobbyists. The list shall be supplemented from time to time as may be necessary."

(g) Section 97-6, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 97-6 Administration.** It shall be the duty and responsibility of the state ethics commission:

- (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 97-2, 97-3, or 97-5."

(h) Section 97-7, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 97-7 Penalties.** Any person who wilfully fails to file any statement or report required by this chapter or who wilfully files a statement or report containing false information or material omission of any fact, who engages in activities prohibited by section 97-5, or who fails to provide information required by section 97-2 or 97-3 shall be guilty of a petty misdemeanor.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

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

(Approved May 27, 1980.)

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\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.