

ACT 105

S.B. NO. 2304-82

A Bill for an Act Relating to Lobbying.

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

SECTION 1. 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 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] 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."

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

"(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] individual must nonetheless [register] file a statement of expenditures 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)] 97-1(6); 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."

SECTION 3. Section 97-2.5, Hawaii Revised Statutes, is amended to read as follows:

"**[§97-2.5] Renewal of registration.** Each registered lobbyist shall renew his registration biennially by filing a registration and authorization form with the state ethics commission within ten days of the opening of [each] the 1983<sup>1</sup> regular session of the legislature[.] and on every odd-numbered year's session thereafter."

SECTION 4. Section 97-3, Hawaii Revised Statutes, is amended to read as follows:

"**§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 spends \$275 or more of his or any other 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.

[(2)] (3) Each person who employs or contracts for the services of one or more lobbyists, whether independently or jointly with other persons. If [a filer] the person 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] 31 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] person filing the statement during the statement period and the amount or value of such expenditures;
- (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] person filing the statement 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] person filing the statement 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] person filing the statement 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] person filing the statement 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."

SECTION 5. Section 97-6, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

"(1) On the verified complaint of any person, to investigate,<sup>2</sup> or cause to be investigated the activities of any [lobbyist] person to determine whether the [lobbyist] person is in compliance with this chapter; and".

SECTION 6. Statutory material to be repealed is bracketed. New material is underscored.

SECTION 7. This Act shall take effect upon its approval.

(Approved May 24, 1982.)

**Notes**

1. Should be underscored.
2. The comma should be underscored.