

JAN 17 2014

A BILL FOR AN ACT

RELATING TO LOBBYISTS.

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

1 SECTION 1. Chapter 97, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§97- Contributions and expenditures; statement; special
5 session. (a) The following persons shall file a statement of
6 expenditures with the state ethics commission within ten days of
7 sine die of any special session of the legislature:

- 8 (1) Each lobbyist who lobbies ninety days prior to the
9 convening of a special session or through sine die of
10 that special session, or both;
- 11 (2) Each person who spends \$750 or more of the person's or
12 any other person's money ninety days prior to the
13 convening of a special session or through sine die of
14 that special session, or both, for the purpose of
15 attempting to influence legislative action or a ballot
16 issue presented to the legislature for consideration
17 during the special session by communicating or urging
18 others to communicate with public officials; provided



1 that any amounts expended for travel costs, including
2 incidental meals and lodging, shall not be included in
3 the tallying of the \$750; and

4 (3) Each person who employs or contracts for services of
5 one or more lobbyists, whether independently or
6 jointly with other persons, for the purpose of
7 attempting to influence legislative action or a ballot
8 issue presented to the legislature for consideration
9 ninety days prior to the convening of a special
10 session or through sine die of that special session,
11 or both, by communicating or urging others to
12 communicate with public officials. If the person is
13 an industry, trade, or professional association, only
14 the association shall be deemed the employer of the
15 lobbyist.

16 (b) The statement of expenditures shall cover the period
17 starting ninety days prior to the convening of a special session
18 and through sine die of that special session and applies only to
19 expenditures and contributions that are related to any
20 legislative action presented to the legislature for
21 consideration during that special session of the legislature.



- 1 (c) The statement shall contain the following information
2 related to the expenditures of and contributions for any
3 legislative action presented to the legislature for
4 consideration during a special session of the legislature:
- 5 (1) The name and address of each person for whom
6 expenditures for the purpose of lobbying in the total
7 sum of \$25 or more per day were made by the person
8 filing the statement during the statement period and
9 the amount or value of the expenditures;
- 10 (2) The name and address of each person for whom
11 expenditures for the purpose of lobbying in the
12 aggregate of \$150 or more were made by the person
13 filing the statement during the statement period and
14 the amount or value of the expenditures;
- 15 (3) The total sum or value of all expenditures for the
16 purpose of lobbying made by the person filing the
17 statement during the statement period in excess of
18 \$750;
- 19 (4) The name and address of each person making
20 contributions for the purpose of lobbying to the
21 person filing the statement in the total sum of \$25 or



1 more during the statement period and the amount or
2 value of the contributions; and

3 (5) The subject area of the legislative action that was
4 supported or opposed by the person filing the
5 statement during the statement period.

6 (d) The receipt or expenditure of any money for the
7 purpose of influencing the election or defeat of any candidate
8 for an elective office or for the passage or defeat of any
9 proposed measure at any special or general election is excluded
10 from the reporting requirement of this section."

11 SECTION 2. Section 97-1, Hawaii Revised Statutes, is
12 amended by amending the definition of "lobbyist" to read as
13 follows:

14 (6) "Lobbyist" means any individual who for pay or other
15 consideration engages in lobbying in excess of five
16 hours in any month of any reporting period described
17 in section 97-3 or spends more than \$750 lobbying
18 during any reporting period described in section
19 97-3[-]; or engages in lobbying in excess of five
20 hours in any month during any statement period of a
21 special session of the legislature as described in
22 section 97- or spends more than \$750 lobbying during



1 any statement period of a special session of the
2 legislature as described in section 97- ."

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

5 "(b) The March 31 report shall cover the period from
6 January 1 through the last day of February. The May 31 report
7 shall cover the period from March 1 through April 30. The
8 January 31 report shall cover the period from May 1 through
9 December 31 of the previous year[-]; provided that any
10 expenditures and contributions that are related to any
11 legislative action or ballot issue presented to the legislature
12 for consideration during a special session of the legislature
13 shall be filed with the state ethics commission in accordance
14 with section 97- ."

15 SECTION 4. Section 97-4.5, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "**[+]§97-4.5[+]** **Lobbyist list.** As soon as is feasible
18 after the commencement of each regular session or special
19 session of the legislature, the state ethics commission shall
20 publish a list of registered lobbyists, the names of the persons
21 whom they represent, and other pertinent information but shall
22 not include in such list the addresses of the lobbyists. The



1 list shall be supplemented from time to time as may be
2 necessary."

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

5 "(a) The state ethics commission shall administer and
6 implement this chapter, and shall have the following powers and
7 duties:

8 (1) Initiate, receive, and consider charges concerning
9 alleged violations of this chapter, and investigate or
10 cause to be investigated on a confidential basis, the
11 activities of any person to determine whether the
12 person is in compliance with this chapter;

13 (2) Prescribe forms for the statements and reports
14 required by sections 97-2 [~~and~~], 97-3, and 97-_____ and
15 establish orderly procedures for implementing the
16 requirements of those provisions;

17 (3) Render advisory opinions upon the request of any
18 person subject to this chapter. If no advisory
19 opinion is rendered within thirty days after the
20 request is filed with the commission, it shall be
21 deemed that an advisory opinion was rendered and that
22 the facts and circumstances of that particular case do



1 not constitute a violation of this chapter. The
2 opinion rendered or deemed rendered, until amended or
3 revoked, shall be binding on the commission in any
4 subsequent charges concerning the person subject to
5 this chapter who sought the opinion and acted in
6 reliance on it in good faith, unless material facts
7 were omitted or misstated by the person in the request
8 for an advisory opinion;

9 (4) Issue subpoenas, administer oaths, and exercise those
10 powers conferred upon the commission by section 92-16;

11 (5) Adopt rules, not inconsistent with this chapter, as in
12 the judgment of the commission seem appropriate for
13 the carrying out of this chapter and for the efficient
14 administration of this chapter, including every matter
15 or thing required to be done or which may be done with
16 the approval or consent or by order or under the
17 direction or supervision of, or as prescribed by, the
18 commission. The rules, when adopted as provided in
19 chapter 91, shall have the force and effect of law;
20 and

21 (6) Have jurisdiction for purposes of investigation and
22 taking appropriate action on alleged violations of



1 this chapter in all proceedings commenced within three
2 years of an alleged violation of this chapter. A
3 proceeding shall be deemed commenced by the filing of
4 a charge with the commission or by the signing of a
5 charge by three or more members of the commission.
6 Nothing shall bar proceedings against a person who by
7 fraud or other device prevents discovery of a
8 violation of this chapter."

9 SECTION 6. Section 97-7, Hawaii Revised Statutes, is
10 amended by amending subsection (a) to read as follows:

11 "(a) Any person who:

- 12 (1) Wilfully fails to file any statement or report
- 13 required by this chapter;
- 14 (2) Wilfully files a statement or report containing false
- 15 information or material omission of any fact;
- 16 (3) Engages in activities prohibited by section 97-5; or
- 17 (4) Fails to provide information required by section 97-2
- 18 ~~[e]~~, 97-3[+], or 97- ;

19 shall be subject to an administrative fine imposed by the
20 commission that shall not exceed \$500 for each violation of this
21 chapter. All fines collected under this section shall be
22 deposited into the general fund."



S.B. NO. 2629

1 SECTION 7. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 8. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 9. This Act shall take effect upon its approval.

7

INTRODUCED BY:



S.B. NO. 2629

Report Title:

Lobbyists; Statement of Expenditures; Special Session

Description:

Requires persons who engage in lobbying ninety days prior to the convening of a special session or through sine die of that special session, or both, to file a statement of expenditures with the state ethics commission within ten days of sine die of that special session. Amends the definition of "lobbyist" to include persons who lobby in excess of five hours in any month during the ninety days prior to the convening of a special session or through sine die of that special session, or both, or who spend more than \$750 lobbying during that same period.

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

