

JAN 22 2021

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# A BILL FOR AN ACT

RELATING TO LOBBYING.

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

1           SECTION 1. The legislature finds that current laws  
2 relating to lobbying already apply to the procurement of goods  
3 and services and to the adoption of administrative rules. The  
4 legislature further finds that the state procurement code should  
5 be expanded to include granting or denying applications for  
6 business or development-related permits and licenses.

7           The purpose of this Act is to:

- 8           (1) Expand the definition of "administrative action" in  
9           section 97-1, Hawaii Revised Statutes, to include the  
10           granting or denying of an application for a business  
11           or development-related permit, license, or approval as  
12           required by state law; and
- 13           (2) Clarify that lobbying laws apply to lobbying by the  
14           executive branch.

15           SECTION 2. Section 97-1, Hawaii Revised Statutes, is  
16 amended by amending the definitions of "administrative action"  
17 and "administrative agency" to read as follows:



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

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

6 (2) The granting or denying by an administrative agency of  
7 an application for a business or development-related  
8 permit, license, or approval as required by state law.

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

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

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

16 (1) Any individual who represents oneself and not any  
17 other person before the legislature or administrative  
18 agency; provided that the individual shall file a  
19 statement of expenditures if the individual meets any  
20 of the provisions of section 97-3(a);



- 1           (2) Any federal, state, or county official or employee  
2           acting in the official's or employee's official  
3           capacity, unless the federal, state or county  
4           official, or employee contracts for the services of a  
5           lobbyist;
- 6           (3) Any elected public official acting in the public  
7           official's official capacity, unless the public  
8           official contracts for the services of a lobbyist;
- 9           (4) Any newspaper or other regularly published periodical  
10          or radio or television station, including any  
11          individual who owns, publishes, or is employed by a  
12          newspaper or periodical or radio or television  
13          station, while publishing in the regular course of  
14          business news items, editorials[7] or other comments,  
15          or paid advertisements, which directly or indirectly  
16          urge the passage or defeat of legislative or  
17          administrative action;
- 18          (5) Any attorney who advises the attorney's clients on the  
19          construction or effect of proposed legislative or  
20          administrative action; provided that [~~such~~] the  
21          attorney shall register if the attorney meets the

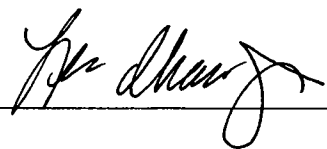


# S.B. NO. 557

1 definition of "lobbyist" as defined in section 97-1;  
 2 and  
 3 (6) Any person who possesses special skills and knowledge  
 4 relevant to certain areas of legislation, whose skills  
 5 and knowledge may be helpful to the legislative and  
 6 executive branches of state government, and who makes  
 7 an occasional appearance at the request of the  
 8 legislature [~~or~~], an administrative agency, or [~~the~~] a  
 9 lobbyist [~~even though receiving~~] regardless of whether  
 10 the person receives reimbursement or other payment  
 11 from the legislature [~~or~~], an administrative agency,  
 12 or [~~the~~] a lobbyist for the appearance."

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

15 SECTION 5. This Act shall take effect on September 1,  
 16 2021.

17 INTRODUCED BY: 



# S.B. NO. 557

**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. Clarifies that lobbying laws apply to lobbying by the executive branch. Effective 9/1/2021.

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

