



HAWAI'I STATE ETHICS COMMISSION

State of Hawai'i · Bishop Square, 1001 Bishop Street, ASB Tower 970 · Honolulu, Hawai'i

Committee: House Committee on Judiciary & Hawaiian Affairs
Bill Number: HB 413
Hearing Date/Time: January 28, 2025, 2:00 p.m.
Re: Testimony of the Hawai'i State Ethics Commission in **SUPPORT** of HB 413, Relating to Lobbyist Contributions with **PROPOSED AMENDMENTS**

Aloha Chair Tarnas, Vice Chair Poepoe, and Committee Members,

The Hawai'i State Ethics Commission ("Ethics Commission") strongly supports HB 413, which clarifies the agency responsible for administering prohibitions on lobbyist contributions during the legislative session and defines the term "special session" for purposes of Haw. Rev. Stat. § 11-365.

The Ethics Commission has jurisdiction over state lobbyists pursuant to the Hawai'i State Constitution and Haw. Rev. Stat. Chapter 97. In 2023, Act 128 added a new restriction to Chapter 97, prohibiting state lobbyists from making campaign contributions during the legislative session. A similar restriction was placed in the Campaign Spending Commission's set of laws, which oversees improper contributions by state and county lobbyists as campaign "contributors."

Having two agencies oversee the same conduct risks inconsistent interpretations and duplicative enforcement. While the Ethics Commission and the Campaign Spending Commission have a successful and collaborative relationship, this bill aims to prevent potential conflicts and ensure greater clarity and consistency for state lobbyists.

The Ethics Commission is uniquely equipped to educate, provide advice, and investigate potential violations by state lobbyists. State lobbyists must undergo mandatory ethics training and frequently seek advice from the Commission through its "Attorney of the Day" program. In December 2024 alone, 18 advice inquiries were received from state lobbyists. Additionally, the Ethics Commission has greater capacity to investigate lobbyist violations. For these reasons, it is appropriate for the Ethics Commission to retain jurisdiction over state lobbyists.

The Campaign Spending Commission has noted that county lobbyists are not under the Ethics Commission's jurisdiction. Moreover, county Ethics Boards and Commissions do not prohibit campaign contributions during the state legislative session. To address this concern, the Ethics Commission proposes the following amendments to limit the scope of this bill to state lobbyists:

- **Page 2, Line 21:** Amend to read: "A state lobbyist alleged to have made"

• **Page 3, Lines 5-6:** Amend to read: “director to the state ethics [~~board or~~] commission [~~having jurisdiction over the lobbyist~~].”

These amendments ensure the bill focuses on state lobbyists while allowing the Campaign Spending Commission to exercise, when necessary, jurisdiction over county lobbyists.

Mahalo for the opportunity to submit testimony on House Bill 413. We appreciate the Legislature’s ongoing commitment to promoting ethical governance and transparency.

Very truly yours,

/S/ Robert D. Harris
Robert D. Harris
Executive Director and General Counsel



STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

235 SOUTH BERETANIA STREET, ROOM 300
HONOLULU, HAWAII 96813

January 27, 2025

TO: The Honorable David A. Tarnas, Chair
House Committee on Judiciary & Hawaiian Affairs

The Honorable Mahina Poepoe, Vice Chair
House Committee on Judiciary & Hawaiian Affairs

Members of the House Committee on Judiciary & Hawaiian Affairs

FROM: Kristin Izumi-Nitao, Executive Director 
Campaign Spending Commission

SUBJECT: **Testimony on H.B. No. 413, Relating to Lobbyist Contributions.**

Tuesday, January 28, 2025
2:00 p.m., Conference Room 325 & Videoconference

Thank you for the opportunity to testify on this bill. The Campaign Spending Commission ("Commission") supports this bill.

In Act 128, Session Laws of Hawaii 2023, the Legislature enacted a ban on lobbyist contributions to elected officials and other candidates during a legislative session. This measure seeks to clarify administrative oversight of Act 128 between the Commission and the State Ethics Commission. The measure also clarifies that "legislative session" means when both houses of the Legislature are in session.

The Commission requests that this committee pass this measure.