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# A BILL FOR AN ACT

RELATING TO LOBBYIST CONTRIBUTIONS.

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

1           SECTION 1. This Act clarifies administrative oversight of  
2 statutory restrictions relating to prohibited lobbyist  
3 contributions enacted in Act 128, Session Laws of Hawaii 2023  
4 (Act 128). Act 128 left concurrent administrative oversight to  
5 the campaign spending and state ethics commissions.

6           For the purpose of administrative efficiency and  
7 streamlining of function, this Act clarifies that with respect  
8 to the statutory provisions created and amended by Act 128, the  
9 campaign spending commission shall have oversight of elected  
10 officials, candidates, candidate committees, and others required  
11 to file an organizational report with the campaign spending  
12 commission, and the ethics board or commission having  
13 jurisdiction over the lobbyist shall have oversight of  
14 lobbyists.

15           This Act further clarifies that the regular or special  
16 sessions in which lobbyist contributions are prohibited are



1 periods during which both houses of the legislature are in  
2 session.

3 SECTION 2. Section 11-365, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "~~{}~~§11-365~~{}~~ **Contributions and expenditures by lobbyists**  
6 **prohibited during legislative session.** (a) During any regular  
7 session or special session of the ~~[state]~~ legislature, including  
8 any extension of any regular session or special session and any  
9 legislative recess days, holidays, and weekends, and for five  
10 calendar days before and after a session, no lobbyist shall  
11 make, or promise to make at a later time, any contributions or  
12 expenditures to or on behalf of an elected official, candidate,  
13 candidate committee, or any other individual required to file an  
14 organizational report pursuant to section 11-321. No elected  
15 official, candidate, candidate committee, or other individual  
16 required to file an organizational report pursuant to section  
17 11-321 shall accept, or agree to accept at a later time, any  
18 contribution from a lobbyist during the specified period under  
19 this subsection. Any contribution prohibited by this subsection  
20 shall escheat to the Hawaii election campaign fund. An elected  
21 official, candidate, candidate committee, or any other



1 individual required to file an organizational report pursuant to  
 2 section 11-321, alleged to have received a prohibited  
 3 contribution in violation of this section, shall be  
 4 administratively referred by the state ethics commission  
 5 executive director to the campaign spending commission.

6 (b) For the purposes of this section:

7 "Elected official" has the same meaning as in  
 8 section 11-342.

9 "Lobbyist" means any person actively registered as a  
 10 lobbyist with a state or county ethics board or commission.

11 "Session" means a period in which both legislative houses  
 12 are in session."

13 SECTION 3. Section 97-5, Hawaii Revised Statutes, is  
 14 amended to read as follows:

15 "**§97-5 Restricted activities.** (a) No lobbyist shall  
 16 accept or agree to accept any payment in any way contingent upon  
 17 the defeat, enactment, or outcome of any proposed legislative or  
 18 administrative action. During any regular session or special  
 19 session of the [~~state~~] legislature, including any extension of  
 20 any regular session or special session and any legislative  
 21 recess days, holidays, and weekends, and for five calendar days



1 before and after a session, no lobbyist shall make, or promise  
2 to make at a later time, any contributions or expenditures to or  
3 on behalf of an elected official, candidate, candidate  
4 committee, or any other individual required to file an  
5 organizational report pursuant to section 11-321.

6 (b) A state lobbyist alleged to have made a prohibited  
7 contribution to an elected official, candidate, candidate  
8 committee, or any other individual required to file an  
9 organizational report pursuant to section 11-321 in violation of  
10 this section shall be administratively referred by the executive  
11 director to the state ethics commission.

12 (c) Any contribution prohibited by this section shall  
13 escheat, as directed by the campaign spending commission, to the  
14 Hawaii election campaign fund.

15 [~~(b)~~] (d) For the purposes of this section[,—"elected"]:  
16 "Elected official" has the same meaning as in  
17 section 11-342.

18 "Session" has the same meaning as in section 11-365."

19 SECTION 4. This Act does not affect rights and duties that  
20 matured, penalties that were incurred, and proceedings that were  
21 begun before its effective date.



1           SECTION 5. If any provision of this Act, or the  
2 application thereof to any person or circumstance, is held  
3 invalid, the invalidity does not affect other provisions or  
4 applications of the Act that can be given effect without the  
5 invalid provision or application, and to this end the provisions  
6 of this Act are severable.

7           SECTION 6. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

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



**Report Title:**

State Ethics Commission Package; Lobbyists; Contributions.

**Description:**

Clarifies administrative oversight of statutory restrictions relating to prohibited lobbyist contributions. Clarifies that the regular or special sessions in which lobbyist contributions are prohibited are periods during which both houses of the legislature are in session. (HD1)

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

