
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



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

(b) For the purposes of this section:

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

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

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

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

"§97-5 Restricted activities. (a) No lobbyist shall
accept or agree to accept any payment in any way contingent upon
the defeat, enactment, or outcome of any proposed legislative or
administrative action. During any regular session or special
session of the [state] legislature, including any extension of
any regular session or special session and any legislative
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 of the campaign spending commission to the state ethics
12 commission.

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

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

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



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

10 SECTION 6. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 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. (SD1)

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

