

JAN 18 2013

A BILL FOR AN ACT

RELATING TO CAMPAIGN CONTRIBUTIONS.

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

1 SECTION 1. Section 11-355, Hawaii Revised Statutes, is
2 amended to read as follows:
3 "~~§~~11-355~~§~~ Contributions by state and county
4 contractors, subcontractors, contract bidders, and applicants
5 for and recipients of grants and subsidies prohibited. (a) It
6 shall be unlawful for any person who enters into any contract
7 with the State, any of the counties, or any department or agency
8 thereof, or any person who is subcontracted under that contract,
9 either for the rendition of personal services, the buying of
10 property, or furnishing of any material, supplies, or equipment
11 to the State, any of the counties, any department or agency
12 thereof, or for selling any land or building to the State, any
13 of the counties, or any department or agency thereof, if payment
14 for the performance of the contract or payment for material,
15 supplies, equipment, land, property, or building is to be made
16 in whole or in part from funds appropriated by the legislative
17 body, at any time between the execution of the contract through
18 the completion of the contract, to:



- 1 (1) Directly or indirectly make any contribution, or
2 promise expressly or impliedly to make any
3 contribution to any candidate committee or
4 noncandidate committee, or to any candidate or to any
5 person for any political purpose or use; or
- 6 (2) Knowingly solicit any contribution from any person for
7 any purpose during any period.
- 8 (b) It shall be unlawful, from the time a solicitation is
9 issued under section 103D-302, 103D-304, 103D-305, 103D-306, or
10 103D-307 until a contract is entered into, for a person who
11 submits an offer for a solicitation to:
- 12 (1) Directly or indirectly make any contribution or to
13 promise expressly or impliedly to make any
14 contribution to any political party, committee, or
15 candidate or to any person for any political purpose
16 or use; or
- 17 (2) Knowingly solicit any contribution from any person for
18 any purpose during any period.
- 19 (c) It shall be unlawful for any applicant for or
20 recipient of any grant or subsidy administered under chapter
21 42F, at any time between the submission of the grant or subsidy



1 application through the completion or expiration of the grant or
2 subsidy award, to:

3 (1) Directly or indirectly make any contribution to or
4 promise expressly or impliedly to make any
5 contribution to any political party, committee, or
6 candidate or to any person for any political purpose
7 or use; or

8 (2) Knowingly solicit any contribution from any person for
9 any purpose during any period.

10 ~~[(b)]~~ (d) Except as provided in ~~[subsection]~~ subsections
11 (a), (b), and (c), this section does not prohibit or make
12 unlawful the establishment or administration of, or the
13 solicitation of contributions to, any noncandidate committee by
14 any person other than the state or county contractor,
15 subcontractor, contract bidder, or applicant for or recipient of
16 grants and subsidies administered under chapter 42F for the
17 purpose of influencing the nomination for election, or the
18 election of any person to office.

19 ~~[(e)]~~ (e) For purposes of this section, "completion of the
20 contract" means that the parties to the government contract have
21 either terminated the contract prior to completion of
22 performance or fully performed the duties and obligations under



S.B. NO. 221

1 the contract, no disputes relating to the performance and
2 payment remain under the contract, and all disputed claims have
3 been adjudicated and are final. Additionally, for purposes of
4 this section, the terms "applicant", "recipient", and "person"
5 include members of boards of directors and officers of an entity
6 making or soliciting a campaign contribution, or any lobbyist
7 acting on their behalf."

8 SECTION 2. This Act does not affect rights and duties that
9 matured, penalties that were incurred, and proceedings that were
10 begun before its effective date.

11 SECTION 3. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 4. This Act shall take effect upon its approval.

14

INTRODUCED BY: 



S.B. NO. 221

Report Title:

Campaign Contributions; State Contracts

Description:

Prohibits persons soliciting a state contract or applicants for or recipients of state grants or subsidies awarded under chapter 42F from making campaign contributions and also includes subcontractors to a state contract in the prohibition of campaign contributions to a political party, committee, or candidate.

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