

JAN 23 2015

A BILL FOR AN ACT

RELATING TO LOBBYISTS.

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

1 SECTION 1. To preserve public confidence in public
2 servants and ensure the highest standards of ethical conduct,
3 the state constitution mandates that elected officers and public
4 employees subscribe to a strict code of ethics. In promoting
5 high standards of ethical conduct, the state code of ethics
6 prohibits legislators and public employees from receiving gifts
7 that can be reasonably inferred to be intended to influence a
8 legislator's or public employee's performance of duties or
9 intended as a reward for any official action on the legislator's
10 or employee's part.

11 Although legislators and public employees are prohibited
12 from receiving gifts that may appear to influence their actions,
13 lobbyists are not likewise prohibited from giving gifts to
14 legislators and public employees that are intended to influence
15 legislators' and public employees' official actions.

16 The purpose of this Act is to prohibit lobbyists from
17 giving gifts to officials in the legislative or executive branch



1 that may be inferred to influence the officials' actions or that
2 are intended as a reward for any official action and to allow
3 the state ethics commission to assess an administrative fine for
4 any such violations.

5 SECTION 2. Section 97-5, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "[+]§97-5[+] **Restricted activities.** (a) No lobbyist
8 shall accept or agree to accept any payment in any way
9 contingent upon the defeat, enactment, or outcome of any
10 proposed legislative or administrative action.

11 (b) No lobbyist shall give, convey, or subsidize, directly
12 or indirectly, any gift to an elected official in the
13 legislature or an employee in the executive branch, whether in
14 the form of money, service, loan, travel, entertainment,
15 hospitality, thing, or promise, or in any other form, under
16 circumstances in which it can reasonably be inferred that the
17 gift is intended to influence the legislator or employee in the
18 performance of the legislator's or employee's official duties or
19 intended as a reward for any official action on the legislator's
20 or employee's part. The state ethics commission may assess an



1 administrative fine of no more than \$ for a violation
2 of this subsection."

3 SECTION 3. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

6 SECTION 4. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 5. This Act shall take effect upon its approval.

9

INTRODUCED BY:

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S.B. NO. 647

Report Title:

Lobbyists; Gifts; Rewards; Public Official

Description:

Prohibits lobbyists from giving gifts to officials in the legislative or executive branch that may be inferred to be intended to influence an official's actions in the performance of the official's duties or intended as a reward for an official's actions in the performance of the official's duties.

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