

---

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



1 a prohibited contribution to an elected official, candidate,  
2 candidate committee, or any other individual required to file an  
3 organizational report pursuant to section 11-321 in violation of  
4 this section shall be administratively referred by the executive  
5 director to the ethics board or commission having jurisdiction  
6 over the lobbyist.

7 (b) For the purposes of this section:

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

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

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

14 "§97-5 Restricted activities. (a) No lobbyist shall  
15 accept or agree to accept any payment in any way contingent upon  
16 the defeat, enactment, or outcome of any proposed legislative or  
17 administrative action. During any regular session or special  
18 session of the state legislature, including any extension of any  
19 regular session or special session and any legislative recess  
20 days, holidays, and weekends, and for five calendar days before  
21 and after a session, no lobbyist shall make, or promise to make



1 at a later time, any contributions or expenditures to or on  
2 behalf of an elected official, candidate, candidate committee,  
3 or any other individual required to file an organizational  
4 report pursuant to section 11-321.

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

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

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

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

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.

10

INTRODUCED BY: Nadine K. Mahan  
By Request

JAN 16 2025



# H.B. NO. 413

**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.

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

