

ACT 128

S.B. NO. 1493

A Bill for an Act Relating to Lobbyists.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that contributions made during legislative sessions, including extended sessions or special sessions, can create the perception that the contribution is, or is intended, to influence decisions being taken on pending legislation. The legislature's passage of Act 283, Session Laws of Hawaii 2022, to prohibit elected state and county officials from holding fundraisers during regular and special sessions of the state legislature is one approach to restoring confidence in Hawai'i's legislative process.

The legislature further finds that a number of states restrict or prohibit contributions from lobbyists during legislative sessions. According to the National Conference of State Legislatures, at least thirteen states have enacted such laws. Some extend the window where contributions cannot be made by lobbyists to the period when legislation from the regular session is awaiting guber-

natorial action (Arizona and Colorado), a set period following the adjournment of a session (Iowa and Oklahoma), and to only allowing contributions during the election year for that candidate (Wisconsin). The legislature concludes that restricting lobbyists from donating, or promising to later donate, to an elected official during a legislative session and the five days before and after the session will further the goal of reducing undue influence and its appearance.

The purpose of this Act is to prohibit, during legislative sessions and shortly before and after, lobbyist contributions and expenditures and promises of contributions or expenditures, to any elected official, candidate, candidate committee, or individual who is required to file an organizational report with the campaign spending commission.

SECTION 2. Chapter 11, Hawaii Revised Statutes, is amended by adding a new section to part XIII, subpart E, to be appropriately designated and to read as follows:

“§11- Contributions and expenditures by lobbyists prohibited during legislative session. (a) 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 before and after a session, no lobbyist shall make, or promise to make at a later time, any contributions or expenditures to or on behalf of an elected official, candidate, candidate committee, or any other individual required to file an organizational report pursuant to section 11-321. No elected official, candidate, candidate committee, or other individual required to file an organizational report pursuant to section 11-321 shall accept, or agree to accept at a later time, any contribution from a lobbyist during the specified period under this subsection. Any contribution prohibited by this subsection shall escheat to the Hawaii election campaign fund.

(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.”

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

(b) For the purposes of this section, “elected official” has the same meaning as in section 11-342.”

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

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

(Approved June 23, 2023.)

Note

1. Edited pursuant to HRS §23G-16.5.