
A BILL FOR AN ACT

RELATING TO LOBBYING.

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

1 SECTION 1. The legislature finds that transparent
2 disclosure of lobbying activities is in the public interest.
3 Under the state lobbying law, chapter 97, Hawaii Revised
4 Statutes, "lobbying" an administrative agency only regards
5 formal rulemaking or other actions governed by section 91-3,
6 Hawaii Revised Statutes. Including procurement discussions in
7 the list of actions subject to influence within the statutory
8 definition of "lobbying" promotes government transparency by
9 providing the public with additional information regarding
10 lobbying at the administrative agency level and promoting a
11 level playing field for all businesses.

12 Accordingly, the purpose of this Act is to enhance
13 government transparency by:

- 14 (1) Establishing certain presumptions regarding lobbying
15 on behalf of private clients;
- 16 (2) Making certain contracts voidable when entered into in
17 violation of the state lobbying law; and



1 (3) Expanding the definition of "lobbying" under the state
2 lobbying law to include certain communications with
3 high-level government officials regarding procurement
4 decisions.

5 SECTION 2. Chapter 97, Hawaii Revised Statutes, is amended
6 by adding two new sections to be appropriately designated and to
7 read as follows:

8 "§97- Presumption of lobbying on behalf of private
9 clients. Any individual with a substantial ownership interest
10 in or a paid employee, officer, or director of an organization,
11 who actively participates in lobbying activities that directly
12 benefit that organization, shall be presumed to be receiving
13 compensation from the organization for their lobbying efforts.

14 §97- Contracts voidable. In addition to any other
15 penalty provided by law, any contract or other action entered
16 into by the State in violation of this chapter shall be voidable
17 on behalf of the State; provided that in any action to void a
18 contract pursuant to this section, the interests of third
19 parties who may be damaged thereby shall be taken into account;
20 provided further that the action to void the contract shall be
21 initiated no later than sixty days after the determination of a



1 violation under this chapter. The attorney general, in
2 consultation with the head of the purchasing agency impacted,
3 shall have the authority to enforce this section."

4 SECTION 3. Section 97-1, Hawaii Revised Statutes, is
5 amended by amending the definition of "lobbying" to read as
6 follows:

7 "Lobbying" means communicating directly or through an
8 agent, or soliciting others to communicate, with any official in
9 the legislative or executive branch, for the purpose of
10 attempting to influence legislative or administrative action or
11 a ballot issue. "Lobbying" includes communicating with any
12 person identified in section 84-17(d) concerning the
13 solicitation or award of a contract by or proposal before an
14 administrative agency or a potential future vendor relationship
15 with an administrative agency if any of the communications are
16 not governed by chapter 103D or 103F.

17 "Lobbying" [~~shall~~] does not include [~~the~~]:

- 18 (1) Communications about a request for proposals,
19 contract, or vendor relationship if the communications
20 are initiated by a legislator or state employee; or

21



1 (2) The preparation and submission of a grant application
2 pursuant to chapter 42F by a representative of a
3 nonprofit organization."

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

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

13 SECTION 6. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 7. This Act shall take effect on January 1, 2027.



Report Title:

State Ethics Commission Package; Lobbying; Transparency;
Procurement

Description:

Establishes certain presumptions regarding lobbying on behalf of private clients. Makes certain contracts voidable when entered into in violation of the state lobbying law under certain conditions. Expands the definition of "lobbying" in the state lobbying law to include certain communications with certain government officials regarding procurement decisions. Effective 1/1/2027. (SD1)

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