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# 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 lobbying law, chapter 97, Hawaii Revised Statutes,  
4 "lobbying" an administrative agency only regards formal  
5 rulemaking or other actions governed by section 91-3, Hawaii  
6 Revised Statutes. Including procurement discussions in the  
7 definition of "lobbying" promotes government transparency by  
8 providing the public with additional information regarding  
9 lobbying at the administrative agency level and promotes a level  
10 playing field for all businesses.

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

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



(3) Expanding the definition of "lobbying" in section 97-1, Hawaii Revised Statutes, to include certain communications with high-level government officials regarding procurement decisions.

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

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

**§97- Contracts voidable.** In addition to any other penalty provided by law, any contract or other action entered into by the State in violation of this chapter shall be voidable on behalf of the State; provided that in any action to void a contract pursuant to this section the interests of third parties who may be damaged thereby shall be taken into account, and the action to void the contract is initiated within sixty days after the determination of a violation under this chapter. The



1 attorney general shall have the authority to enforce this  
2 section."

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

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

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

20 [~~"Lobbying" shall not include the~~]



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

**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. Expands the definition of "lobbying" in the state lobbying law to include certain communications with high-level government officials regarding procurement decisions. Effective 1/1/2027. (HD1)

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

