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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 expand the  
12 definition of "lobbying" in section 97-1, Hawaii Revised  
13 Statutes, to include certain communications regarding  
14 procurement decisions with high-level government officials.

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



1           "§97-    Presumption of lobbying on behalf of private  
2 clients. Unless the testimony pertains to a subject not  
3 relevant to the paying person, an individual submitting  
4 testimony or engaging in lobbying activities is presumed to act  
5 on behalf of a paying person rather than in an individual  
6 capacity.

7           §97-    Contracts voidable. In addition to any other  
8 penalty provided by law, any contract or other action entered  
9 into by the State in violation of this chapter is voidable on  
10 behalf of the State; provided that in any action to avoid a  
11 contract pursuant to this section the interests of third parties  
12 who may be damaged thereby shall be taken into account, and the  
13 action to void the transaction is initiated within sixty days  
14 after the determination of a violation under this chapter. The  
15 attorney general shall have the authority to enforce this  
16 section."

17           SECTION 3. Section 97-1, Hawaii Revised Statutes, is  
18 amended by amending the definitions of "lobbying" and "lobbyist"  
19 to read as follows:

20           ""Lobbying" means communicating directly or through an  
21 agent, or soliciting others to communicate, with any official in



1 the legislative or executive branch, for the purpose of  
2 attempting to influence legislative or administrative action or  
3 a ballot issue. Lobbying also includes communicating with any  
4 person identified in section 84-17(d) concerning the  
5 solicitation or award of a contract or proposal before an  
6 administrative agency, or a potential future vendor relationship  
7 with an administrative agency, if any of the communications are  
8 not governed by section 103D or section 103F. Communications  
9 about a request for proposals, contract, or vendor relationship  
10 are not considered lobbying if they are initiated by a  
11 legislator or state employee.

12 "Lobbying" shall not include the preparation and submission  
13 of a grant application pursuant to chapter 42F by a  
14 representative of a nonprofit organization.

15 "Lobbyist" means any individual who:

16 (1) Receives or expects to receive, either by employment  
17 or contract, \$1,000 or more in monetary or in-kind  
18 compensation in any calendar year for engaging in  
19 lobbying, either personally or through the lobbyist's  
20 agents; or



1 (2) For pay or other consideration, on behalf of another  
2 person:

3 (A) Engages in lobbying in excess of five hours in  
4 any month of any reporting period described in  
5 section 97-3;

6 (B) Engages in lobbying in excess of ten hours during  
7 any calendar year; [~~or~~]

8 (C) Submits testimony ten or more times during any  
9 calendar year; or

10 [~~(C)~~] (D) Makes expenditures of \$1,000 or more of the  
11 person's or any other person's money lobbying  
12 during any reporting period described in  
13 section 97-3;

14 provided that an employee of a nonprofit organization who spends  
15 fewer than ten hours in any month lobbying on a grant  
16 application submitted pursuant to chapter 42F is not a lobbyist  
17 if the employee does not engage in lobbying on matters that are  
18 unrelated to the grant application."

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 on January 1, 2027.



**Report Title:**

Ethics Commission Package; Lobbying; Presumptions; Testimony

**Description:**

Amends the definition of "lobbying" to include communications regarding procurement decisions with certain high-level government officials. Includes among lobbyists certain persons who submit testimony 10 or more times in any calendar year. Establishes certain presumptions regarding testimony when given by a paid person. Makes certain contracts voidable when entered into in violation of lobbying law. Takes effect 1/1/2027.

(Proposed SD1)

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

