

JAN 15 2025

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 testimony
14 when provided by a lobbyist;
- 15 (2) Making certain contracts voidable when entered into in
16 violation of the state lobbying law; and



1 (3) Expanding the definition of "lobbying" in section
2 97-1, Hawaii Revised Statutes, to include certain
3 communications with high-level government officials
4 regarding procurement 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 is voidable on
17 behalf of the State; provided that in any action to void a
18 contract pursuant to this section the interests of third parties
19 who may be damaged thereby shall be taken into account, and the
20 action to void the contract is initiated within sixty days after
21 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 also 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. Communications about a
16 request for proposals, contract, or vendor relationship are not
17 considered lobbying if they are initiated by a legislator or
18 state employee.

19 "Lobbying" shall not include the preparation and submission
20 of a grant application pursuant to chapter 42F by a
21 representative of a nonprofit organization."



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

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

10 SECTION 6. New statutory material is underscored.

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

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INTRODUCED BY: Mark N. ...
By Request



S.B. NO. 290

Report Title:

State Ethics Commission Package; Lobbying; Transparency

Description:

Establishes certain presumptions regarding testimony when provided by a lobbyist. 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.

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