

**From:** [Inga Gibson](#)  
**To:** [Standards of Conduct](#)  
**Subject:** I am sharing "Corrected CISC Testimony 6-1-22 2pm" with you  
**Date:** Tuesday, May 31, 2022 1:05:03 PM  
**Attachments:** [Corrected CISC Testimony 6-1-22 2pm.docx](#)

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Aloha,

My apologies. Please post this corrected copy (spelling error in earlier testimony).

Thank you, Inga

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June 1, 2022

## **RE: COMMENTS TO THE COMMITTEE TO IMPROVE STANDARDS OF CONDUCT**

Discussion of ethics related reform, including appropriate funding of state and county ethics boards/commissions; streamlining of lobbyist registration requirements; lobbyist gift regulation requirements; lobbyist training requirements; lobbyist disclosure requirements; legislator conflicts of interest provisions; legislator financial disclosures; anti-nepotism regulations; public reporting of legislative allowance expenditures; and legislator civility/aloha rule concepts.

VIA: email to [StandardsofConduct@Capitol.hawaii.gov](mailto:StandardsofConduct@Capitol.hawaii.gov)

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Dear Honorable Judge Foley and Members of the Committee to Improve Standards of Conduct,

Thank you for the opportunity to provide public input to improve transparency, accountability and good governance policies and procedures.

I have been involved in public policy work for non-profit organizations across the US and Pacific Territories for more than 20 years, the last 15 years in the Hawaii state legislature.

Based on my professional and personal experience, and training in mediation and conflict-resolution, I offer the following comments:

### **Lobbying**

- Require that lobbyists wear identification when at the capitol. This is common in other states as well. Lobbyists could be designated one color name badge and state employees, another color, so the public can distinguish between private lobbyists versus state staff and non-affiliated members of the public
- Most states require a nominal fee to register as a lobbyist which covers basic administrative costs of the agency which regulates lobbying activities. (annual fees in other states range from \$20 to exceeding \$100). Fees could be determined based on the number of employees of the business/company, non-profit status, etc.
- Lobbyists should be required to report what bills they lobbied for/against (as is required at the County level)
- A lobbyist should not testify as an individual on a bill if receiving payment from any person/company on that same bill. For cases in question, the lobbyist should first make a statement declaring a potential conflict of interest and disclose that potential conflict.

### **Legislative Policies and Procedures**

In my experience, many of the most problematic and non-democratic policies and procedures are those that are informal and/or unwritten practices and internal policies, that have been conducted and/or allowed to occur without question, for many years, if not decades, Further, there are dozens of ways a bill can die (or be killed) without adequate public input or transparency. The

volume of bills introduced, and the tight deadlines provides cover to legislators by simply being able to claim they “ran out of time.”

For example:

- One legislator should not be given sole authority to determine the scheduling, passage or deferral of a bill, as has historically been given to the Committee Chair. Options to make the process more transparent could include:
  - After bills are assigned to committees, the full committee votes on record as to what bills will then be scheduled (public hearing)
  - Full committee votes on record for passage or deferral of every bill from committee
  - Bills must be scheduled for at least one hearing by the 3<sup>rd</sup> year of introduction
  - By Request bills must disclose either “by constituent request” or the name of the agency, organization or business requesting that the bill be introduced by that legislator (as is currently done with By Request bills from Governor’s Package, Prosecuting Attorneys Package, etc.)
  - Currently, legislators stating possible conflicts of interest do so on the chamber floor, immediately followed by a “no conflict” response by the Speaker or Senate President. Conflicts should be disclosed in greater detail to leadership and to the public in advance of a floor vote, especially if there is a financial or nepotism-related conflict, which are relatively common. Rather than responding “no conflict” immediately, that legislator may be excused from voting, assuming that missing vote alone does not affect the outcome of a vote (not calculated in total votes)
  - Legislative fundraisers should not be held during session
  
- Conference Committee Proceedings
  - All bills passing both chambers and referred to Conference should be scheduled for Conference and members required to report to Conference from each respective committee as designated (one member not showing for a conference hearing should not result in that bill dying without a vote)
  - Both chambers should be encouraged to agree to bills to reduce the number of bills requiring Conference
  
- Need for mediation/conflict-resolution process (Ho’oponopono)
  - Committee Chairs or a designated member of a Committee should be able to recommend stakeholders meet via a facilitated mediator (e.g. Mediation Center of the Pacific, Hawaii Conflict Resolution Assn), to try to find common ground and compromise on a bill.

Our courts often require mediation in certain cases, before the issue goes before the judge for final determination. This encourages discussion between parties that may have never before met or discussed their particular viewpoints on a specific bill. This will also save time in flushing out key issues prior to committee decision-making.

Thank you again for the opportunity to share my comments and suggestions. I greatly appreciate the much needed and long-awaited work that your Committee will be conducting over the months and year to come.

Mahalo nui loa,

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