



HAWAII STATE ETHICS COMMISSION

State of Hawaii • Bishop Square, 1001 Bishop Street, ASB Tower 970 • Honolulu, Hawaii 96813

February 6, 2009

The Honorable James Kunane Tokioka, Chair
The Honorable Blake K. Oshiro, Vice Chair
House Committee on Legislative Management
Hawaii State Capitol, Room 439
415 South Beretania Street
Honolulu, Hawaii 96813

Re: **Testimony on H.B. No. 970, Relating to Lobbyists**

Hearing: Friday, February 6, 2009, 2:00 p.m.
State Capitol, Conference Room 423

Testifying: Daniel J. Mollway, Executive Director and General Counsel
Hawaii State Ethics Commission

The Honorable James Kunane Tokioka, Chair; The Honorable Blake K. Oshiro, Vice Chair; and Honorable Members of the House Committee on Legislative Management:

Thank you for this opportunity to testify today on H.B. No. 970, Relating to Lobbyists. The purpose of this bill is to extend the “cooling-off” period for former legislators from one to two years before they may lobby the Legislature, and to bar certain former state appointees from becoming a paid lobbyist for two years after leaving a state position.

The Hawaii State Ethics Commission acknowledges the noble intent behind this bill. However, at this point in time, we are unable to support a two-year ban on former legislators from becoming lobbyists. Currently, a one-year ban is in place, and we have not heard of any particular problem with the one-year ban that warrants its extension. We believe that a one-year ban is sufficient in striking a balance between creating a reasonable “cooling-off” period, while at the same time not being so severe as to deny employment for an extended period of time.

Similarly, we, at this point, cannot agree with a two-year ban for former appointees whose positions require the advice and consent of the Senate. We are unaware of any information that suggests that such a ban is needed.

The Honorable James Kunane Tokioka, Chair
The Honorable Blake K. Oshiro, Vice Chair
February 6, 2009
Page 2

Again, we would like to point out that the length of any ban must be weighed on the need for a reasonable “cooling-off” period, and the severity of denying employment for an unwarranted length of time. Overzealous laws inhibit competent individuals from entering public service, thus depriving the State of the benefit of qualified individuals.

For the reasons set forth above, the Hawaii State Ethics Commission cannot, without further information, support this bill. We appreciate the opportunity to testify on this bill, and I will be happy to address any questions that members of this Committee may have.

DJM/af