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COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

August 11, 2015

TO: Randol Leach, Chair
and Members of the Maui County Board of Ethics
c/o Department of the Corporation Counsel

FROM: Mike White 
Council Chair

SUBJECT: **SUPPORT FOR ONLINE ACCESS TO THE LOBBYIST
REGISTRATION LIST**

Thank you for the opportunity to testify in **support** of the proposal to make available online the lobbyist registration list for the County of Maui.

The Maui County Council has not had the opportunity to take a formal position on this proposal. Therefore, I am providing this testimony in my capacity as an individual member of the Council.

I support the proposal for the following reasons:

1. Government transparency plays an important role in the public maintaining trust and confidence in our decisions. At the current time, there is no easy way for the public, elected officials or government employees to easily know who is a lobbyist. The fact that this list is currently unpublished goes against the spirit of maintaining an open and transparent government.

A concerned constituent recently shared with me that it took a formal request for public records under the Uniform Information Practices Act to obtain the list of registered lobbyist for Maui County.

2. Understanding who a testifier represents can help to determine how a piece of testimony is evaluated. A piece of testimony or a stance that is being promoted on behalf of a "special interest" will

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most likely be viewed differently than a person who has no vested interest and testifying as a concerned citizen. Therefore, having the lobbyist registration list easily accessible can greatly enhance a decision makers evaluation process.

3. The State of Hawaii and City and County of Honolulu already post comprehensive lobbyist information online for easy public review and analysis. See ethics.hawaii.gov and honolulu.gov/ethics, respectively.
4. The Maui County Council is in the process of reviewing its practices to identify ways to promote more transparency during public testimony. One such proposal is disclosing whether an individual is a registered lobbyist as their name is called to testify. I believe the Council and Board of Ethics can work together to create a more open an government.
5. I addressed the issue of lobbyist registration in a recent Chair's 3 Minutes for *The Maui News* and have enclosed a copy for your reference.

In closing, I fully **support** the proposal to make available lobbyist registration online. Should you have any questions, please feel free to call my office at (808) 270-5507. Mahalo.

paf:mkz:15-168a

Lobbyist-registration law being ignored?

By Mike White

Maui County's requirement that lobbyists register with the Board of Ethics took effect Sept. 23, 1981, when Mayor Hannibal Tavares signed into law Ordinance 1167.

Codified at Chapter 2.56.040 of the Maui County Code, the ordinance is just four sentences long. But it makes a strong statement:

Prior to appearing before any executive or legislative body, all lobbyists shall file a certified statement with the board of ethics setting forth the name, mailing address, business telephone number, and subject matter of the lobbyist. A lobbyist shall report any change in information contained in the certified statement within ten days of such change.

A lobbyist shall file a notice of termination within ten days of ceasing activity as a lobbyist. As used herein, "lobbyist" means any person who engages himself for pay or other consideration for the purpose of attempting to influence legislative or administrative action of the county.

The council's legislative intent was clear. Those who submit testimony to the council or otherwise urge the County of Maui to make policy decisions are required to register if they are being compensated for their service.

The Board of Ethics has subsequently adopted administrative rules to, in theory, support the ordinance.

The rules state lobbyists must file a registration form describing the lobbying work to be done, signed by both the lobbyist and the person or firm providing the compensation, whenever they're hired to influence official action. The rules also state the lobbyists' registration forms must be made available to the public.

Taken together, these policies display the logical objective of

allowing everyone to know if testifiers are merely representing themselves and their own interests or beliefs or, instead, speaking on behalf of paying private interests. Understanding a testifier's capacity can obviously help policymakers, members of the media and interested citizens to determine how to evaluate testimony.

In practice, however, the laudable principles laid out in the County Code and the Board of Ethics' rules are apparently being disregarded, as recently brought to my attention by a member of the public.

This constituent sought to review the current lobbyist list and was rebuffed by the county administration, until filing a formal request for public records under the Uniform Information Practices Act, the state's public records law. Once documentation was provided, the list of lobbyists was so short it seemed obvious the registration requirement isn't being enforced.

In contrast, both the State of Hawaii and the City and County of Honolulu post completed lobbyist-registration forms online for easy public review and analysis. See ethics.hawaii.gov and honolulu.gov/ethics, respectively.

It's futile to have good laws if they aren't being enforced. And it's hard to understand why public records that could be useful to councilmembers and government watchdogs are kept from public view.

Nearly 34 years after its enactment, Maui County's lobbyist-registration requirement should finally be given life. Please let Mayor Alan M. Arakawa and the Board of Ethics know if you agree.

Mahalo.