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## Critics tear into proposed ethics bill

### A measure allowing state employees to accept gifts worth \$200 will be revised

By Susan Essoyan

POSTED: 01:30 a.m. HST, Mar 02, 2011



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A proposed bill that would have allowed state employees to accept gifts of up to \$200 from anyone, under any circumstances, will be gutted and refined after critics testified it would open the floodgates to corruption in government.

"This bill would clearly undermine trust in government at all levels," said Barbara Polk, legislative chairwoman for Americans for Democratic Action/Hawaii. "It allows complete corruption of the government process." She said the draft legislation would have allowed a state official to collect \$200 for issuing a permit, or a parent to give a teacher \$200 in exchange for an A.

The Senate Judiciary and Labor Committee voted yesterday to keep Senate Bill 671 SD1 alive, after Chairman Clayton Hee said legislators would "eviscerate" the draft bill and work with the state Ethics Commission to try to carve out an exception for legislators to accept invitations to charitable fundraisers at no cost.

"Let me say that if the Ethics Commission decides this is a no-go, the chair of the committee will concur that it is a no-go," Hee said.

State law prohibits legislators and state employees from accepting or soliciting gifts if it is reasonable to infer that the gift is intended to influence or reward them for performing their official duties. The Ethics Commission has interpreted the law to allow small "gifts of aloha," such as lei or baked goods that have no resale value, and meals valued under \$25.

In response to a query from Senate President Shan Tsutsui (D, Wailuku-Kahului), the Ethics Commission recently advised legislators that accepting \$200 tickets as gifts from lobbyists to attend the Hawaii Institute for Public Affairs Leadership Awards Dinner last week would likely violate the ethics law.

"We are not suggesting that the ethics code precludes legislators from attending the dinner," wrote Leslie Kondo, Ethics Commission executive director. "If a legislator wishes to demonstrate his support of HIPA to both the organization and its supporters by attending the dinner, he can purchase a ticket."

The institute objected to that stance and turned to the Legislature for help. Senate Majority Leader Brickwood Galuteria (D, Downtown-Waikiki) wrote SB671 SD1 to allow state employees to accept gifts of up to \$200. Galuteria called the bill "a starting point" for discussion that was developed after looking at some other states' guidelines. His draft replaced the original SB671, which would have strengthened disclosure requirements for lobbyists.

"We are very concerned with the Ethics Commission's recent ruling stating that lawmakers are unable to attend as guests of nonprofit charitable activities," Bill Kaneko, president of the nonprofit educational institute, told legislators yesterday. "We

support the Legislature's intent to clarify the gift laws. Nonprofits play a very special role in the community, providing charitable, educational and humanitarian functions."

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The Aloha United Way, the Hawaii Alliance of Nonprofit Organizations and other charitable nonprofits also testified in favor of the bill. They said that inviting legislators to their events helps educate lawmakers about their charitable missions, needs and efforts. Laura Robertson, president of Goodwill Industries of Hawaii, said that legislators likely attend such "rubber chicken dinners" out of a sense of obligation rather than seeing it as a gift.

But the Ethics Commission, Common Cause Hawaii, the League of Women Voters of Hawaii and others opposed the bill as far too sweeping.

"Under current statute a legislator cannot accept an expensive meal from a lobbyist who's trying to get a bill passed," Kondo said. "It simply doesn't look right, it doesn't smell right." Under the proposed draft bill, "he can accept rounds of golf, gift cards, he can accept multiple gifts as long as they are under \$200. ... In fact, under this bill a lobbyist can treat legislators to expensive dinners every night of the session."

After the meeting, Kaneko called the proposed exception for charitable fundraisers "a good compromise for now." Polk, however, said she didn't see why legislators couldn't simply pay for the tickets themselves.



**Brickwood Galateria:**  
*The Senate majority leader, author of the bill, called it "a starting point" for discussion*

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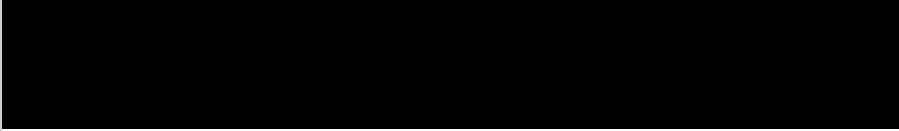
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