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BY JIM DOOLEY



A bill intended to strengthen and clarify the state's lobbyist regulation law has been quietly changed to allow legislators and state officials "to accept significant and costly gifts" from lobbyists.

Proposed amendments to the bill, to be discussed at a state Senate hearing Tuesday morning, "will likely cause substantial harm to the public's perception of an ethical state government," Les Kondo, the new head of the state Ethics Commission, said in prepared testimony about the bill.

Kondo has been briefing legislators in recent weeks about the state's lobbyist regulation law as well as the financial disclosure law which covers lawmakers and other state

officials.

A flurry of communications occurred after Sen. President Shan Tsutsui, D-4th, asked Kondo about the propriety of senators accepting \$200 tickets to a Feb. 24 charity dinner hosted by a non-profit organization called the Hawaii Institute for Public Affairs.

In a Feb. 10 letter to Tsutsui, Kondo wrote that "the acceptance of these invitations would likely be prohibited by the ethics code."

He called the value of the tickets "substantial" and said the "donors are lobbyists, whose interests are subject to official action by the Legislature."

"While the dinner appears to be a worthy event, we do not have information as to how attendance by legislators at the dinner would benefit the state or benefit legislators in the performance of their official duties," Kondo's Feb. 10 letter continued.

HIPA, a private think tank which says it prepares non-partisan research on public policy issues in Hawaii, is headed by William Kaneko, an influential local attorney close to newly-elected Gov. Neil Abercrombie.

Two attorneys in Kaneko's firm protested Kondo's decision on the HIPA event in a Feb. 16 letter to Tsutsui, saying "we are deeply concerned by this opinion and its impact on HIPA and other nonprofit organizations that depend on charitable fundraising events for support."

The HIPA lawyers said the actual value of HIPA tickets was "not substantial."

Although the tickets were priced at \$200 apiece, the cost included a charitable donation and the "actual fair market value" of entry was \$55, HIPA argued.

And the dinner gave legislators "a better understanding of the problems that exist in the communities they serve ...and how nonprofits such as HIPA are addressing these problems in creative ways," the Feb. 16 letter said.

Kondo was unconvinced, however, and said in a Feb. 23 letter to Tsutsui that the background information about HIPA and the dinner "does not provide any reasonable basis for us to withdraw or otherwise change our earlier guidance to you."

He said he had no doubt that the HIPA dinner was a worthy event and advised Tsutsui that legislators who wanted to attend could buy their own tickets.

Several legislative sources said Kondo met last week with senators and representatives to brief them on the HIPA opinion and the requirements of the ethics code.

"There was a lively discussion. Some of those in attendance didn't like what they were hearing," said one source.

Against that backdrop, an amendment to the ethics bill now pending at the senate appeared on Friday.

The measure as originally written was intended to increase the public disclosure requirements on lobbying activities at the Legislature.

See the original bill here (original)

"State law currently allows lobbying interests to hire, dine, and donate funds to policy makers during the legislative session without, in certain situations, publicly disclosing those activities," the original measure said.

The proposed amendment eliminates that language and some of the tightened public disclosure requirements. New version

It adds new language that would allow acceptance of any gift of \$200 or less even when "it can reasonably be inferred that the gift is intended to influence the legislator or employee in the performance of the legislator's or employee's official duties or is intended as a reward for any official action."

The original bill was introduced by Sens. Les Ihara, D-9th, and Sam Slom, R-8th.

Ihara declined comment on the new amendment.

Slom said he is in favor of greater openness at the Legislature.

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"The whole idea is transparency. Put the information out there and let the people make up their own minds," said Slom. (Slom is a supporter of, and occasional columnist for, Hawaii Reporter.)

Nikki Love, head of the Hawaii office of Common Cause, noted that the proposed amendment would also allow gifts of travel and lodging by lobbying organizations and gifts of tickets to charity, cultural, political, or community events.

In his prepared testimony on the new version of the bill, Kondo said it would "allow a legislator and state employee to accept any gift, under any circumstances, and from any source, so long as the value of the gift does not exceed \$200.

"A state inspector who had just completed the inspection of a business could accept a \$200 gift from that business; a state employee in charge of issuing permits could accept a \$200 gift from a person seeking a permit; a legislator could accept a \$200 gift from a lobbyist seeking favorable action on a bill before that legislator," Kondo wrote.

The Ethics Commission, Kondo said, "firmly believes that allowing the receipt of gifts of such high value would significantly erode the public's confidence in state government," Kondo wrote.

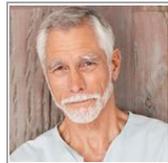
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Jim Dooley

Jim Dooley joined the Hawaii Reporter staff as an investigative reporter in October 2010. Before that, he has worked as a print and television reporter in Hawaii since 1973, beginning as a wire service reporter with United Press International. He joined Honolulu Advertiser in 1974, working as general assignment and City Hall reporter until 1978. In 1978, he moved to full-time investigative reporting in for The Advertiser; he joined KITV news in 1996 as investigative reporter. Jim returned to Advertiser 2001, working as investigative reporter and court reporter until 2010. Reach him at Jim@hawaiireporter.com
Jim Dooley has written 351 articles for us.



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