

HAWAII

Hawaii Lawmakers Again Balk At Ethics, Lobbying Reform

Bills to close loopholes and tighten restrictions died mysteriously at the end of the legislative session.

ABOUT 10 HOURS AGO · By Nathan Eagle   

Share { 34 }

3

Hawaii lawmakers were reluctant again this year to strengthen the state ethics code or to tighten the rules lobbyists must follow.

The [Hawaii State Ethics Commission](#) tracked more than 16 bills related to ethics and lobbying this past legislative session, which ended May 5. Each and every one died, many without so much as a public hearing.

“It’s really unfortunate,” said Rep. Matt LoPresti, who introduced a measure to restrict lawmakers’ use of their official position for personal benefit.

“I think it sends a bad message to the people about the Legislature’s commitment to open and responsible government when nearly all bills related to ethics and transparency just die a non-transparent death at the end,” he said. “That’s not the way I personally envision how our government should work.”

Cory Lum/Civil Beat



Rep. Matt LoPresti, seen here on the House floor on May 3, says it's "unfortunate" that bills related to ethics and lobbying died again this legislative session.

One of the only measures to get any legs would have funded a task force to undertake a comprehensive review of the state's [lobbying laws](#). The task force would have offered recommendations to the Legislature before the next session on how to make the statutes more effective.

Les Kondo, who was the commission's executive director until becoming state auditor May 1, told lawmakers in April that the lobbying laws are outdated and need a complete overhaul.

[Senate Bill 3024](#) didn't seek new funding for the task force, estimated to cost \$80,000. It just would have redirected some of the \$130,000 that was appropriated last year for the commission to develop an electronic filing system.

The commission wasn't able to contract with the Hawaii Information Consortium for the filing system job. The state Office of Enterprise Technology Services is doing the work instead, and it's not expected to cost more than \$50,000, according to Kondo.



The Hawaii State Ethics Commission tracked more than 16 bills related to ethics and lobbying this past legislative session; all failed to pass.

Slightly different versions of the bill cleared the House and Senate, but it died in a joint conference committee of lawmakers who failed to iron out a compromise version in the session's final days.

Bills to toughen the existing lobbying laws failed to gain any traction, despite support from government watchdog groups including [Common Cause](#) and the [League of Women Voters](#).

Businesses and nonprofits spent nearly [\\$1 million in the first two months](#) of the legislative session — January and February — on lobbyists who work to influence Hawaii lawmakers. The reports for March and April aren't due until May 31.

Measures to make it easier to fine lobbyists who don't file certain disclosure reports with the Ethics Commission died. So did bills that would have required lobbyists to report all expenses, not just those over \$750.

The Legislature almost passed [House Bill 813](#), introduced by LoPresti, which would have closed or narrowed gaping loopholes in the fair treatment law, by separating out

certain limitations placed on task-force members from those placed on legislators.

Cory Lum/Civil Beat



Former Ethics Commission Executive Director Les Kondo told lawmakers that the state lobbyist laws are outdated and need a comprehensive overhaul.

The fair treatment law prohibits a legislator or a state employee from using or attempting to use their official position “to secure or grant unwarranted privileges, exemptions, advantages, contracts, or treatment, for oneself or others.”

Lawmakers were exempt from this when exercising their “legislative function,” which the Ethics Commission generally construes to relate to enacting laws, voting on bills and making speeches during floor sessions or committee hearings.

**“I don’t know why half the things here die. It’s a mystery.”
— Rep. Matt LoPresti**

But in 2012, when the Legislature amended the [Ethics Code](#) to exempt members of task forces from certain sections of the statute, lawmakers included themselves as well, and broadened their exemption to include any “official action.”

Bills have been introduced each year since then to close that loophole and return it to “legislative function,” but without success.

Ethics Commission staff attorney Nancy Neuffer said at the commission’s meeting Thursday that there was no real opposition this past session. The measure made it to the final week, but she said it “got lost in the shuffle” at the end of session and died in conference.

LoPresti also didn’t offer any particular insight into why his bill died, or into why the other measures related to ethics and lobbying were deep-sixed.

“I don’t know why half the things here die,” he said. “It’s a mystery.”

Still, LoPresti said he plans to reintroduce HB 813 again next session, which starts in January.

He also wants to push to create a searchable online database of the lobbying expenditure and contribution reports, making it easier for the public to see who is paying to influence what.

Cory Lum/Civil Beat



Common Cause Hawaii's Executive Director Carmille Lim at a Civil Beat forum on good government in March 2016.

Carmille Lim, executive director of Common Cause Hawaii, said while a lot of good reforms died, she's glad some ethics-related legislation didn't pass.

She cited, as examples of bad proposals:

- A bill that would have kept from public view the financial disclosure statements of the University of Hawaii Board of Regents that are filed with the State Ethics Commission.
- A bill that would have exempted extracurricular service of state employees from the ethics code, under certain conditions.
- A bill that would have exempted teachers, counselors, administrators, coaches or other public school workers involved in educational trips from certain ethics code provisions.
- A bill that would have required state ethics commission advisory opinions to be approved and signed by a majority of the commission members.

“It’s too bad that HB 813 didn’t pass this year,” Lim said, “but we’re celebrating the death of these aforementioned bills which would have undermined our ethics laws and further winnowed away public trust in the Legislature.”

Lim said good-government advocates will keep an eye on administrative lobbying next session, and plan to meet later this summer to look at legislative priorities for the next biennium.

Follow Civil Beat on [Facebook](#) and [Twitter](#). You can also sign up for Civil Beat’s free [daily newsletter](#).

About the Author



CIVIL BEAT STAFF

Nathan Eagle [Twitter](#) [Email](#) [RSS](#)

Nathan Eagle is a reporter for Civil Beat. You can reach him by email at neagle@civilbeat.com or follow him on Twitter at [@nathaneagle](https://twitter.com/nathaneagle).

Use the [RSS feed](#) to subscribe to Nathan Eagle's posts today

Honolulu Civil Beat uses Civil Comments to encourage robust community discussion of articles and issues. Learn more in the [Civil Comments user guide](#). Or simply get started by creating an account and logging in. You can flag a comment for review by clicking the flag. *(Note: Comments before May 18, 2016 will remain on our previous Facebook commenting system.)*

COMMENTS (5)

LOG IN

Post your comment...

SUBMIT

Sort comments by

Highest Rated

**Auntie Kathy***2 hours ago*

Most proposed bills die a merciful death during a legislative session. But I don't think it's any mystery that reforms such as this have failed: corruption, cronyism, and nepotism have been a way of life here for a long time. We need more investigative journalists to reveal the truth.

2**Peggy Graybill***3 hours ago*

Its always good to hear about the death of bad proposals; makes me feel like the good ones might have a chance next year after everyone has had a little vacation.

1**Jim Shon***3 hours ago*

Here's a thought. Why doesn't Civil Beat create a task force, including Common Cause, LWV, all the usual suspects but others in the community who are well respected. I suspect a well researched and well written report would not be ignored.

1**Gwen Char Heliker***2 hours ago*

No one wants to rock the boat which makes me wonder why. Is it because so many of them have their fingers in pies which don't belong to them? What's the problem, peeps? I must be missing something.



QuietAndEffective

3 hours ago

We have the government we deserve.



Enter your email to receive Civil Beat's free daily newsletter.

SUBMIT
