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## Hawaii News

# Measure to ease gift ban fizzles in House

By Derrick DePledge

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State House lawmakers on Thursday disposed of a bill that would have relaxed the state's gift ban, leaving the Ethics Commission director with the discretion to provide advice on what gifts are permissible.

The bill, introduced at the request of the Abercrombie administration, would have allowed lawmakers and state employees to accept free tickets to widely attended charitable events sponsored by nonprofits. Under the ethics code, state employees are prohibited from accepting gifts intended to influence or reward official action.

Some in the Abercrombie administration and at the Legislature wanted to clarify the law after what they see as a more aggressive — and at times uneven — interpretation by Leslie Kondo, the Ethics Commission's executive director. Kondo has told lawmakers they are unable to accept gifts worth more than \$25 unless there is a state benefit, a standard the ethics director has applied to free DVDs, bottles of wine and complimentary tickets to events.

Good-government advocates condemned the bill as a gateway to corruption and praised Kondo's vigilance.

State Rep. Gilbert Keith-Agaran (D, Kahului-Paia), chairman of the House Judiciary Committee, deferred the bill on Thursday. Sen. Clayton Hee (D, Kahuku-Kaneohe), chairman of the Senate Judiciary and Labor Committee, said he had been waiting to see whether the House would send the bill over to his chamber. Since the bill is not moving in the House, he sees little point in scheduling a hearing on a Senate version, so the proposal is likely dead for the session.

Keith-Agaran later explained that he heard the bill as a courtesy to the Abercrombie administration. He said he was surprised the administration's testimony on the bill was "fairly lukewarm."

Several lawmakers would have preferred to clarify the law and create a "bright line" on permissible gifts rather than cede the interpretation to Kondo, who has said he bases his advice to lawmakers on the facts of individual situations.

"Les has been sort of interpreting things ad hoc, meaning it's basically fact-specific, depends on the circumstances," Keith-Agaran said. "And for some people who have been around for a while, some of them, if you really think it out, don't make that much sense."

For example, Kondo has given greater leeway to committee chairmen to accept invitations related to the subject matters they oversee, even though they might be the most likely targets of interest groups seeking to influence their decisions, since committee chairmen have power over what legislation advances. Rank-and-file lawmakers have also complained that they too should be able to accept such invitations, particularly if the events involve subjects important to their districts.

The Ethics Commission issues advisory opinions and informal advisory opinions as guidance for lawmakers and state employees, but formal charges are extremely rare. Keith-Agaran said some of the criticism by good-government advocates about the bill may have missed the practical reality that lawmakers — and their ethics — are judged by constituents during elections.

"I think people always think that people in positions of authority have all sorts of freebies, all the little perks of position, right? And obviously some people take advantage of that a lot more than others," he said. "So I'm not surprised by that. But, again, for elected officials, the final test is what do your constituents think."

Nikki Love, executive director of Common Cause Hawaii, noted that advocates were tuned into the issue after fighting a more significant change to the gift ban that lawmakers had proposed last year.

"Even though this bill was much narrower, we still saw it as one potential new loophole, and who knows what that could lead to later?" she said. "So we think this was important. Keep the gift law intact. We just don't think that there should be any reason why you should be able to accept gifts when it's obvious it's meant to influence or reward."