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Editorial | Our View

Table self-serving 'ethics' bill

By [Star-Advertiser staff](#)

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Senate Bill 671 keeps getting worse and worse, and that's not a track on which anyone wants to see legislation that is supposed to improve government ethics.

SB671 MEASURE HISTORY

» <http://1.usa.gov/hvO0FP>

Tomorrow, yet another version of the measure, which regulates gifts that legislators and state employees may accept, will come up for decisionmaking by the House Judiciary Committee. This draft assumes lawmakers need much more leeway in accepting invitations to "charitable events" than what recent state Ethics Commission opinions suggest.

They don't. The commission seems willing to allow a reasonable degree of latitude but has voted to oppose this bill as bad policy. So do we. Les Kondo, the commission's executive director, said in his written testimony that the ethics code allows small "gifts of aloha," as well as some costlier event invitations "if there is a bona fide state purpose," such as conferences that "will help the legislator or employee better perform his or her official duties.

So far, lawmakers have been unconvincing as to why this is not good enough, and why SB 671 should become law.

Judging by the proposed draft of the bill, lawmakers don't want to work too hard at justifying their actions to the commission or the public. Here are some of the current

bill's worst attributes:

» The latest version quietly widens the definition of "charitable entity" by dropping the final numeral in the "501(c)3" citation in the earlier draft. This is the section of the Internal Revenue Service code that includes what people understand as charities: those with defined religious, educational, charitable, scientific and literary purposes, among a few others.

But the 501(c) includes a wide range of other nonprofits, among them some not ordinarily thought of as charities, such as credit unions, labor unions, chambers of commerce, employee funded pension trusts, mutual insurance companies or associations and teachers retirement fund associations.

» The measure now adds to the "charitable" category all entities filing with the state under the Hawaii Nonprofit Corporation Act (Chapter 414D). This also can cover a wide range of organizations including foreign nonprofit corporations.

» It creates a new exception that would allow lawmakers and state employees to accept event invitations from any government entity, regardless of cost or whether there is any legitimate state purpose.

Anyone who assumes that only profit-making companies are trying to curry favor with lawmakers for their own interests is flat wrong. Many of the nonprofits that would be allowed to gift legislators with tickets are the same ones that this session have their hands out for grants-in-aid. At the start of session, applications for 117 grants had been submitted.

During a lawmaking session, in which critical budgetary gaps must be closed, wrangling with an ethics bill may seem like small potatoes. It's not. A weakened ethics code can lead to decisionmaking over spending that's based on rewarding friends, not true public need.

If House Judiciary is smart, or at least responsible, it will vote tomorrow to table SB 671, allowing a thorough review of the ethics code in the interim. Lawmakers should take that time to consider the higher bar set by other states.

The public has a role to play, too. It can start with calling the House Judiciary chairman, state Rep. Gilbert Keith-Agaran, 586-6210, in advance of the vote. Otherwise lawmakers may figure that this kind of sleight-of-hand is perfectly all right with the people who put them in office.