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POLITICAL RADAR

« 'Eh, howzit!

Threshold »

Wild gift

February 28th, 2011
By ddepledge

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The state Senate Judiciary and Labor Committee will hear a bill on Tuesday to clarify the state's gift law after several state lawmakers became concerned about the interpretation of the law by the state Ethics Commission.

Les Kondo, the new executive director of the Ethics Commission, has told lawmakers that they are unable to accept gifts from lobbyists or others seeking influence at the Legislature in excess of about \$25. The restriction includes meals and free tickets to events, such as the annual leadership awards dinner of the Hawaii Institute for Public Affairs, which was held last week.

The state law on gifts — on the books since 1972 — does not spell out a dollar amount, so the interpretation is up to Kondo and the Ethics Commission. One lawmaker who attended the House briefing said Kondo explained it this way: "Lobbyist can take you to Ryan's but not to Alan Wong's."

Several lawmakers were under the impression that they could accept gifts from lobbyists up to \$200 — the threshold for gift disclosure under a separate provision of state law. But the two provisions are distinct: the gift restriction is meant to discourage influence peddling; the gift disclosure requirement is to document gifts from sources that have business before the Legislature but are not expressly seeking to influence.

State House and Senate leaders decided to address the issue, and the Senate Judiciary and Labor Committee found a vehicle by adding a proposed amendment to a bill on lobbying disclosure.

"We agreed that we needed to take a hard look at it and come up with some guidelines instead of having one person interpret it," said state House Majority Leader Blake Oshiro, (D-Halawa-Aiea), who has worked on the issue with state Senate Majority Leader Brickwood Galuteria, (D-Downtown, Waikiki).

The proposed bill would allow lawmakers to accept gifts of up to \$200 — with an undetermined annual cap from a single source — even when it can reasonably be inferred that the gift is intended to influence.

The bill would also allow gifts of food or beverages; reasonable travel expenses for lawmakers to appear at events, provided that lawmakers notify leadership if the expenses exceed \$500 and are paid by lobbyists; or tickets to events such as the HIPAdinner, although lawmakers would have to disclose such tickets when the value exceeds \$200.

Common Cause Hawaii sent out a warning about the bill today and good-government advocates have started to attack the idea.

Kondo is expected to testify about his concerns with the proposed bill. In his written testimony, he said the bill would "allow legislators and state employees to accept significant and costly gifts that will likely cause substantial harm to the public's perception of an ethical state government."

SB671_SD1_proposed_

***Update:** The Senate Judiciary and Labor Committee indicated it would only carve out an exception for tickets to charitable events.

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10 Responses to "Wild gift"

- Chicken Grease:**
 February 28th, 2011 at 10:55 pm
 Have them turn in the gifts to a designated state office; Ebay/sell 'em online. Auction 'em.
 All [yes, all] proceeds go to help decrease deficit.



Kate Middleton Photos

kate-middleton.stylebistro.com

Stunning Pictures of Princess Kate Middleton and the Royal Family.



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AGrease so needs to run state gov'ment. 😊

2. **Old Diver:**

February 28th, 2011 at 11:53 pm

Why are law makers allowed to accept any gifts at all? Can't a lobbyist talk to a lawmaker face to face like anyone else without gifts exchanged? If there is a good reason why law makers need to receive gifts at all?

3. **charles:**

March 1st, 2011 at 12:36 am

You ought to run.

Game?

4. **ohiaforest3400:**

March 1st, 2011 at 1:06 am

It's not "gifts" in the literal/traditional sense we're talking about here.

It is, for example, events at which an interest group, say, insurers, buys a table and gives some of the tickets to invited legislators so that they can lobby them there. It is a lobbying expense to the interest group, or the lobbyist who represents them, and a gift to the legislator. This can be either an insidious or innocuous thing.

It can be insidious if its persistent and large (say, an overseas trip) because, of course, the legislator is going to return the favor in some way and because the average Jane Q. Public just doesn't have the resources to buy that kind of face-time or influence.

It can be innocuous when such an event is truly charitable, say, a scholarship fundraiser, and everyone goes for the good cause. OK, well it's not completely innocuous because the interest group/lobbyist is still getting face-time/influence most others can't afford but at least there is a good cause involved as well. And that's the unfortunate thing here. There will be some good groups hurt by Kondo's interpretation.

Throwing out the baby with the bath water or paying a price for good government with a level playing field for everyone? You decide!

5. **2GoodMe:**

March 1st, 2011 at 7:29 am

Ah! It didn't take long for the Dems to be back in total control to start finagling the laws to line their pockets. Say what you will about Lingle, but garans ball bearins she would've vetoed this ethical stinker!

6. **charles:**

March 1st, 2011 at 9:40 am

@Old Diver, banning of all gifts would mean banning of cultural traditions like the giving of lei.

7. **Earl of Sandwich:**

March 1st, 2011 at 10:18 am

charles, you talking to Old Diver, or the guy who's always talking about himself in the third person?

8. **Walking Vaughn:**

March 1st, 2011 at 12:59 pm

Where's MY \$200 bribe?

9. **Earl of Sandwich:**

March 1st, 2011 at 1:30 pm

My question to charles referred to the "you ought to run" comment, BTW. Darned this moderation delay! 😊

10. **Psychotherapy:**

March 1st, 2011 at 6:22 pm

Why don't they just simplify it by saying \$25.00 gift a year maximum from one person or interest group a year and any lobbying must be done in the office of the politician with mandatory audio and/or video recording done for future reference.

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