

JAN 24 2019

A BILL FOR AN ACT

RELATING TO GIFTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that from time to time,
2 legislators accept protocol gifts on behalf of the State or
3 either house of the legislature from foreign officials, federal
4 officers, or state officials from other states. These gifts may
5 symbolize goodwill or strengthen international or national
6 friendships. Failure to accept such a gift may cause
7 embarrassment to the donor and the recipient. These gifts may
8 be small tokens, such as a fountain pen or a gift that a state
9 is famous for, or may be larger gifts, such as a painting,
10 musical instrument, or commemorative plate.

11 The legislature further finds that unlike the federal
12 government, where several federal offices and agencies abide by
13 a system for the receipt, valuation, and disposition of gifts to
14 the President of the United States, the treatment of protocol
15 gifts accepted by legislators on behalf of the State or either
16 house of the legislature from government officials is not
17 established under state law. Furthermore, since these gifts



1 were not accepted on the legislator's own behalf, these gifts
2 are not required to be reported in the legislator's gifts
3 disclosure statement. Many legislators keep an inventory of
4 these types of protocol gifts they receive in accordance with
5 rules adopted by the state senate or state house of
6 representatives. However, without a uniform set of procedures
7 regarding the custody, inventory, and maintenance of these
8 protocol gifts, gifts may be inadvertently lost, misplaced, or
9 not reasonably maintained.

10 The purpose of this Act is to establish procedures for the
11 custody, inventory, and care of protocol gifts received by
12 legislators on behalf of the State or either house of the
13 legislature.

14 SECTION 2. Chapter 84, Hawaii Revised Statutes, is amended
15 by adding a new section to be appropriately designated and to
16 read as follows:

17 "§84- Protocol gifts; written record; legislators. (a)
18 Upon direct or indirect receipt of a protocol gift of any value
19 on behalf of the State or either house of the legislature, every
20 legislator shall keep a written record of the following:

21 (1) A description of the protocol gift;



- 1 (2) The date on which the protocol gift was received;
- 2 (3) The identity of the individual donor, government
3 agency, entity, or organization that gave the gift or
4 on whose behalf the protocol gift was given;
- 5 (4) The location where the protocol gift is displayed or
6 stored, if applicable; and
- 7 (5) If no longer in the custody of the legislator:
 - 8 (A) The reason for the disposal and result of the
9 disposition, if any, of the protocol gift; or
 - 10 (B) The other location where the protocol gift is
11 stored or displayed if custody of the protocol
12 gift is transferred.

13 Each legislator shall be responsible for maintaining a written
14 record of any protocol gifts received. The written record shall
15 be readily available for inspection upon request.

16 (b) Each legislator shall exercise reasonable care in the
17 maintenance of any protocol gift in the legislator's possession
18 that is listed on the written record. All protocol gifts listed
19 on the written record shall be the property of the State
20 regardless of whether the legislator who received the protocol
21 gift is in office.



1 (c) Upon the end of a legislator's term of office, the
2 protocol gifts on the written record may:

3 (1) Remain with the legislator's office, and the
4 succeeding legislator shall be responsible for
5 exercising reasonable care in the maintenance of the
6 protocol gifts;

7 (2) Be transferred as a gift to the state archives; or

8 (3) Be transferred as a gift to the state foundation on
9 culture and the arts.

10 The incumbent legislator shall transfer the written record to
11 the succeeding legislator, who shall be responsible for
12 maintaining the written record thereafter."

13 SECTION 3. Section 84-3, Hawaii Revised Statutes, is
14 amended by adding a new definition to be appropriately inserted
15 and to read as follows:

16 "Protocol gift" means a tangible and nonperishable present
17 tendered to or received by a legislator from an individual
18 donor, government agency, entity, or organization."

19 SECTION 4. Section 84-11.5, Hawaii Revised Statutes, is
20 amended by amending subsection (d) to read as follows:



1 "(d) Excluded from the reporting requirements of this
2 section are the following:

- 3 (1) Gifts received by will or intestate succession;
- 4 (2) Gifts received by way of distribution of any inter
5 vivos or testamentary trust established by a spouse or
6 ancestor;
- 7 (3) Gifts from a spouse, fiance, fiancée, or any relative
8 within four degrees of consanguinity, or the spouse,
9 fiance, or fiancée of such a relative. A gift from
10 any such person is a reportable gift if the person is
11 acting as an agent or intermediary for any person not
12 covered by this paragraph;
- 13 (4) Political campaign contributions that comply with
14 state law;
- 15 (5) Anything available to or distributed to the public
16 generally without regard to the official status of the
17 recipient;
- 18 (6) Gifts that, within thirty days after receipt, are
19 returned to the giver or delivered to a public body or
20 to a bona fide educational or charitable organization



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1 without the donation being claimed as a charitable
 2 contribution for tax purposes; [and]
 3 (7) Exchanges of approximately equal value on holidays,
 4 [~~birthday,~~] birthdays, or special occasions[-]; and
 5 (8) Protocol gifts of any value received directly or
 6 indirectly by a legislator on behalf of the State or
 7 either house of the legislature in accordance with
 8 section 84- ."

9 SECTION 5. Statutory material to be repealed is bracketed
 10 and stricken. New statutory material is underscored.

11 SECTION 6. This Act shall take effect upon its approval.
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Report Title:

Ethics; Protocol Gifts; Written Record; Maintenance

Description:

Establishes procedures for the custody, inventory, and care of protocol gifts received by legislators on behalf of the State or either house of the legislature.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

