
A BILL FOR AN ACT

RELATING TO ETHICS.

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

1 SECTION 1. The legislature finds that Hawaii's renowned
2 beauty extends not only to the land and ocean but also to its
3 residents and their spirit of aloha. Many native Hawaiian
4 traditional and customary practices, including the aloha spirit,
5 are incorporated into Hawaii's contemporary lifestyle and
6 government. The importance of this customary practice is in the
7 very foundation of governance. The Hawaii State Constitution's
8 opening words require the government "to nurture the integrity
9 of our people and culture, and to preserve the quality of life
10 that we desire." In addition, the Hawaii State Constitution
11 also places a duty on all civil servants, including legislators,
12 to "exhibit the highest standards of ethical conduct." The
13 legislature and the Hawaii state ethics commission both desire
14 to uphold these constitutional duties. Recent damage to the
15 public's perception of local government has made the
16 legislature's duty to uphold the "highest standard of ethical
17 conduct" even more critical. The legislature and Hawaii state



1 ethics commission are committed to cultivating the public's
2 faith. Accordingly, government customs and practices, including
3 the acceptance of tokens of aloha, will benefit from additional
4 clarity and guidance.

5 The legislature notes that the Code of Conduct for United
6 States Judges governs the federal judiciary, including the
7 Supreme Court of the United States. The code acknowledges that
8 certain cultural traditions, including acts of social
9 hospitality, are acceptable practices. The code also clarifies
10 that acceptable traditions include "social hospitality based on
11 personal relationships" and "modest items, such as food and
12 refreshments, offered as a matter of social hospitality", and
13 specifically excludes these customary traditions from the code's
14 definition of "gifts." Applying these same guidelines to the
15 legislature, the legislature believes that the Hawaiian custom
16 of offering tokens of aloha is acceptable. However, the
17 legislature also believes that further limiting the acceptable
18 value of these gifts will increase transparency while still
19 conforming to the customary traditions of Hawaii.

20 Accordingly, the purpose of this Act is to:



1 (1) Prohibit legislators from soliciting, accepting, or
2 receiving, directly or indirectly, any individual gift
3 in the form of hospitality exceeding a value of
4 twenty-five dollars; and

5 (2) Reduce the aggregate value of a gift that must be
6 reported by a legislator or government employee, or
7 spouse or dependent child of a legislator or
8 government employee.

9 SECTION 2. Section 84-11, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§84-11 Gifts.** No legislator or employee shall solicit,
12 accept, or receive, directly or indirectly, any gift, whether in
13 the form of money, service, loan, travel, entertainment,
14 hospitality, thing, or promise, or in any other form, under
15 circumstances in which it can reasonably be inferred that the
16 gift is intended to influence the legislator or employee in the
17 performance of the legislator's or employee's official duties or
18 is intended as a reward for any official action on the
19 legislator's or employee's part[-]; provided that no legislator
20 shall solicit, accept, or receive, directly or indirectly, any



1 individual gift in the form of hospitality having a value
2 exceeding twenty-five dollars."

3 SECTION 3. Section 84-11.5, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) Every legislator and employee shall file a gifts
6 disclosure statement with the state ethics commission no later
7 than June 30 of each year if all the following conditions are
8 met:

- 9 (1) The legislator or employee, or spouse or dependent
10 child of a legislator or employee, received directly
11 or indirectly from one source any gift or gifts valued
12 singly or in the aggregate in excess of [~~\$200~~] \$100,
13 whether the gift is in the form of money, service,
14 goods, or in any other form;
- 15 (2) The source of the gift or gifts have interests that
16 may be affected by official action or lack of action
17 by the legislator or employee; and
- 18 (3) The gift is not exempted by subsection (d) from
19 reporting requirements under this subsection."



1 SECTION 4. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

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

6 SECTION 6. This Act shall take effect upon its approval.

7

INTRODUCED BY: 
JAN 26 2021



H.B. NO. 1163

Report Title:

Ethics; Standards of Conduct; Legislators; Public Employees;
Gifts

Description:

Prohibits legislators from soliciting, accepting, or receiving, directly or indirectly, any individual gift in the form of hospitality exceeding a value of twenty-five dollars. Reduces the aggregate value of a gift that must be reported by a legislator or government employee, or spouse or dependent child of a legislator or government employee.

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