
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 and other state employees accept protocol gifts on
3 behalf of the State or either house of the legislature from
4 foreign officials, federal officers, or state officials from
5 other states. These gifts may symbolize goodwill or strengthen
6 international or national friendships. Failure to accept such a
7 gift may cause embarrassment to the donor and the recipient.
8 These gifts may be small tokens, such as a fountain pen or a
9 gift that a state is famous for, or may be larger gifts, such as
10 a painting, 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 and state employees on behalf of
16 the State or either house of the legislature from visiting
17 dignitaries is not established under state law. Furthermore,



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

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; employees;
18 legislators. (a) A state employee or member of either house of
19 the legislature shall transfer to the state archives any
20 protocol gift received from a foreign official, federal officer,



1 or official from another state within thirty days of receiving
2 the protocol gift.

3 (b) The recipient of a protocol gift shall keep a written
4 record of the following:

5 (1) A description of the protocol gift;

6 (2) The date on which the protocol gift was received;

7 (3) The identity of the individual donor, government
8 agency, entity, or organization that gave the gift or
9 on whose behalf the protocol gift was given; and

10 (4) The date the protocol gift was transferred to the
11 state archives.

12 (c) Each recipient of a protocol gift shall be responsible
13 for maintaining the written record in subsection (b) for any
14 protocol gift received and shall forward a copy of the written
15 record to the state archives by the end of each fiscal year.

16 The original written record shall be given to the state archives
17 at the end of the recipient's term of office or employment. The
18 written record shall be readily available for public inspection
19 upon request.

20 (d) Each recipient of a protocol gift shall exercise
21 reasonable care in the maintenance of any protocol gift while in



1 the recipient's possession. All protocol gifts listed on the
2 written record shall be the property of the State regardless of
3 whether the recipient who received the protocol gift is
4 currently in office or employed by the State."

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

8 "Protocol gift" means a tangible and nonperishable present
9 tendered to or received by a legislator or state employee from
10 an individual donor, government agency, entity, or organization
11 as a gesture of goodwill and friendship between the institution
12 of the gifter and the State."

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

15 "(d) ~~[Excluded]~~ The following are excluded from the
16 reporting requirements of this section ~~[are the following]~~:

- 17 (1) Gifts received by will or intestate succession;
18 (2) Gifts received by way of distribution of any inter
19 vivos or testamentary trust established by a spouse or
20 ancestor;



1 (3) Gifts from a spouse, fiancé, fiancée, or any relative
2 within four degrees of consanguinity, or the spouse,
3 fiancé, or fiancée of such a relative. A gift from
4 any such person is a reportable gift if the person is
5 acting as an agent or intermediary for any person not
6 covered by this paragraph;

7 (4) Political campaign contributions that comply with
8 state law;

9 (5) Anything available to or distributed to the public
10 generally without regard to the official status of the
11 recipient;

12 (6) [~~Gifts~~] Non-protocol gifts that, within thirty days
13 after receipt, are returned to the giver or delivered
14 to a public body or to a bona fide educational or
15 charitable organization without the donation being
16 claimed as a charitable contribution for tax purposes;
17 and

18 (7) Exchanges of approximately equal value on holidays,
19 [~~birthday,~~] birthdays, or special occasions."

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



1 SECTION 6. This Act shall take effect on July 1, 2112.

2



Report Title:

Protocol Gifts; Written Record; Transfer of Gifts

Description:

Defines the reporting and transfer requirements for certain gifts received by members of the legislature or employees of the State. Effective 7/1/2112. (HD1)

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