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# 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 an  
4 individual donor, a government agency, an entity, or an  
5 organization, including a foreign official, federal officer,  
6 state official from another state, or other representative of a  
7 government agency, an entity, or an organization. These gifts  
8 may symbolize goodwill or strengthen international or national  
9 friendships. Failure to accept such a gift may cause  
10 embarrassment to the donor and the recipient. These gifts may  
11 be small tokens, such as a fountain pen or a gift that a state  
12 is famous for, or may be larger gifts, such as a painting,  
13 musical instrument, or commemorative plate.

14       The legislature further finds that, unlike the federal  
15 government, where several federal offices and agencies abide by  
16 a system for the receipt, valuation, and disposition of gifts to  
17 the President of the United States, the treatment of protocol



1 gifts accepted by legislators and state employees on behalf of  
2 the State or either house of the legislature from an individual  
3 donor, a government agency, an entity, or an organization,  
4 including a foreign official, federal officer, state official  
5 from another state, or other representative of a government  
6 agency, an entity, or an organization, is not established under  
7 state law. Furthermore, because these gifts are not accepted on  
8 the legislator's or state employee's own behalf, these gifts are  
9 not required to be reported in the gifts disclosure statement.

10 Many legislators and state employees keep an inventory of  
11 protocol gifts they receive in accordance with rules adopted by  
12 the state senate or the state house of representatives.

13 However, without a uniform set of procedures regarding the  
14 custody, inventory, and maintenance of these protocol gifts,  
15 gifts may be inadvertently lost, misplaced, or not reasonably  
16 maintained.

17 The purpose of this Act is to establish procedures for the  
18 custody, inventory, and care of protocol gifts received by  
19 members of either house of the legislature or state employees.



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

**"§84- Protocol gifts; written record; employees; legislators.** (a) A state employee or member of either house of the legislature shall transfer to the state archives any protocol gift within thirty days of receiving the protocol gift.

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

(1) A description of the protocol gift;

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

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

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

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

The original written record shall be given to the state archives



1 at the end of the recipient's term of office or employment. The  
2 written record shall be readily available for public inspection  
3 upon request.

4 (d) Each recipient of a protocol gift shall exercise  
5 reasonable care in the maintenance of any protocol gift while in  
6 the recipient's possession. All protocol gifts listed on the  
7 written record shall be the property of the State regardless of  
8 whether the recipient who received the protocol gift is  
9 currently in office or employed by the State."

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

13 "Protocol gift" means a tangible and nonperishable present  
14 tendered to or received by a legislator or state employee on  
15 behalf of the State or either house of the legislature from an  
16 individual donor, a government agency, an entity, or an  
17 organization, including a foreign official, federal officer,  
18 state official from another state, or other representative of a  
19 government agency, an entity, or an organization, as a gesture  
20 of goodwill and friendship between the institution of the gifter  
21 and the State."



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

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

5       (1) Gifts received by will or intestate succession;

6       (2) Gifts received by way of distribution of any inter  
7 vivos or testamentary trust established by a spouse or  
8 ancestor;

9       (3) Gifts from a spouse, fiance, fiancée, or any relative  
10 within four degrees of consanguinity, or the spouse,  
11 fiance, or fiancée of such a relative. A gift from  
12 any such person is a reportable gift if the person is  
13 acting as an agent or intermediary for any person not  
14 covered by this paragraph;

15       (4) Political campaign contributions that comply with  
16 state law;

17       (5) Anything available to or distributed to the public  
18 generally without regard to the official status of the  
19 recipient;

20       (6) ~~[Gifts]~~ Non-protocol gifts that, within thirty days  
21 after receipt, are returned to the giver or delivered



1 to a public body or to a bona fide educational or  
2 charitable organization without the donation being  
3 claimed as a charitable contribution for tax purposes;  
4 and

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

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

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

10



**Report Title:**

Protocol Gifts; Written Record; Transfer of Gifts

**Description:**

Establishes procedures for the custody, inventory, and care of protocol gifts received by members of either house of the legislature or state employees. Effective 7/1/2112. (HD2)

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

