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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           elected officials and other state employees accept protocol  
3           gifts on behalf of the State or either house of the legislature  
4           from an 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           are intended to symbolize goodwill or strengthen international  
9           or national friendships, and failure to accept such a gift may  
10          cause embarrassment to the donor and the recipient. These gifts  
11          may be small tokens, such as a fountain pen or an item that a  
12          state 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 Hawai'i's elected officials and state employees  
2 on behalf of the State or either house of the legislature from  
3 an individual donor, a government agency, an entity, or an  
4 organization, including a foreign official, federal officer,  
5 state official from another state, or other representative of a  
6 government agency, an entity, or an organization, is not  
7 established under state law. Furthermore, because these gifts  
8 are not accepted on the elected official's or state employee's  
9 own behalf, these gifts may not be required to be reported under  
10 the gifts disclosure law of the state ethics code. Many elected  
11 officials and state employees keep an inventory of protocol  
12 gifts they receive in accordance with rules adopted by their  
13 respective agencies. However, without a uniform set of  
14 procedures regarding the custody, inventory, and maintenance of  
15 these protocol gifts, gifts may be inadvertently lost,  
16 misplaced, or not reasonably maintained.

17 The purpose of this Act is to establish procedures for the  
18 custody, inventory, and care of protocol gifts received by  
19 elected officials and state employees.



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

4 "§84- Protocol gifts; written record; employees;  
5 legislators. (a) A legislator or employee shall report to the  
6 state archives any protocol gift received by the legislator or  
7 employee immediately upon receipt. The report shall be in the  
8 form of a written record that includes the following:

- 9 (1) A description of the protocol gift;
- 10 (2) The date on which the protocol gift was received;
- 11 (3) The identity of the individual donor, government  
12 agency, entity, or organization that gave the gift or  
13 on whose behalf the protocol gift was given; and
- 14 (4) The location of the protocol gift, or if the gift was  
15 transferred to the state archives, the date of the  
16 transfer.

17 (b) The recipient of a protocol gift shall transfer to the  
18 state archives any protocol gift within a reasonable time, as  
19 determined by the state archives; provided that the transfer is  
20 not later than the end of the recipient's time of office or  
21 employment.



1        (c) Each recipient of a protocol gift shall be responsible  
2 for maintaining the written record for any protocol gift  
3 received. The original written record shall be given to the  
4 state archives at the end of the recipient's term of office or  
5 employment. The written record shall be readily available for  
6 public inspection upon request.

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

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 or employee on behalf of  
18 the State or either house of the legislature from an individual  
19 donor, a government agency, an entity, or an organization,  
20 including a foreign official, federal officer, state official  
21 from another state, or other representative of a government



1 agency, an entity, or an organization, as a gesture of goodwill  
2 and friendship between the institution of the gifter and the  
3 State or a house of the legislature."

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

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

- 8 (1) Gifts received by will or intestate succession;
- 9 (2) Gifts received by way of distribution of any inter  
10 vivos or testamentary trust established by a spouse or  
11 ancestor;
- 12 (3) Gifts from a spouse, fiance, fiancée, or any relative  
13 within four degrees of consanguinity, or the spouse,  
14 fiance, or fiancée of such a relative. A gift from  
15 any such person is a reportable gift if the person is  
16 acting as an agent or intermediary for any person not  
17 covered by this paragraph;
- 18 (4) Political campaign contributions that comply with  
19 state law;



1 (5) Anything available to or distributed to the public  
2 generally without regard to the official status of the  
3 recipient;

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

10 (7) Protocol gifts; and

11 [~~(7)~~] (8) Exchanges of approximately equal value on  
12 holidays, [~~birthday,~~] birthdays, or special  
13 occasions."

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

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



**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. (SD1)

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

