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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  
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; legislators. (a)  
18 Upon receipt of a protocol gift from any foreign official,  
19 federal officer, or an official from other states by a state  
20 employee or member of either house of the legislature, the  
21 recipient shall keep a written record of the following:



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

14        Each recipient shall be responsible for maintaining a written  
15        record of any protocol gift received and shall forward a copy of  
16        written record to the state archives by the end of each fiscal  
17        year. The written record shall be readily available for  
18        inspection upon request.

19        (b) Each recipient shall exercise reasonable care in the  
20        maintenance of any protocol gift in the recipient's possession  
21        that is listed on the written record. All protocol gifts listed



1 on the written record shall be the property of the State  
2 regardless of whether the recipient who received the protocol  
3 gift is in office or employed by the State.

4 (c) Upon the end of a recipient's term of office or  
5 employment, the protocol gifts on the written record may:

6 (1) Remain with the office of receipt, and the succeeding  
7 office holder shall be responsible for exercising  
8 reasonable care in the maintenance of the protocol  
9 gifts;

10 (2) Be transferred to the state archives; or

11 (3) Be transferred to the state foundation on culture and  
12 the arts.

13 The incumbent office holder shall transfer the written record to  
14 the succeeding office holder, who shall be responsible for  
15 maintaining the written record thereafter."

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

19 "Protocol gift" means a tangible and nonperishable present  
20 tendered to or received by a legislator or state employee from  
21 an individual donor, government agency, entity, or organization



1 as a gesture of goodwill and friendship between the institution  
2 of the gifter and the State."

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

5 "(d) Excluded from the reporting requirements of this  
6 section are the following:

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



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

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

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.



**Report Title:**

Gifts, Reporting and Disposition of Gifts Received

**Description:**

Defines the reporting and disposition requirements for protocol gifts received by members of the legislature or employees of the State. (SD1)

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

