

JAN 25 2023

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



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

10 Furthermore, because these gifts are not accepted on the
11 elected official's or state employee's own behalf, these gifts
12 may not be required to be reported under the gifts disclosure
13 law of the state ethics code. Many elected officials and state
14 employees keep an inventory of protocol gifts they receive in
15 accordance with rules adopted by their respective agencies.
16 However, without a uniform set of procedures regarding the
17 custody, inventory, and maintenance of these protocol gifts,
18 gifts may be inadvertently lost, misplaced, or not reasonably
19 maintained. It is in the best interest of the State and its
20 people that these protocol gifts be cataloged and organized in
21 order to preserve the symbolic relationships behind the gifting,



1 along with the legacy of the state employees or legislators that
2 forged those bonds of friendship. When doing so, these protocol
3 gifts may be occasionally displayed and enjoyed by future
4 delegations, state employees, legislators, and the people of
5 Hawaii as a way of honoring and remembering those who initially
6 participated in the gift exchange.

7 The purpose of this Act is to establish procedures for the
8 custody, inventory, and care of protocol gifts received by
9 legislators on behalf of the State or either house of the
10 legislature.

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

14 "§84- Protocol gifts; written record; legislators. (a)
15 A legislator or employee shall report to the state archives any
16 protocol gift received by the legislator or employee within
17 thirty days of receipt. The report shall be in the form
18 provided by the state archives, which shall include the
19 following:

- 20 (1) A description of the protocol gift;
21 (2) The date on which the protocol gift was received;



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

4 (4) The location of the protocol gift, or if the gift was
5 transferred to the state archives, the date of the
6 transfer.

7 (b) Each recipient of a protocol gift shall be responsible
8 for maintaining a written record for any protocol gift received.
9 The written record shall be readily available for public
10 inspection upon request.

11 (c) Each recipient of a protocol gift shall exercise
12 reasonable care in the maintenance of any protocol gift while in
13 the recipient's possession. All protocol gifts listed on the
14 written record shall be the property of the State regardless of
15 whether the recipient who received the protocol gift is
16 currently in office or employed by the State.

17 (d) The recipient of the protocol gift is encouraged to
18 display the protocol gift in their office but may transfer the
19 gift to the state archives at any time. Upon leaving the
20 position held when the protocol gift was received, the recipient
21 may:



- 1 (1) Update the registered location of the gift on the
2 protocol gift form if moving to a new position within
3 the State and submit the update to the archives within
4 thirty days of the move;
- 5 (2) Transfer the protocol gift to their position's
6 successor by updating the protocol gift form
7 indicating the new custodian within thirty days of the
8 transfer;
- 9 (3) Transfer the protocol gift to the state archives prior
10 to leaving the position; or
- 11 (4) If completely separating from state service, convert
12 custody of the protocol gift to a personal loan by
13 completing the appropriate loan paperwork required by
14 the state archives; provided that the gift continues
15 to be appropriately cared for, remains on display in a
16 personal office or abode of the protocol gift
17 recipient, and is returned to the state archives when
18 no longer needed or upon the passing of the original
19 protocol gift recipient."



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

4 "Protocol gift" means a tangible and nonperishable present
5 tendered to or received by a legislator or employee on behalf of
6 the State or either house of the legislature from an individual
7 donor, a government agency, an entity, or an organization,
8 including a foreign official, federal officer, state official
9 from another state, or other representative of a government
10 agency, an entity, or an organization, as a gesture of goodwill
11 and friendship between the institution of the gifter and the
12 State or a house of the legislature."

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, fiance, fiancée, any relative
2 within four degrees of consanguinity or the spouse,
3 fiance, 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) Protocol gifts; and
- 19 [~~(7)~~] (8) Exchanges of approximately equal value on
20 holidays, [~~birthday,~~] birthdays, or special
21 occasions."



S.B. NO. 1557

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

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

4

INTRODUCED BY: *M.M. M.*

By Request



S.B. NO. 1557

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.

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

