A BILL FOR AN ACT

RELATING TO REPORTING PERIODS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1	PART I				
2	SECTION 1. The purpose of this Act is to amend portions of				
3	chapters 84 and 97 of the Hawaii Revised Statutes to provide				
4	greater uniformity, efficiency, and effectiveness in the				
5	administration and enforcement of the state ethics code and				
6	state lobbyists law by:				
7	(1) Establishing a phased process for adjusting the				
8	reporting period for gift disclosures filed with the				
9	state ethics commission to conform with the state				
10	fiscal year; and				
11	(2) Providing for the electronic filing of statements				
12	required by the state ethics commission.				
13	PART II				
14	SECTION 2. Section 84-11.5, Hawaii Revised Statutes, is				
15	amended to read as follows:				
16	"\$84-11.5 Reporting of gifts. (a) Every legislator and				
17	employee shall file a gifts disclosure statement with the state				

- 1 ethics commission no later than [$\frac{\text{June }30}{\text{July }31}$ of each year
- 2 if all the following conditions are met:
- The legislator or employee, or spouse or dependent child of a legislator or employee, received directly or indirectly from one source any gift or gifts valued singly or in the aggregate in excess of \$200, whether the gift is in the form of money, service, goods, or
- $\mathbf{8}$ in any other form;
- 9 (2) The source of the gift or gifts have interests that

 10 may be affected by official action or lack of action

 11 by the legislator or employee; and
- 12 (3) The gift is not exempted by subsection (d) from13 reporting requirements under this subsection.
- 14 (b) The report shall cover the period from June 1 of the preceding calendar year through [May 31] June 30 of the year of the report.
- 17 (c) The gifts disclosure statement shall contain the following information:
- 19 (1) A description of the gift;
- 20 (2) A good faith estimate of the value of the gift;
- 21 (3) The date the gift was received; and

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1	(4)	The name of the person, business entity, or
2		organization from whom, or on behalf of whom, the gift
3		was received.
4	(d)	Excluded from the reporting requirements of this
5	section a	re the following:
6	(1)	Gifts received by will or intestate succession;
7	(2)	Gifts received by way of distribution of any inter
8		vivos or testamentary trust established by a spouse or
9		ancestor;
10	(3)	Gifts from a spouse, [fiance, fiancee,] betrothed, or
11		any relative within four degrees of consanguinity or
12		the spouse[, fiance, or fiancee] or betrothed of such
13		a relative. A gift from any such person is a
14		reportable gift if the person is acting as an agent or
15		intermediary for any person not covered by this
16		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;

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1	(0)	Gires that, within thirty days areer receipt, are
2		returned to the giver or delivered to a public body or
3		to a bona fide educational or charitable organization
4		without the donation being claimed as a charitable
5		contribution for tax purposes; and
6	(7)	Exchanges of approximately equal value on holidays,
7		birthday, or special occasions.
8	(e)	Failure of a legislator or employee to file a gifts
9	disclosur	e statement as required by this section shall be a
10	violation	of this chapter.
11	(f)	This section shall not affect the applicability of
12	section 8	4-11.
13	(g)	The state ethics commission shall provide a method for
14	filing gi	ft disclosure statements. The commission may require
15	that gift	disclosure statements be filed electronically.
16	[(g)	(h) For purposes of this section, "legislator or
17	employee"	includes any individual who was a legislator or
18	employee	for any portion of the period from June 1 of the
10	nrecedina	calendar year through [May 31] June 30 of the year of

20 the report."

1		PART III
2	SECT	ION 3. Section 84-11.5, Hawaii Revised Statutes, is
3	amended t	o read as follows:
4	"§ 84	-11.5 Reporting of gifts. (a) Every legislator and
5	employee	shall file a gifts disclosure statement with the state
6	ethics co	mmission no later than [June 30] <u>July 31</u> of each year
7	if all th	e following conditions are met:
8	(1)	The legislator or employee, or spouse or dependent
9		child of a legislator or employee, received directly
10		or indirectly from one source any gift or gifts valued
11		singly or in the aggregate in excess of \$200, whether
12		the gift is in the form of money, service, goods, or
13		in any other form;
14	(2)	The source of the gift or gifts have interests that
15		may be affected by official action or lack of action
16		by the legislator or employee; and
17	(3)	The gift is not exempted by subsection (d) from
18		reporting requirements under this subsection.
19	(b)	The report shall cover the period from [June 1] $\underline{\text{July 1}}$

of the preceding calendar year through [May 31] June 30 of the

year of the report.

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1	(c)	The gifts disclosure statement shall contain the
2	following	information:
3	(1)	A description of the gift;
4	(2)	A good faith estimate of the value of the gift;
5	(3)	The date the gift was received; and
6	(4)	The name of the person, business entity, or
7		organization from whom, or on behalf of whom, the gift
8		was received.
9	(d)	Excluded from the reporting requirements of this
10	section an	re the following:
11	(1)	Gifts received by will or intestate succession;
12	(2)	Gifts received by way of distribution of any inter
13		vivos or testamentary trust established by a spouse or
14		ancestor;
15	(3)	Gifts from a spouse, [fiance, fiancee,] betrothed, or
16		any relative within four degrees of consanguinity or
17		the spouse[, fiance, or fiancee] or betrothed of such
18		a relative. A gift from any such person is a
19		reportable gift if the person is acting as an agent or
20		intermediary for any person not covered by this
21		paragraph;

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1	(4)	Political	campaign	contributions	that	comply	with
2		state law,	;				

- (5) Anything available to or distributed to the public generally without regard to the official status of the recipient;
- 6 (6) Gifts that, within thirty days after receipt, are
 7 returned to the giver or delivered to a public body or
 8 to a bona fide educational or charitable organization
 9 without the donation being claimed as a charitable
 10 contribution for tax purposes; and
- 11 (7) Exchanges of approximately equal value on holidays,12 birthday, or special occasions.
- (e) Failure of a legislator or employee to file a giftsdisclosure statement as required by this section shall be aviolation of this chapter.
- 16 (f) This section shall not affect the applicability of 17 section 84-11.
- (g) The state ethics commission shall provide a method for
 filing gift disclosure statements. The commission may require
 that gift disclosure statements be filed electronically.

1	[(g)] <u>(h)</u> For purposes of this section, "legislator or
2	employee" includes any individual who was a legislator or
3	employee for any portion of the period from $[\frac{\text{June }1}{\text{July }1}]$ of
4	the preceding calendar year through $[\frac{May}{31}]$ June 30 of the year
5	of the report."
6	PART IV
7	SECTION 4. Section 97-4, Hawaii Revised Statutes, is
8	amended to read as follows:
9	"§97-4 Manner of filing; public records. All statements
10	required by this chapter to be filed with the state ethics
11	commission:
12	(1) Shall be [deemed properly filed when delivered or
13	deposited in an established post office within the
14	prescribed time; duly stamped, registered, or
15	certified; and directed to] filed electronically with
16	the state ethics commission[; provided that in the
17	event it is not received, a duplicate of the statement
18	shall be promptly filed upon notice by the state
19	ethics commission of its nonreceipt; and] using an
20	electronic filing system, or any other forms and
21	methods established by the state ethics commission;

1	(2)	Shall be maintained by the state ethics commission for	
2		a period of no less than six years from the date of	
3		filing; and shall constitute part of the public	
4		records of the state ethics commission[-]; and	
5	(3)	Shall be posted on the state ethics commission's	
6		website within a reasonable time after filing and may	
7		be removed from the website after six years."	
8	SECT	ION 5. Section 97-4.5, Hawaii Revised Statutes, is	
9	repealed.		
10	[" § 9	7-4.5 Lobbyist list. All lobbyist registration	
11	statements shall be posted on the state ethics commission's		
12	website within a reasonable time after filing, and may be		
13	removed from the website after four years."]		
14		PART V	
15	SECT	ION 6. This Act does not affect rights and duties that	
16	matured,	penalties that were incurred, and proceedings that were	
17	begun bef	ore its effective date.	
18	SECT	ION 7. Statutory material to be repealed is bracketed	
19	and stric	ken. New statutory material is underscored.	
20	SECT	ION 8. This Act shall take effect upon its approval;	
21	provided	that:	

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- 1 (1) Part II shall take effect on July 1, 2024; and
- 2 (2) Part III shall take effect on July 1, 2025.

Report Title:

Ethics Commission Package; State Ethics Code Reporting Period; Fiscal Year Reporting Period; Electronic Filing

Description:

Establishes a phased process for adjusting the reporting period for gift disclosures filed with the State Ethics Commission to conform with the fiscal year. Provides for electronic filing of documents required by the State Ethics Commission. (CD1)

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