

ACT 233

H.B. NO. 1962

A Bill for an Act Relating to Gifts.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to authorize the department of defense to accept, use, and manage gifts received to enhance the purposes of the Hawaii national guard youth challenge program.

SECTION 2. Chapter 121, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§121- **Youth challenge program.** (a) Notwithstanding any other law to the contrary, the department may receive, expend, use, manage, and invest money, services, or property, real, personal, or mixed, that may be given, bequeathed, devised, or in any other manner provided, from sources other than the legislature or the federal government, for any purpose authorized under the Hawaii national guard youth challenge program, as described in that certain grant program under the National Guard Bureau, and not inconsistent with any terms or conditions imposed by the donor, this section, or chapter 84.

(b) A gift of money shall be deposited by the director of finance in a separate account in the state treasury and expended in accordance with law and any terms and conditions that may pertain to the gift. Unless otherwise specified as a term or condition, the department may convert a gift of property into money. Income derived from property or the conversion of property may be used for the purposes described in this section and to pay for the storage, handling, management, repair, maintenance, and distribution of other properties held by the department for these purposes.

(c) All expenditures made pursuant to this section shall be subject to the approval of the adjutant general.

(d) In the case of services and property, real, personal, or mixed received, the department shall thereafter be responsible for their management, repair, and maintenance.

(e) The source making the gift shall not be liable upon any claim for injury arising from the donated property; provided that this provision shall not affect the responsibility or liability of manufacturers of defective products nor shall it affect the responsibilities of negligent persons who cause dangerous conditions that result in injury.

(f) The department shall maintain records of each gift, the essential facts of gift management, details relating to expenditures of all money made pursuant to this section, and the current disposition, use, and condition of each gift held by the department. This information shall be compiled and reported annually to the legislature and the governor, and shall be made available to the general public free of charge.”

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect upon its approval.

(Approved June 29, 1995.)

Note

1. Edited pursuant to HRS §23G-16.5.