

---

---

# A BILL FOR AN ACT

RELATING TO THE HAWAII STATE GIVING CAMPAIGN.

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

1 SECTION 1. The Hawaii Revised Statutes is amended by  
2 adding a new chapter to be appropriately designated and to read  
3 as follows:

4 "CHAPTER

5 HAWAII STATE GIVING CAMPAIGN

6 § -1 Definitions. As used in this chapter, unless the  
7 context otherwise requires:

8 "Agency" means any executive department, independent  
9 commission, board, bureau, office, or other establishment of the  
10 State or any county government, the judiciary, the University of  
11 Hawaii system, or any quasi-public institution that is supported  
12 in whole or in part by state or county funds.

13 "Campaign" means the Hawaii state giving campaign.

14 "Campaign period" means the period of time determined by  
15 the coordinating committee during which the Hawaii state giving  
16 campaign shall be conducted annually.



1 "Chairperson" means the chairperson of the coordinating  
2 committee.

3 "Charitable organization" has the same meaning as in  
4 section 467B-1.

5 "Coordinating committee" means the group of employees  
6 designated and employed by the director of human resources  
7 development to conduct the Hawaii state giving campaign.

8 "Director" means the director of human resources  
9 development.

10 "Emergencies and disasters" means any hurricane, tornado,  
11 storm, flood, high water, wind-driven water, tidal wave,  
12 tsunami, earthquake, volcanic eruption, landslide, mudslide,  
13 snowstorm, drought, fire, explosion, or other catastrophe within  
14 the state.

15 "State workplace" means an office or building owned or  
16 leased by the state in which employees of the State of Hawaii  
17 work or are assigned to work. State workplace includes any  
18 state-owned or state-leased common grounds or parking areas used  
19 by state employees assigned to or working in the office or  
20 building.

21 § -2 Hawaii state giving campaign; established. There  
22 is established the Hawaii state giving campaign, which shall be



1 the only authorized solicitation of employees in the state  
2 workplace on behalf of approved charitable organizations. The  
3 campaign does not apply to the collection of gifts-in-kind or to  
4 the solicitation of state employees outside of the state  
5 workplace, as defined in section -1.

6 § -3 **Coordinating committee; duties.** (a) The director  
7 shall appoint a chairperson to the coordinating committee and  
8 employ staff from the department or additional staff as  
9 necessary to coordinate the annual Hawaii state giving campaign.

10 (b) The coordinating committee shall perform tasks, which  
11 shall include but not be limited to the following:

- 12 (1) Ensure that the campaign operates according to the  
13 laws set forth in this chapter;
- 14 (2) Maintain minutes of campaign-related meetings and  
15 respond promptly to any request for information from  
16 the director;
- 17 (3) Determine the eligibility of charitable organizations  
18 that apply to participate in the campaign;
- 19 (4) Ensure that, to the extent reasonably possible, every  
20 state employee is given the opportunity to participate  
21 in the campaign;



- 1 (5) Ensure that employee contributions are properly  
2 collected and distributed in accordance with this  
3 chapter;
- 4 (6) Ensure that no employee is coerced in any way to  
5 participate in the campaign;
- 6 (7) In accordance with this chapter, accept and process  
7 applications from charitable organizations that wish  
8 to participate in the campaign;
- 9 (8) Maintain and make publicly available a current list of  
10 charitable organizations approved by the director to  
11 participate in the campaign;
- 12 (9) Set rules and procedures for the review and approval  
13 of all campaign-related publications and educational  
14 materials; and
- 15 (10) With the approval of the director, set penalties for  
16 the failure of any approved charitable organization  
17 participating in the campaign to adhere to any part of  
18 this chapter.

19 § -4 Campaign period; exceptions. (a) Except as  
20 provided in subsection (b), the campaign shall be conducted only  
21 during the campaign period, as defined in section -1, at  
22 every state agency in accordance with this chapter. Except as



1 provided in this section, no other solicitation on behalf of any  
2 charitable organization may be conducted in the state workplace.

3 (b) Upon written request to the chairperson, the  
4 chairperson, with the approval of the director, may grant  
5 permission for solicitations of state employees outside the  
6 campaign period to support victims in cases of emergencies and  
7 disasters, as defined in section -1, or upon a finding of  
8 extraordinary circumstances by the director.

9 § -5 **Charitable organizations; eligibility.** Only  
10 charitable organizations that have registered with the  
11 department of the attorney general, pursuant to  
12 section 467B-2.1, and that fulfill all requirements under  
13 chapter 467B shall be eligible to participate in the campaign  
14 for a particular year. The coordinating committee, with the  
15 approval of the director, shall determine rules regarding the  
16 length of time within which a charitable organization shall  
17 remain eligible upon approval as a participating charitable  
18 organization.

19 § -6 **Application to participate.** The coordinating  
20 committee, with the approval of the director, shall:



1 (1) Set administrative rules regarding the application  
2 procedure for charitable organizations that wish to  
3 participate in the campaign;

4 (2) Make readily available to the public each year a  
5 campaign schedule, which shall include but not be  
6 limited to the period during which charitable  
7 organizations may apply to participate in the campaign  
8 and the deadline by which the coordinating committee  
9 shall notify charitable organizations approved to  
10 participate in the campaign.

11 § -7 Campaign packets. (a) The coordinating committee  
12 shall annually produce and distribute to all state employees a  
13 campaign packet, which shall include but not be limited to:

- 14 (1) A brief description of the Hawaii state giving  
15 campaign, including its purpose;
- 16 (2) A current description of the way employees may  
17 contribute through payroll deductions;
- 18 (3) Information regarding an employee's right to choose to  
19 contribute or not to contribute and to give a  
20 confidential contribution in a sealed envelope;
- 21 (4) A list of all approved and participating charitable  
22 organizations; and



1 (5) A pledge card, which shall include the items listed in  
2 subsection (b).

3 (b) Each campaign packet shall include one pledge card,  
4 which shall include but not be limited to the following:

5 (1) A list of all approved and participating charitable  
6 organizations;

7 (2) The percentage of expenses for administrative and  
8 fundraising purposes for each participating charitable  
9 organization;

10 (3) Contact information for each participating charitable  
11 organization;

12 (4) A section to allow an employee to provide a mailing  
13 address if the employee wishes for the employee's  
14 address to be released to the charitable organization  
15 receiving the employee's contribution;

16 (5) A section to allow an employee to designate whether or  
17 not the employee wishes the employee's name or mailing  
18 address, or both, to be confidential;

19 (6) A section to allow an employee to designate whether or  
20 not the employee wishes the employee's name and mailing address  
21 to be forwarded to the charitable organization or charitable  
22 organizations designated.



1 A charitable organization shall not make any other use of  
2 an employee's name or address.

3 § -8 Release of contributor names. Each participating  
4 charitable organization shall be authorized to use contributors'  
5 names and addresses only as designated by each contributor on  
6 the pledge card. If any participating charitable organization  
7 fails to ensure that a contributor's request is upheld, the  
8 chairperson of the coordinating committee may propose that the  
9 organization be suspended or expelled from the campaign. The  
10 director shall consider any response from the organization  
11 before issuing a final decision on the matter.

12 § -9 Applicability of contributions. (a) Any  
13 contribution that is not designated by an employee to be  
14 contributed to any of the approved and participating charitable  
15 organizations shall be distributed to all participating  
16 charitable organizations in the same proportion that the  
17 charitable organizations receive designations in the campaign.

18 (b) An employee may not make a designation to an  
19 organization not listed on the pledge card. Designations made  
20 to organizations not listed in the pledge card are not invalid,  
21 but will be treated as undesignated funds and will be  
22 distributed according to subsection (a).





1           §   -10   **Campaign and publicity materials.**   (a)   Campaign  
2   and publicity materials for each charitable organization shall  
3   be developed, printed, and supplied by the respective charitable  
4   organization.   All campaign and publicity materials shall be  
5   submitted to the coordinating committee, which shall review and  
6   approve all materials prior to distribution to any state  
7   employee as a part of the campaign.

8           (b)   During the campaign period, a participating charitable  
9   organization may distribute bona fide educational materials  
10   describing its services or programs; provided that the  
11   charitable organization first obtains written permission by the  
12   coordinating committee to distribute the material.   If one  
13   participating charitable organization is granted permission to  
14   distribute educational materials, then the coordinating  
15   committee shall allow any other participating charitable  
16   organization to distribute educational materials; provided that  
17   the materials are reviewed and approved by the coordinating  
18   committee prior to distribution.

19           (c)   Agency heads are authorized to permit the distribution  
20   of approved campaign and publicity materials to state employees  
21   in connection with the campaign; provided that the manner of  
22   distribution accords equal treatment of all approved charitable



1 organizations furnishing materials and further provided that no  
2 distribution of materials shall use state personnel on official  
3 duty or disrupt or interfere with official duty-related  
4 activities.

5       § -11 **Solicitation methods.** (a) Employee solicitations  
6 shall be conducted during work hours using methods that permit  
7 voluntary giving and shall reserve to the individual the option  
8 of disclosing any contribution or keeping the contribution  
9 confidential.

10       (b) Special campaign fundraising events, such as raffles,  
11 lotteries, auctions, bake sales, carnivals, athletic events, or  
12 other activities not specifically provided for in this chapter  
13 are permitted during the campaign period only as approved by the  
14 appropriate agency head, consistent with state ethics laws and  
15 agency ethics rules, provided that the event shall not disrupt  
16 or interfere with official duty-related activities, and further  
17 provided that the agency head notifies the coordinating  
18 committee of the nature, date, time, duration, and location of  
19 the event seven days prior to the commencement of the event.

20       § -12 **Preventing coercive activity.** The following  
21 activities are contrary to the non-coercive intent of the Hawaii  
22 state giving campaign and are prohibited:



1 (1) Solicitation of employees by their supervisor or by  
2 any individual in their supervisory chain of command;

3 (2) Inquiries by any employee, including supervisors,  
4 about whether an employee chose to participate or not  
5 or the amount of the employee's contribution.

6 Supervisors may be given nothing more than summary  
7 information about the employees they supervise;

8 (3) Setting of a one hundred per cent participation goal;

9 (4) Developing and using lists of non-contributing  
10 employees, and using lists for purposes other than the  
11 routine collection and forwarding of contributions;

12 (5) Using as a factor in any performance appraisal of an  
13 individual employee or any agency the results of the  
14 solicitation of that employee or that agency; and

15 (6) Violating any part of chapter 84.

16 § -13 Payroll deductions. (a) Payroll deductions shall  
17 be authorized by all state agencies for contributions by  
18 employees to charitable organizations participating in the  
19 Hawaii state giving campaign made in accordance with this  
20 chapter.

21 (b) The pledge card shall be the only form of  
22 authorization of any payroll deductions for the campaign. The



1 original copy of each pledge card shall be transmitted to the  
2 contributor's payroll office as promptly as possible.

3 (c) The director shall consult with the comptroller to  
4 establish policies and procedures to uniformly effectuate this  
5 section."

6 SECTION 2. There is appropriated out of the general  
7 revenues of the State of Hawaii the sum of \$ or so much  
8 thereof as may be necessary for fiscal year 2009-2010 and the  
9 same sum or so much thereof as may be necessary for fiscal year  
10 2010-2011 to establish and implement an annual Hawaii state  
11 giving campaign.

12 The sums appropriated shall be expended by the department  
13 of human resources development for the purposes of this Act.

14 SECTION 3. This Act shall take effect on July 1, 2009.  
15

INTRODUCED BY:

*[Handwritten signatures: P. Carroll, Cynthia Thelen, J. H. Kurokawa, J. Murphy]*

*[Handwritten signatures: K. L., Anthony J. Mayors, Paul Nishida, Barbara Maramoto]*



**Report Title:**

Hawaii State Giving Campaign; Workplace Giving; Appropriation

**Description:**

Establishes the Hawaii state giving campaign as the only authorized solicitation of employees in the state workplace on behalf of charitable organizations. Appropriates funds to implement the campaign.

