

STAND. COM. REP. NO. 3627

Honolulu, Hawaii

APR 01 2022

RE: H.B. No. 2069
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2069, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO GIFTS,"

begs leave to report as follows:

The purpose and intent of this measure is to establish procedures for the custody, inventory, and care of protocol gifts received by members of either house of the Legislature or state employees.

Your Committee received testimony in support of this measure from the Department of Accounting and General Services, State Comptroller, and Common Cause Hawaii.

Your Committee finds that, from time to time, state officials and employees accept protocol gifts on behalf of the State, or a political body of the State, from foreign officials, federal officers, or state officials from other states. These gifts may symbolize goodwill and strengthen national and international relationships. Your Committee further finds that existing law does not provide adequate guidance or procedures regarding the custody, inventory, and care of protocol gifts. Accordingly, your Committee finds that the rules and guidance provided by this measure will promote government transparency and accountability, while preserving objects of historical significance.



Your Committee notes that the definition of "employee" is provided for in the State Ethics Code where the protocol gift requirement is being established by this measure. An employee for the purposes of the State Ethics Code includes any nominated, appointed, or elected officer or employee of the State, including members of boards, commissions, and committees, and employees under contract to the State or of the constitutional convention, but excludes legislators, delegates to the constitutional convention, justices and judges. Since legislators are specifically excluded, this measure refers to legislators and employees. Justices and judges are covered by their own code of conduct.

Your Committee has amended this measure by:

- (1) Clarifying that the procedures for the custody, inventory, and care of protocol gifts apply to employees as defined in section 84-3, Hawaii Revised Statutes;
- (2) Specifying that a legislator or employee shall report to the state archives any protocol gift received by the legislator or employee immediately upon receipt;
- (3) Specifying that the recipient of a protocol gift shall transfer to the State Archives any protocol gift within a reasonable time, as determined by the State Archives; provided that the transfer is not later than the end of the recipient's time of office or employment;
- (4) Specifying that protocol gifts shall be excluded from the reporting requirement provided in section 84-11.5, Hawaii Revised Statutes; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2069, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2069, H.D. 2, S.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



The Senate
 Thirty-First Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:
HB 2069, HD2	JDC	03-18-22

The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	/			
KEOHOKALOLE, Jarrett (VC)	/			/
ACASIO, Laura	/			
GABBARD, Mike	/			
KIM, Donna Mercado	/			
LEE, Chris	/			
FEVELLA, Kurt	/			
TOTAL	7	—	—	—

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature: *Carl Rhoads*

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*Only one measure per Record of Votes