

JAN 20 2023

A BILL FOR AN ACT

RELATING TO GIFTS.

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

1 PART I

2 SECTION 1. Section 84-11, Hawaii Revised Statutes, is
3 amended to read as follows:

4 "~~§84-11~~ **Gifts.** [~~No legislator or employee~~] (a) A state
5 elected official shall not solicit, accept, or receive, directly
6 or indirectly, any gift, whether in the form of money, service,
7 loan, travel, entertainment, hospitality, thing, or promise, or
8 in any other form[~~, under circumstances in which it can~~
9 ~~reasonably be inferred that the gift is intended to influence~~
10 ~~the legislator or employee in~~]:

11 (1) At any place at which the state elected official
12 performs official duties;

13 (2) During the time the state elected official is
14 scheduled to perform official duties;

15 (3) For the performance of the [~~legislator's or~~
16 ~~employee's~~] state elected official's official duties;
17 or [~~is intended as~~]



1 (4) As a reward for any official action on the
 2 [legislator's or employee's] part[-] of the state
 3 elected official.

4 (b) An employee who is not a state elected official shall
 5 not solicit, accept, or receive, directly or indirectly, any
 6 gift, whether in the form of money, service, loan, travel,
 7 entertainment, hospitality, thing, or promise, or in any other
 8 form, under circumstances in which it can reasonably be inferred
 9 that the gift is intended to influence the employee in the
 10 performance of the employee's official duties or is intended as
 11 a reward for any official action on the employee's part."

12 SECTION 2. Section 84-11.5, Hawaii Revised Statutes, is
 13 amended to read as follows:

14 **"§84-11.5 Reporting of gifts.** (a) Every [~~legislator and~~]
 15 employee subject to section 84-11(b) shall file a gifts
 16 disclosure statement with the state ethics commission no later
 17 than June 30 of each year if all the following conditions are
 18 met:

19 (1) The [~~legislator or~~] employee, or spouse or dependent
 20 child of a [~~legislator or~~] employee, received directly
 21 or indirectly from one source any gift or gifts valued



1 singly or in the aggregate in excess of \$200, whether
2 the gift is in the form of money, service, goods, or
3 in any other form;

4 (2) The source of the gift or gifts have interests that
5 may be affected by official action or lack of action
6 by the [~~legislator or~~] employee; and

7 (3) The gift is not exempted by subsection (d) from
8 reporting requirements under this subsection.

9 (b) The report shall cover the period from June 1 of the
10 preceding calendar year through May 31 of the year of the
11 report.

12 (c) The gifts disclosure statement shall contain the
13 following information:

14 (1) A description of the gift;

15 (2) A good faith estimate of the value of the gift;

16 (3) The date the gift was received; and

17 (4) The name of the person, business entity, or
18 organization from whom, or on behalf of whom, the gift
19 was received.

20 (d) Excluded from the reporting requirements of this
21 section are the following:



- 1 (1) Gifts received by will or intestate succession;
- 2 (2) Gifts received by way of distribution of any inter
- 3 vivos or testamentary trust established by a spouse or
- 4 ancestor;
- 5 (3) Gifts from a spouse, fiance, fiancée, any relative
- 6 within four degrees of consanguinity or the spouse,
- 7 fiance, or fiancée of such a relative. A gift from
- 8 any such person is a reportable gift if the person is
- 9 acting as an agent or intermediary for any person not
- 10 covered by this paragraph;
- 11 (4) Political campaign contributions that comply with
- 12 state law;
- 13 (5) Anything available to or distributed to the public
- 14 generally without regard to the official status of the
- 15 recipient;
- 16 (6) Gifts that, within thirty days after receipt, are
- 17 returned to the giver or delivered to a public body or
- 18 to a bona fide educational or charitable organization
- 19 without the donation being claimed as a charitable
- 20 contribution for tax purposes; and



1 (7) Exchanges of approximately equal value on holidays,
2 birthday, or special occasions.

3 (e) Failure of a [~~legislator or~~] employee to file a gifts
4 disclosure statement as required by this section shall be a
5 violation of this chapter.

6 (f) This section shall not affect the applicability of
7 section 84-11.

8 (g) For purposes of this section, [~~"legislator or~~
9 ~~employee"~~] "employee" includes any individual who was [a
10 ~~legislator or~~] an employee subject to section 84-11(b) for any
11 portion of the period from June 1 of the preceding calendar year
12 through May 31 of the year of the report."

13 PART II

14 SECTION 3. Chapter 46, Hawaii Revised Statutes, is amended
15 by adding a new section to part II to be appropriately
16 designated and to read as follows:

17 "§46- Gifts; county elected officials; prohibition. No
18 later than _____, each county shall enact an
19 ordinance, or the applicable political subdivision of the county
20 shall adopt rules pursuant to chapter 91, that shall be modeled



1 after the prohibition in section 84-11(a); provided that the
2 applicable ordinance or rules:

3 (1) Shall apply to county elected officials instead of
4 state elected officials; and

5 (2) May be more restrictive than section 84-11(a)." .


6 SECTION 4. No later than twenty days prior to the
7 convening of the regular session of 2024, the mayor of each
8 county shall submit to the legislature a report of the status of
9 the county's compliance with this part.

10 PART III

11 SECTION 5. This Act does not affect rights and duties that
12 matured, penalties that were incurred, and proceedings that were
13 begun before its effective date.

14 SECTION 6. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 7. This Act shall take effect upon its approval.

17
INTRODUCED BY: 



S.B. NO. 664

Report Title:

Ethics; Standards of Conduct; Gifts; Elected Officials;
Employees

Description:

Prohibits state elected officials from accepting or receiving gifts in relation to their official duties. Requires the several counties to adopt ordinances or rules to impose similar prohibitions on county elected officials. Requires each county to submit a report to the Legislature regarding the county's compliance with this Act.

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

