

JAN 18 2024

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) Adjusting the reporting period for gift disclosures
8 filed with the state ethics commission to conform with
9 the state fiscal year; and
10 (2) Establishing a phased process for transitioning to a
11 fiscal year-based reporting period.

12 PART II

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

15 "**§84-11.5 Reporting of gifts.** (a) Every legislator and
16 employee shall file a gifts disclosure statement with the state



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1 ethics commission no later than [~~June 30~~] July 31 of each year
2 if all the following conditions are met:

3 (1) The legislator or employee, or spouse or dependent
4 child of a legislator or employee, received directly
5 or indirectly from one source any gift or gifts valued
6 singly or in the aggregate in excess of \$200, whether
7 the gift is in the form of money, service, goods, or
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) from
13 reporting requirements under this subsection.

14 (b) The report shall cover the period from June 1 of the
15 preceding calendar year through [~~May 31~~] June 30 of the year of
16 the report.

17 (c) The gifts disclosure statement shall contain the
18 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



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 are 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, fiancée, any relative
11 within four degrees of consanguinity or the spouse,
12 fiance, or fiancée of such a relative. A gift from
13 any such person is a reportable gift if the person is
14 acting as an agent or intermediary for any person not
15 covered by this paragraph;
- 16 (4) Political campaign contributions that comply with
17 state law;
- 18 (5) Anything available to or distributed to the public
19 generally without regard to the official status of the
20 recipient;



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1 (6) Gifts that, within thirty days after 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 disclosure 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 84-11.

13 (g) For purposes of this section, "legislator or employee"
14 includes any individual who was a legislator or employee for any
15 portion of the period from June 1 of the preceding calendar year
16 through ~~May 31~~ June 30 of the year of the report.

17 (h) The state ethics commission shall provide a method for
18 filing gift disclosure statements. The commission may require
19 that gift disclosure statements be filed electronically."



1 PART III

2 SECTION 3. Section 84-11.5, Hawaii Revised Statutes, is
3 amended to 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 commission no later than [~~June 30~~] July 31 of each year
7 if all the 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~~] July 1
20 of the preceding calendar year through [~~May 31~~] June 30 of the
21 year of the report.



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 are 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, fiancée, any relative
16 within four degrees of consanguinity or the spouse,
17 fiance, or fiancée of such a relative. A gift from
18 any such person is a reportable gift if the person is
19 acting as an agent or intermediary for any person not
20 covered by this paragraph;



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- 1 (4) Political campaign contributions that comply with
2 state law;
- 3 (5) Anything available to or distributed to the public
4 generally without regard to the official status of the
5 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.
- 13 (e) Failure of a legislator or employee to file a gifts
14 disclosure statement as required by this section shall be a
15 violation of this chapter.
- 16 (f) This section shall not affect the applicability of
17 section 84-11.
- 18 (g) For purposes of this section, "legislator or employee"
19 includes any individual who was a legislator or employee for any
20 portion of the period from [~~June 1~~] July 1 of the preceding



1 calendar year through [~~May 31~~] June 30 of the year of the
2 report.

3 (h) The state ethics commission shall provide a method for
4 filing gift disclosure statements. The commission may require
5 that gift disclosure statements be filed electronically."

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;



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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.

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INTRODUCED BY: _____
By Request



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Report Title:

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

Description:

Adjusts 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 Ethics Commission.

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

