

---

---

# A BILL FOR AN ACT

RELATING TO ETHICS.

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

1           SECTION 1. Section 84-11, Hawaii Revised Statutes, is  
2 amended to read as follows:  
3           "§84-11 Gifts. (a) No legislator or employee shall  
4 solicit, accept, or receive, directly or indirectly, or  
5 facilitate the solicitation on behalf of another person, 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 legislator or  
10 employee in the performance of the legislator's or employee's  
11 official duties or is intended as a reward for any official  
12 action on the legislator's or employee's part[-]; provided that  
13 this subsection shall not apply to the receipt by a legislator  
14 or employee of a gift that does not exceed \$200 in value from an  
15 entity, or any principal working in the principal's official  
16 capacity for that same entity, so long as the value of the gifts  
17 received from that entity or principal does not exceed  
18 \$                   in the aggregate in any calendar year.



1       (b) Except as provided in subsection (c), no legislator or  
2 employee shall knowingly accept a gift, directly or indirectly,  
3 in excess of \$200 if the gift:

4       (1) Is from an entity, or any of its principals working in  
5 their official capacities, that the legislator or  
6 employee knows or has reason to know:

7       (A) Has executed, or seeks to execute, business of  
8 any kind with the legislator or employee;

9       (B) Has engaged in an activity that is directly  
10 affected by the legislator's or employee's  
11 official duties;

12       (C) Has a financial interest that may be affected  
13 substantially and materially, in a manner  
14 distinguishable from the public generally, by the  
15 performance or nonperformance of the legislator's  
16 or employee's official duties; or

17       (D) Is a registered lobbyist with respect to matters  
18 within the jurisdiction of the legislator's or  
19 employee's official duties;

20       (2) Would reasonably impair, or give the reasonable  
21 appearance of impairing, the impartiality and  
22 independent judgment of the legislator or employee; or



1       (3) Would reasonably lead the legislator or employee to  
2       believe that the gift is designed to impair the  
3       impartiality and independent judgment of the  
4       legislator or employee.

5       (c) This section shall not apply to gifts to a legislator  
6       or employee for:

7       (1) Gifts of food or beverages;

8       (2) Ceremonial gifts, awards, or other gifts that are not  
9       in excess of \$                      and are for informational,  
10       educational, or appreciative value;

11       (3) Reasonable expenses for food, travel, lodging, or  
12       scheduled entertainment of a legislator or employee in  
13       return for participation on a panel or a speaking  
14       engagement, if the expenses are associated with the  
15       panel or speaking engagement; provided that if the  
16       expenses are to be paid by a registered lobbyist and  
17       are anticipated to exceed \$500, the legislator or  
18       employee shall notify the legislator's presiding  
19       officer or employee's supervisor prior to the meeting;

20       (4) Reasonable expenses for food, travel, lodging, or  
21       scheduled entertainment for attendance at a conference



1 that has been approved by the legislator's presiding  
2 officer or employee's supervisor;

3 (5) Tickets or free admission from a person sponsoring or  
4 conducting an event, as a courtesy to the legislator  
5 or employee to attend a charitable, cultural,  
6 political, or community event; provided that if the  
7 value of the ticket exceeds \$200 the receipt of the  
8 ticket shall be reported pursuant to section 84-11.5;

9 (6) Any specific gift or class of gifts exempt from  
10 subsection (b) by the ethics commission upon a written  
11 finding that:

12 (A) Acceptance of the gift or class of gifts would  
13 not be detrimental to the impartial conduct of  
14 government; or

15 (B) The gift is purely personal and private in  
16 nature;

17 (7) A gift from:

18 (A) An individual related to the legislator or  
19 employee by blood or marriage;

20 (B) Any other individual who is a member of the  
21 household of the legislator or employee; or



- 1           (C) Any other individual whose association with the  
2                           legislator or employee can be reasonably  
3                           attributed to a non-legislative capacity;
- 4           (8) Honoraria, as provided in subsection (d);
- 5           (9) An invitation offered by any United States city,  
6                           county, or state government to visit and observe  
7                           governmental and cultural events and projects;  
8                           provided that the invitation has been approved by the  
9                           legislator's presiding officer or employee's  
10                          supervisor prior to the visit; and
- 11          (10) Acceptance of the offer of food, a full meal, and  
12                           beverages from nonprofits, individuals, businesses,  
13                           and other entities at a charitable or community event  
14                           where the value of the food does not exceed \$100.
- 15          (d) Except as provided in subsection (c), a legislator or  
16                          employee shall not accept any honoraria or any compensation  
17                          related to the legislator's or employee's official duties if the  
18                          payer of the honoraria has an interest that may be affected  
19                          substantially and materially by the performance or  
20                          nonperformance of the legislator's or employee's official  
21                          duties.



1       For the purposes of this subsection, the following shall  
2 not be considered honoraria:

3       (1) Expenses for meals, travel, and lodging, and  
4 reasonable and verifiable expenses for care of a child  
5 or dependent adult that are actually incurred;

6       (2) Permissible gifts pursuant to subsection (c);

7       (3) Anything of value that is otherwise reported or  
8 reportable as a campaign expenditure; or

9       (4) Any public appearance or speech by a legislator or  
10 employee on a topic or issue that is not related to  
11 the legislator's or employee's official duties.

12       (e) Nothing in this section shall be construed to limit,  
13 approve, or prohibit the proper jurisdiction of the ethics  
14 commission."

15       SECTION 2. This Act does not affect rights and duties that  
16 matured, penalties that were incurred, and proceedings that were  
17 begun before its effective date.

18       SECTION 3. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.

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

21



**Report Title:**

Ethics; Gifts

**Description:**

Establishes prohibitions and exceptions regarding gifts to legislator or employees. (Proposed SD1)

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

