

JAN 19 2007

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# A BILL FOR AN ACT

RELATING TO THE LEGISLATURE.

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

- 1           SECTION 1. The purpose of this Act is to require the  
2 legislature to follow certain fundamental principles of the  
3 sunshine law in conducting its business. These include the  
4 following:
- 5           (1) Require each legislative house to conduct a public  
6           hearing on proposed rules prior to adoption;
- 7           (2) Provide that correspondence, including governor's  
8           messages, submitted on a measure shall be considered  
9           as testimony on the measure;
- 10          (3) Institute a forty-eight hour public notice for  
11          hearings to ensure reasonable opportunity for public  
12          input and testimony on legislation;
- 13          (4) Require that all floor votes, except on first reading,  
14          shall be printed on the order of the day before  
15          consideration; and
- 16          (5) Require a majority vote to suspend a legislative rule.



1 SECTION 2. Chapter 92, Hawaii Revised Statutes, is amended  
2 by adding a new part to be appropriately designated and to read  
3 as follows:

4 "PART . LEGISLATIVE PROVISIONS

5 §92- Testimony and public notice. (a) Public notice  
6 shall be provided forty-eight hours before a hearing. The  
7 forty-eight hour period shall exclude Sundays and state  
8 holidays. A public hearing shall be conducted on all major  
9 substantive provisions in legislation to be adopted.

10 (b) All correspondence submitted on a measure, including  
11 governor's messages, shall be considered as testimony on that  
12 measure.

13 §92- Rules of the legislature. After a public hearing,  
14 each legislative house shall adopt official rules and policies  
15 by a majority vote. A majority vote shall be taken before  
16 suspending any legislative rule.

17 §92- Agenda and voting. All items to be voted on by  
18 each legislative house, except for first reading votes on bills,  
19 shall be printed on the order of the day before consideration,  
20 including votes to agree to amendments from the other house."

21 SECTION 3. Section 92-10, Hawaii Revised Statutes, is  
22 amended to read as follows:



1           **"§92-10 Legislative branch; applicability.**

2 Notwithstanding any provisions contained in this chapter to the  
3 contrary, open meeting requirements, and provisions regarding  
4 enforcement, penalties and sanctions, as they are to relate to  
5 the state legislature or to any of its members shall be such as  
6 shall be from time to time prescribed by the respective rules  
7 and procedures of the senate and the house of representatives,  
8 which rules and procedures shall take precedence over this  
9 part[-], except for as provided in part . Similarly,  
10 provisions relating to notice, agenda and minutes of meetings,  
11 and such other requirements as may be necessary, shall also be  
12 governed by the respective rules and procedures of the senate  
13 and the house of representatives."

14           SECTION 4. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16           SECTION 5. This Act shall take effect on July 1, 2007.

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INTRODUCED BY:

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**Report Title:**

Legislative Sunshine Requirements

**Description:**

Requires the legislature to follow fundamental principles of the sunshine law, including: conducting public hearings on legislative rules; deeming correspondence on measures to be testimony; giving a forty-eight hour public notice for hearings, second reading, and third reading votes in the order of the day; and requiring a majority vote to suspend legislative rules.

