

JAN 23 2009

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 chapter
3 92, Hawaii Revised Statutes ("Sunshine Law"), in conducting its
4 business. These include the following:
- 5 (1) Requiring each legislative house to conduct a public
6 hearing on proposed rules prior to adoption;
 - 7 (2) Instituting a ninety-six hour public notice for
8 hearings to ensure reasonable opportunity for public
9 input and testimony on legislation;
 - 10 (3) Requiring that all measures to be voted on, be printed
11 on the order of the day before consideration, except
12 on first reading;
 - 13 (4) Requiring a majority vote to adopt, modify, or suspend
14 a legislative rule; and
 - 15 (5) Requiring nineteen recess days in a regular session,
16 in addition to the constitutionally mandated five-day
17 recess.



1 SECTION 2. Chapter 21, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§21- Legislative sunshine. (a) Public notice shall be
5 provided ninety-six hours before a hearing. The ninety-six hour
6 period shall exclude Sundays and state holidays. A public
7 hearing shall be conducted on all major substantive provisions
8 in legislation to be adopted.

9 (b) Rules and amendments to rules of each house of the
10 legislature shall be adopted only after a public hearing,
11 subject to a majority vote of members of the that house.

12 (c) During a session, a majority vote shall be required to
13 suspend any legislative rule.

14 (d) All items to be voted on by each house of the
15 legislature, except for first reading votes on bills, shall be
16 printed on the order of the day before consideration, including
17 votes to agree to amendments from the other house.

18 (e) There shall be nineteen recess days, in addition to
19 the five-day mandatory recess, in a regular session."

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



1 "§92-10 Legislative branch; applicability. (a)

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 part.

9 Similarly, provisions relating to notice, agenda and minutes of

10 meetings, and such other requirements as may be necessary, shall

11 also be governed by the respective rules and procedures of the

12 senate and the house of representatives.

13 (b) Where applicable, chapter 21 shall take precedence

14 over this chapter and over the respective rules and procedures

15 of the senate and the house of representatives."

16 SECTION 4. New statutory material is underscored.

17 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: 

Report Title:

Legislative Sunshine Requirements

Description:

Requires the legislature to follow fundamental principles of the sunshine law, including: conducting public hearings on legislative rules; giving a four-day public notice for hearings; and requiring a majority vote to suspend legislative rules. Requires nineteen recess days in the regular session, in addition to the five-day mandatory recess.

