



GOV. MSG. NO. 666

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

July 6, 2010

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fifth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

I am transmitting herewith SB1105 SD2 HD1 CD1, without my approval, and with the statement of objections relating to the measure.

SB1105 SD2 HD1 CD1

A BILL FOR AN ACT
RELATING TO LEGISLATIVE HEARINGS AND
PROCEDURES.

Sincerely,



LINDA LINGLE

EXECUTIVE CHAMBERS

HONOLULU

July 6, 2010

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 1105

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 1105, entitled "A Bill for an Act Relating to Legislative Hearings and Procedures."

The purpose of this bill is to require reports of studies and audits requested by the Legislature or mandated by law to be submitted to the Clerk of each house of the Legislature, the President of the Senate, the Speaker of the House of Representatives, the Chair of the applicable subject matter committee of each chamber of the Legislature, and the Legislative Reference Bureau library. Furthermore, the Chairs of the subject matter committees must conduct a public hearing or an informational briefing within one year of receipt of the report, unless explicitly waived by the President of the Senate or the Speaker of the House of Representatives.

I support greater transparency in government, but this measure does not help realize this goal. Rather, this measure unnecessarily burdens state agencies with the task of appearing at mandated hearings and briefings.


Legislative briefings entail a great deal of groundwork and preparation by agencies that impacts time and staff resources. It is also well understood that not all reports are worthy of receiving a hearing or briefing. However, under this measure, even if the hearing or briefing is eventually waived, agency resources will have been expended preparing for the anticipated briefing or hearing.

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SENATE BILL NO. 1105
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Moreover, the Legislature already has the authority to hold a briefing or hearing on any area of interest, including legislative reports and audits. Mandating such hearings and briefings removes the discretion of legislative committee chairs, creating a procedural rigidity that is counterproductive. The current system, in which committees use their best judgment to determine whether or not a hearing or briefing is warranted, is more practical and efficient than the mandate proposed in this bill.

For the foregoing reasons, I am returning Senate Bill No. 1105 without my approval.

Respectfully,

A handwritten signature in black ink, appearing to read "Linda Lingle", written in a cursive style.

LINDA LINGLE
Governor of Hawaii

A BILL FOR AN ACT

RELATING TO LEGISLATIVE HEARINGS AND PROCEDURES.

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

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

4 **"PART . HEARINGS ON REPORTS**

5 **§21- Procedures for consideration of reports. (a)**

6 Reports to the legislature of studies and audits conducted by:

7 (1) The executive departments and agencies, including the
8 Hawaii health systems corporation;

9 (2) The auditor;

10 (3) The judiciary;

11 (3) The legislative reference bureau; or

12 (4) The office of Hawaiian affairs,

13 that are requested by a concurrent resolution adopted by the

14 legislature or required by law, including budget measures, shall

15 be submitted, at a minimum, to the clerk of each house, to the

16 president of the senate and speaker of the house of

17 representatives, the chair of the applicable subject matter



1 committee of each chamber, and the legislative reference bureau
2 library. Submission of reports under this subsection shall also
3 comply with the requirements of section 93-16.

4 (b) The respective chairs of the committees to whom a
5 report is submitted under subsection (a) shall conduct a public
6 hearing or informational briefing on the report during the
7 legislative session or during the legislative interim in which
8 the report is submitted within one year of receipt. Waivers for
9 a public hearing or briefing may be granted by the president of
10 the senate or the speaker of the house of representatives, as
11 appropriate; provided that the reasons for granting any waiver
12 shall be posted on the legislature's website and publicly
13 noticed at the capitol.

14 §21- Applicability; reports excluded. This part shall
15 not apply to annual reports or reports of a routine nature such
16 as those prepared by executive departments, boards, or agencies;
17 provided that the chair of any committee of the legislature
18 shall not be precluded from holding a public hearing or
19 informational briefing on a report."

20 SECTION 2. Chapter 21, Hawaii Revised Statutes, is amended
21 by designating sections 21-1 to 21-19 as follows:

22 **"PART I. INVESTIGATING COMMITTEES"**



1 SECTION 3. Section 21-1, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§21-1 Purpose. The purpose of this [~~chapter~~] part is to
4 establish procedures governing legislative investigating
5 committees to provide for the creation and operation of
6 legislative investigating committees in a manner [~~which~~] that
7 will enable them to perform properly the powers and duties
8 vested in them, including the conduct of hearings, in a fair and
9 impartial manner, consistent with protection of the
10 constitutional rights of persons called to testify at such
11 hearings and preservation of the public good."

12 SECTION 4. Section 21-2, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "§21-2 Definitions. As used in this [~~chapter~~] part:

15 "Hearing" means any meeting in the course of an
16 investigatory proceeding, other than a preliminary conference or
17 interview at which no testimony is taken under oath, conducted
18 by an investigating committee for the purpose of taking
19 testimony or receiving other evidence. A hearing may be open to
20 the public or closed to the public.

21 "Investigating committee" means any of the following
22 [~~which~~] that are authorized to compel the attendance and



1 testimony of witnesses or the production of books, records,
2 papers, and documents for the purpose of securing information on
3 a specific subject for the use of the legislature:

4 (1) A standing or special or select committee or committee
5 of the whole of either house of the legislature;

6 (2) A joint committee of both houses;

7 (3) An authorized subcommittee of a legislative committee;
8 and

9 (4) Any body created by law, the members of which may
10 include nonlegislators.

11 "Public hearing" means any hearing open to the public, or
12 the proceedings of which are made available to the public."

13 SECTION 5. Section 21-15, Hawaii Revised Statutes, is
14 amended by amending subsections (a) and (b) to read as follows:

15 "(a) A person guilty of contempt under this [~~chapter~~] part
16 shall be fined not more than \$1,000 or imprisoned not more than
17 one year, or both.

18 (b) If any investigating committee fails in any material
19 respect to comply with the requirements of this [~~chapter~~] part,
20 any person subject to a subpoena or a subpoena duces tecum who
21 is injured by the failure shall be relieved of any requirement
22 to attend the hearing for which the subpoena was issued or, if



1 present, to testify or produce evidence therein; and the failure
2 shall be a complete defense in any proceeding against the person
3 for contempt or other punishment."

4 SECTION 6. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 7. This Act shall take effect on July 1, 2010.

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