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# 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; budget**  
6 **bills.** (a) Reports to the legislature of studies and audits  
7 conducted by:

8           (1) The executive departments and agencies;

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 as  
16 prepared by executive departments, boards, or agencies; provided  
17 that the chair of any committee of the legislature shall not be  
18 precluded from holding a public hearing or informational  
19 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, 2050.

**Report Title:**

Legislative Hearings; Studies and Reports

**Description:**

Requires any report of a study or an audit made by an executive department or agency, and by the legislative reference bureau, auditor, judiciary, or office of Hawaiian affairs, to be submitted to the clerk of each house, senate president, speaker of the house, chairs of the appropriate subject matter committee of each house, and the legislative reference bureau library. Requires a public hearing or informational briefing, except if waived by the senate president or speaker of the house of representatives. Excludes certain routine reports. (SD2)