

JAN 22 2010

A BILL FOR AN ACT

RELATING TO SUNRISE REVIEWS.

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

1 SECTION 1. Section 26H-6, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§26H-6 New regulatory measures.** (a) New regulatory
4 measures being considered for enactment that, if enacted, would
5 subject unregulated professions and vocations to licensing or
6 other regulatory controls shall be referred to the auditor for
7 analysis. Referral shall be by concurrent resolution that
8 identifies a specific legislative bill to be analyzed. The
9 analysis required by this section shall set forth the probable
10 effects of the proposed regulatory measure and assess whether
11 its enactment is consistent with the policies set forth in
12 section 26H-2. The analysis also shall assess alternative forms
13 of regulation. The auditor shall submit each report of analysis
14 to the legislature.

15 (b) The analysis required by this section shall be used
16 for advisory or informational purposes only and the legislature
17 shall not be bound by the auditor's findings. The requirements



1 of this section shall in no way waive or dilute the legislative
2 and policy making power vested in the legislature by article III
3 of the Hawaii State Constitution.

4 (c) The legislature may waive the requirements of
5 subsection (a) if the legislature finds that:

6 (1) The auditor has been unable or unwilling to conduct a
7 previously requested review of the proposed regulatory
8 measure;

9 (2) Immediate implementation of a proposed regulatory
10 measure is necessary to serve the interest of public
11 health, safety, or welfare; or

12 (3) An auditor's analysis is unnecessary because the
13 legislature possesses sufficient information to assess
14 the probable effects of a proposed regulatory measure
15 and to determine whether its enactment is consistent
16 with the policies set forth in section 26H-2."

17 SECTION 2. New statutory material is underscored.

18 SECTION 3. This Act shall take effect on July 1, 2010.

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Report Title:

Sunrise Review; Auditor

Description:

Clarifies that the statutorily required auditor's review of new regulatory measures does not interfere with the Legislature's constitutional legislative function and may be waived under specified circumstances.

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

