
A BILL FOR AN ACT

RELATING TO THE LEGISLATURE.

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

1 SECTION 1. The legislature finds that, unlike county
2 council members, state legislators have the authority to create
3 rules that can override the statutorily-imposed requirements of
4 Hawaii's open meetings law. Sometimes, however, operating under
5 such rules may hinder public input.

6 The purpose of this Act is to require the legislature to
7 follow certain fundamental principles of the sunshine law in
8 conducting its business, including:

- 9 (1) Requiring each legislative house to conduct a public
10 hearing on proposed legislative rules prior to
11 adoption;
- 12 (2) Requiring that correspondence, including messages from
13 the governor, submitted on a measure be considered and
14 treated as testimony on the measure;
- 15 (3) Instituting a forty-eight-hour public notice
16 requirement for public meetings and hearings;
- 17 (4) Requiring a new forty-eight-hour public notice



1 requirement and committee hearing for any bill draft
2 that drastically alters the contents of the
3 immediately preceding draft;

4 (5) Requiring that all floor votes, except on first
5 reading, be printed on the order of the day before
6 consideration;

7 (6) Requiring an affirmative vote of a majority of members
8 to which a house is entitled in order to suspend a
9 rule of that house; and

10 (7) Requiring the keeping of minutes for any committee
11 meeting, committee hearing, or floor session, or in
12 lieu of minutes, a committee report, journal, or video
13 recording.

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

17 **"PART . LEGISLATIVE PROVISIONS**

18 **§92- Testimony and public notice.** (a) Public notice
19 shall be provided at least forty-eight hours before any publicly
20 held legislative meeting or hearing. The forty-eight hour

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1 period shall exclude Sundays and state holidays.

2 (b) A house committee shall provide notice and conduct a
3 public hearing on any bill draft that, in the eyes of a
4 reasonable observer, constitutes an obvious deletion and
5 unrelated replacement of the purpose and contents of the
6 immediately preceding bill draft.

7 (c) All correspondence submitted on a measure, including
8 messages from the governor, shall be considered official
9 testimony for the record.

10 **§92- Minutes and alternatives to minutes.** (a) Each
11 committee hearing, committee meeting, and floor session shall
12 result in the publication of the written minutes of those
13 proceedings, unless an alternate method of recordation is used,
14 as provided in this section.

15 (b) A committee report of a measure may substitute for the
16 minutes of any discussion of that measure, provided that the
17 committee report, at a minimum, shall:

18 (1) State findings of facts and conclusions based thereon,
19 together with a distinct recommendation as to the
20 disposition of a matter;

21 (2) Clearly state the legislative intent and purpose of
22 the measure;



1 (3) Contain a record of the quorum present at the meeting
2 and a record of the votes of the members of the
3 committee on the bill or resolution as attested to by
4 the recorder, which may be attached to the report
5 as a part thereof; and

6 (4) Contain a listing of the supporters, opponents, and
7 commentators who submitted testimony on a measure.

8 (c) A journal entry may substitute for the minutes of a
9 floor discussion of any measure, and other proceedings held on
10 the floor, provided that the journal meets the requirements of
11 the Constitution of the State of Hawaii.

12 (d) A video recording may substitute for the minutes of a
13 committee discussion of any measure, and other proceedings held
14 during a committee meeting, committee hearing, or floor session,
15 so long as the recording is made available on a public website
16 free of charge to the general public.

17 **§92- Rules of the legislature.** Each legislative house
18 shall adopt official rules and policies only after a public
19 hearing is held on the proposed rules and policies and by a
20 majority vote of the members to which the house is entitled.
21 Suspension of a legislative rule by a house shall require an



1 affirmative vote of a majority of that house's members to which
2 that house is entitled.

3 **§92- Agenda and voting.** All items to be voted on by each
4 legislative house, except for first reading votes on bills,
5 shall be printed on the order of the day on the day before
6 consideration, including votes to agree to amendments from the
7 other house.

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

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

11 ~~[Notwithstanding any provisions contained in this chapter to the~~
12 ~~contrary, open]~~ Open meeting requirements, and provisions
13 regarding enforcement, penalties and sanctions, as they are to
14 relate to the state legislature or to any of its members shall
15 be ~~[such as shall be]~~ as provided for in part _____ and from time
16 to time prescribed by the respective rules and procedures of the
17 senate and the house of representatives, which rules and
18 procedures shall take precedence over this part. Similarly,
19 provisions relating to notice, agenda and minutes of meetings,
20 and such other requirements as may be necessary, shall also be
21 governed by part _____ and the respective rules and procedures of
22 the senate and the house of representatives."



H.B. NO. 1037

1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect upon its approval.
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INTRODUCED BY:

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JAN 22 2013



H.B. NO. 1037

Report Title:

Legislature; Notice; Hearings

Description:

Requires the legislature to follow fundamental principles of the Sunshine Law. Requires a forty-eight hour house notice requirement for all public meetings and hearings. Requires the keeping of minutes or reasonable alternatives to minutes.

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

