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# A BILL FOR AN ACT

RELATING TO PUBLIC HEARINGS.

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

1           SECTION 1. The legislature finds that state agencies are  
2 required to hold public hearings prior to the adoption,  
3 amendment, or repeal of Hawaii administrative rules. However,  
4 the Hawaii Revised Statutes do not require state agencies to  
5 hold public hearings in each county or on each island  
6 potentially affected by the adoption, amendment, or repeal of  
7 administrative rules.

8           The legislature further finds that there needs to be  
9 genuine public participation by residents and communities  
10 primarily impacted by proposed changes to the Hawaii  
11 administrative rules, including affording residents and  
12 communities of the neighbor islands ample opportunity to engage  
13 and participate in-person at public hearings. Furthermore, a  
14 meaningful opportunity for residents on each island to engage in  
15 discussion with state agencies is essential when proposed rules  
16 have a significant monetary impact on residents or communities  
17 of that island.

18           Accordingly, the purpose of this Act is to require:



1 (1) State agencies to hold public hearings in the county  
2 or counties that are primarily impacted by the  
3 proposed adoption, amendment, or repeal of any  
4 administrative rule; and

5 (2) At least one public hearing with thirty days' notice  
6 on each island with residents or communities on which  
7 the proposed rule will likely have a significant  
8 monetary impact.

9 SECTION 2. Section 91-3, Hawaii Revised Statutes, is  
10 amended by amending subsection (a) to read as follows:

11 "(a) Except as provided in subsection (f), prior to the  
12 adoption of any rule authorized by law, or the amendment or  
13 repeal thereof, the adopting agency shall:

14 (1) Give at least thirty days' notice for a public  
15 hearing. The notice shall include:

16 (A) A statement of the topic of the proposed rule  
17 adoption, amendment, or repeal or a general  
18 description of the subjects involved; and

19 (B) A statement that a copy of the proposed rule to  
20 be adopted, the proposed rule amendment, or the  
21 rule proposed to be repealed will be mailed to



1 any interested person who requests a copy, pays  
2 the required fees for the copy and the postage,  
3 if any, together with a description of where and  
4 how the requests may be made;

5 (C) A statement of when, where, and during what times  
6 the proposed rule to be adopted, the proposed  
7 rule amendment, or the rule proposed to be  
8 repealed may be reviewed in person; and

9 (D) The date, time, and place where the public  
10 hearing will be held and where interested persons  
11 may be heard on the proposed rule adoption,  
12 amendment, or repeal.

13 The notice shall be mailed to all persons who  
14 have made a timely written request of the agency for  
15 advance notice of its rulemaking proceedings, given at  
16 least once statewide for state agencies and in the  
17 county for county agencies. Proposed state agency  
18 rules shall also be posted on the Internet as provided  
19 in section 91-2.6; [~~and~~]

20 (2) Afford all interested persons opportunity to submit  
21 data, views, or arguments, orally or in writing. The



1 agency shall fully consider all written and oral  
2 submissions respecting the proposed rule. The agency  
3 may make its decision at the public hearing or  
4 announce then the date when it intends to make its  
5 decision. Upon adoption, amendment, or repeal of a  
6 rule, the agency, if requested to do so by an  
7 interested person, shall issue a concise statement of  
8 the principal reasons for and against its  
9 determination[-]; and

- 10 (3) Hold public hearings in the county, or counties,  
11 primarily impacted by the proposed rule; provided that  
12 if the proposed rule is likely to have a significant  
13 monetary impact on residents or communities of a  
14 particular island, at least one public hearing shall  
15 be conducted with thirty days' notice on that island.  
16 A public hearing may be supplemented by means of the  
17 Internet, teleconference, videoconference, or other  
18 electronic communication technology; provided that if  
19 electronic communications between locations are  
20 interrupted or terminated, the in-person public  
21 hearing may continue and the interruption or failure



1           of electronic communications shall not be a basis for  
2           challenging the rulemaking process."

3           SECTION 3. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5           SECTION 4. This Act shall take effect upon its approval.



**Report Title:**

Administrative Procedure; Administrative Rules; Public Hearings

**Description:**

Requires state agencies to hold public hearings in the county, or counties, primarily impacted by the proposed adoption, amendment, or repeal of any administrative rule. Requires at least one public hearing with thirty days' notice on each island with residents or communities on which a proposed rule will likely have a significant monetary impact. (SD1)

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

