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# A BILL FOR AN ACT

RELATING TO LEGISLATIVE PROVISIONS.

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

- 1           SECTION 1. The purpose of this Act is to:
- 2           (1) Require the legislature to follow certain fundamental
- 3           principles of the sunshine law, including:
- 4           (A) Requiring a majority vote to suspend a
- 5           legislative rule;
- 6           (B) Requiring that proposed amendments to a bill be
- 7           germane to the subject of the bill proposition,
- 8           section, or paragraph to be amended; and
- 9           (C) Requiring that all floor votes, except on first
- 10          reading, be printed on the order of the day
- 11          before consideration; and
- 12          (2) Specify that correspondence received by the
- 13          legislature or any of its single or joint committees
- 14          on a measure is testimony on the measure and subject
- 15          to disclosure as a public record under the Uniform
- 16          Information Practices Act.



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

4 "PART . LEGISLATIVE PROVISIONS

5 §92- Rules of the legislature. Each legislative house  
6 shall adopt official rules and policies by a majority vote. A  
7 majority vote shall be taken before suspending any legislative  
8 rule.

9 §92- Amendments shall be germane. Every amendment  
10 proposed on a bill shall be germane to the subject of the  
11 proposition, section, or paragraph to be amended.

12 §92- Agenda and voting. All items to be voted on by  
13 each legislative house, except for first reading votes on bills,  
14 shall be printed on the order of the day before consideration,  
15 including votes to agree to amendments from the other house."

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

18 "§92-10 Legislative branch; applicability.

19 Notwithstanding any provisions contained in this chapter to the  
20 contrary, open meeting requirements, and provisions regarding  
21 enforcement, penalties, and sanctions, as they are to relate to



1 the state legislature or to any of its members shall be [~~such as~~  
2 ~~shall be~~] as from time to time prescribed by the respective  
3 rules and procedures of the senate and the house of  
4 representatives, which rules and procedures shall take  
5 precedence over this part[-], except as provided in part  
6 of this chapter. Similarly, provisions relating to notice,  
7 agenda and minutes of meetings, and [~~such~~] other requirements as  
8 may be necessary, shall also be governed by the respective rules  
9 and procedures of the senate and the house of representatives."

10 SECTION 4. Section 92F-12, Hawaii Revised Statutes, is  
11 amended by amending subsection (a) to read as follows:

12 "(a) Any other provision in this chapter to the contrary  
13 notwithstanding, each agency shall make available for public  
14 inspection and duplication during regular business hours:

15 (1) Rules of procedure, substantive rules of general  
16 applicability, statements of general policy, and  
17 interpretations of general applicability adopted by  
18 the agency;

19 (2) Final opinions, including concurring and dissenting  
20 opinions, as well as orders made in the adjudication



- 1 of cases, except to the extent protected by section
- 2 92F-13(1);
- 3 (3) Government purchasing information, including all bid
- 4 results, except to the extent prohibited by section
- 5 92F-13;
- 6 (4) Pardons and commutations, as well as directory
- 7 information concerning an individual's presence at any
- 8 correctional facility;
- 9 (5) Land ownership, transfer, and lien records, including
- 10 real property tax information and leases of state
- 11 land;
- 12 (6) Results of environmental tests;
- 13 (7) Minutes of all agency meetings required by law to be
- 14 public;
- 15 (8) Name, address, and occupation of any person borrowing
- 16 funds from a state or county loan program, and the
- 17 amount, purpose, and current status of the loan;
- 18 (9) Certified payroll records on public works contracts
- 19 except social security numbers and home addresses;
- 20 (10) Regarding contract hires and consultants employed by
- 21 agencies:



- 1 (A) The contract itself, the amount of compensation;
- 2 (B) The duration of the contract; and
- 3 (C) The objectives of the contract,
- 4 except social security numbers and home addresses;
- 5 (11) Building permit information within the control of the
- 6 agency;
- 7 (12) Water service consumption data maintained by the
- 8 boards of water supply;
- 9 (13) Rosters of persons holding licenses or permits granted
- 10 by an agency that may include name, business address,
- 11 type of license held, and status of the license;
- 12 (14) The name, compensation (but only the salary range for
- 13 employees covered by or included in chapter 76, and
- 14 sections 302A-602 to 302A-639, and 302A-701, or
- 15 bargaining unit (8)), job title, business address,
- 16 business telephone number, job description, education
- 17 and training background, previous work experience,
- 18 dates of first and last employment, position number,
- 19 type of appointment, service computation date,
- 20 occupational group or class code, bargaining unit
- 21 code, employing agency name and code, department,



1 division, branch, office, section, unit, and island of  
2 employment, of present or former officers or employees  
3 of the agency; provided that this paragraph shall not  
4 require the creation of a roster of employees; and  
5 provided further that this paragraph shall not apply  
6 to information regarding present or former employees  
7 involved in an undercover capacity in a law  
8 enforcement agency;

9 (15) Information collected and maintained for the purpose  
10 of making information available to the general public;  
11 [~~and~~]

12 (16) Information contained in or compiled from a  
13 transcript, minutes, report, or summary of a  
14 proceeding open to the public[-]; and

15 (17) All correspondence received by the legislature or any  
16 of its single or joint committees on a measure, which  
17 shall be considered testimony on the measure."

18 SECTION 5. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.

20 SECTION 6. This Act shall take effect upon its approval.



**Report Title:**

Sunshine Law; Legislative Requirements; Public Records

**Description:**

Requires the legislature to follow fundamental principles of the sunshine law, including: requiring a majority vote to suspend legislative rules; requiring proposed amendments on a measure to be germane to the text to be amended; and requiring all floor votes to be printed on the order of the day before consideration. Specifies that correspondence received by the legislature or any of its committees on a measure is testimony on the measure and subject to disclosure as a public record.

(SD1)

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

