

OFFICE OF INFORMATION PRACTICES

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To: Senate Committee on Government Operations

From: Cheryl Kakazu Park, Director

Date: January 31, 2019, 2:45 p.m.
State Capitol, Conference Room 225

Re: Testimony on S.B. No. 678
Relating to Legislative Provisions

Thank you for the opportunity to submit testimony on this bill, which would set out new statutory requirements for legislative procedures. The Office of Information Practices (OIP) takes no position on this bill, as the question of whether to codify legislative procedural requirements is a policy call for the Legislature to make. However, because this bill (at page 3, lines 9-10) refers to the proposed new statutory requirements as being an exception to the Sunshine Law's existing legislative exemption, section 92-10, HRS, OIP wishes to make clear to this Committee that enforcement or administration of the proposed statutory requirements would not be within OIP's jurisdiction. OIP administers only part I of chapter 92, not the entirety of chapter 92, so it would not have jurisdiction to advise or accept complaints regarding the new part in chapter 92 that would be created by this bill.

Thank you for the opportunity to testify.

THE CIVIL BEAT
LAW CENTER FOR THE PUBLIC INTEREST

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Senate Committee on Government Operations
Honorable Laura H. Thielen, Chair
Honorable Lorraine R. Inouye, Vice Chair

RE: Testimony in Support of S.B. 678, Relating to Legislative Provisions
Hearing: January 31, 2019 at 2:45 p.m.

Dear Chair and Members of the Committee:

My name is Brian Black. I am the Executive Director of the Civil Beat Law Center for the Public Interest, a nonprofit organization whose primary mission concerns solutions that promote governmental transparency. Thank you for the opportunity to submit testimony **supporting S.B. 678**.

The Law Center supports all efforts to make the legislative process more accessible to the public.¹

Please consider the anticipated consequences for violations. The intent is not clear from the current bill.

Because it concerns documents, we would recommend moving the provision regarding “testimony” to be a new subparagraph of HRS § 92F-12(a). To the extent that the Committee intends for all bill-related committee correspondence to be public record, that intent would be best served by amending section 92F-12(a), which identifies some categories of government records that must be disclosed to the public.

Thank you again for the opportunity to testify in **support** of S.B. 678.

¹ As it concerns the issue of “germane” amendments, the Law Center notes that currently pending litigation raises the question whether there is a *constitutional* requirement that bill amendments be germane to the original subject of a measure.

SB-678

Submitted on: 1/28/2019 10:17:09 PM

Testimony for GVO on 1/31/2019 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
lynne matusow	Individual	Support	No

Comments:

long overdue. this would get rid of the disgraceful gut and replace and help restore trust in government. what I would really like is for th elegislature to be subject from the sunshine law, not exempt as it is now.

lynne matusow



Jan. 31, 2019

Sen. Laura Thielen
Chairwoman, Senate Government Operations Committee
State Capitol
Honolulu, HI

Re: Senate Bill 678

Sen. Thielen and Committee Members:

We support SB 678 as a means to make the operations of the Legislature more transparent.

The measure would go a long way to establish understanding of the Legislature and open its process to the public.

Thank you for your time and attention,

Stirling Morita
President
Hawaii Chapter SPJ



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SENATE COMMITTEE ON GOVERNMENT OPERATIONS
Thursday, January 31, 2019 2:45 PM Hearing in State Capitol Room 404

SENATE BILL 678, RELATING TO LEGISLATIVE PROVISIONS

TESTIMONY

Douglas Meller, Legislative Committee, League of Women Voters of Hawaii

Chair Thielen and Committee Members:

The League of Women Voters of Hawaii supports SB 955 which would require a majority vote before suspending any legislative rule; prohibit bill amendments if not germane to the subject of the proposition, section, or paragraph to be amended; require that correspondence received by the Legislature or its committees on any measure be treated as testimony on that measure; and require advance notice of floor votes (except for first reading votes) on the order of the day.

The League believes that SB 955 is necessary to discourage non-germane “gut and replace” bill amendments. We also believe SB 955 is necessary to encourage public disclosure of written correspondence received by conference committees on legislative measures.

Thank you for the opportunity to submit testimony.



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COMMITTEE ON GOVERNMENT OPERATIONS

Senator Laura H. Thielen, Chair

Senator Lorraine R. Inouye, Vice Chair

DATE: Thursday, January 31, 2019

TIME: 2:45 p.m.

PLACE: Conference Room 225

SB 678 RELATING TO LEGISLATIVE PROVISIONS.

SUPPORT

Aloha Chair Thielen, Vice Chair Inouye, and Members of the Committee

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 bill to be germane to the text to be amended; requiring correspondence on measures to be considered testimony; and requiring the posting, on the order of the day, of votes by a house to agree to amendments made by the other house.

Life of the Land is Hawai`i's own energy, environmental and community action group advocating for the people and `aina for 47 years. Our mission is to preserve and protect the life of the land through sound energy and land use policies and to promote open government through research, education, advocacy and, when necessary, litigation.

The measures proposed are all common sense, promoting transparency and accountability.

Mahalo

Henry Curtis

Executive Director

Larry Geller
Honolulu, HI 96817

SB678
GVO
Thursday, January 31, 2019
2:45 p.m.
Room 225

COMMITTEE ON GOVERNMENT
OPERATIONS

Senator Laura H. Thielen, Chair
Senator Lorraine R. Inouye, Vice Chair

January 30, 2019

Re: HB678 Relating to Legislative Provisions

In Strong Support

Dear Sen. Thielen, Sen. Inouye and members of the Committee:

Current controversies in Washington, DC have sparked discussion on social media around who is “above the law”. It does not seem right that government officials appear to feel or act in ways that give the public the impression that they are not subject to the rule of law.

Of course, legislative bodies can exempt themselves from certain provisions of the law.

There may be good reason to do that, but the public may be concerned nevertheless.

Is exemption from a law just another way of saying “laws don’t apply to us”?

This bill would bring several simple rule changes that will bring legislative procedures more in line with some principles of Hawaii’s Sunshine Law.

Among those is one that would prohibit the practice known as “gut-and-replace”. This long-standing practice is the perennial target of good government groups and individuals. It is about time to end it.

In a democracy, government must function under a presumption of openness. Open government instills public trust.

Larry Geller
Honolulu



This image is from a 2006 petition campaign which encouraged some rule changes in the House and Senate



Hawaii


Holding Power Accountable

Common Cause Hawaii • 307A Kamani St. • Honolulu, HI 96813 • 808.275.6275

January 29, 2019

TESTIMONY IN SUPPORT OF SB 678
SENATE COMMITTEE ON GOVERNMENT OPERATIONS
JANUARY 31, 2019 at 2:45

TO: Chair Laura Thielen, Vice Chair Lorraine Inouye and members of the committee

FROM: Barbara Polk, on behalf of the Board of Common Cause Hawaii 

Thank you for hearing this bill, that would institute greater transparency and democracy in legislative procedures. Common Cause Hawaii strongly supports this bill.

The matters addressed in this bill are ones that have been particular concerns of members of the public in working with the legislature. It is far preferable for the legislature itself to institute these measures, and I hope your colleagues throughout the legislature will see the need for these requirements and support them.

We would request that you amend the bill to also address the titles of bills, which are often so vague that it is difficult to know what they cover. This creates problems especially at the beginning of the legislature where one might want to know if there are any bills introduced in a particular area of concern and has to plow through numerous bills using the same title, but addressing different subject matter. Using titles that clearly identify the content of a bill would greatly help the public locate bills of interest when skimming through hearing notices, and avoid sending testimony on the wrong bill.

We urge you to pass SB 678

Thank you for your consideration.

SB-678

Submitted on: 1/30/2019 2:30:44 PM

Testimony for GVO on 1/31/2019 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Testifying for O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments:

SB-678

Submitted on: 1/30/2019 4:16:24 PM

Testimony for GVO on 1/31/2019 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Nancy Davlantes	Individual	Support	No

Comments:

It's about time that the legislature plays by the same rules as the neighborhood boards, city councils, and other deliberative bodies. It would go a long way to addressing long-standing citizen concerns about the lack of transparency that currently allows much of what transpires at the Capitol to take place behind closed doors.