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LEGISLATIVE REFERENCE BUREAU
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Written Comments

SCR168/SR194

**REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A
STUDY ON THE FEASIBILITY OF A CONTINUOUS LEGISLATIVE SESSION.**

Charlotte A. Carter-Yamauchi, Director
Legislative Reference Bureau

Presented to the Senate Committee on Government Operations

Tuesday, March 28, 2023, 3:00 p.m.
Conference Room 225 & Via Videoconference

Chair McKelvey and Members of the Committee:

Good afternoon Chair McKelvey and members of the Committee. My name is Charlotte Carter-Yamauchi, and I am the Director of the Legislative Reference Bureau (Bureau). Thank you for providing the opportunity to submit written **comments** on S.C.R. No. 168/S.R. No. 194, Requesting the Legislative Reference Bureau To Conduct a Study on the Feasibility of a Continuous Legislative Session.

The purpose of this measure is to request that the Bureau:

- (1) Conduct a study on the feasibility of a continuous legislative session;
- (2) Examine functions of continuous legislatures in other states in comparison to Hawaii;
- (3) Determine, if any, an increase in productivity of the legislative session by allowing more time for the legislative process; and
- (4) Submit the study to the Legislature no later than twenty days prior to the convening of the Regular Session of 2024.

The Bureau takes no position on this measure but submits the following comments for your consideration.

The Bureau has serious concerns with the measure, in that it provides little guidance on how to execute its intent. The measure's reference to the "the feasibility of a continuous legislative session" is unclear. Generally anything is "feasible" as long as adequate resources are made available. Furthermore, the Bureau notes that the measure's request for a examination of "functions of continuous legislatures in other states" needs clarification, since all legislatures pass legislation as a function of their duties. It is completely unclear what other "function" may be intended or, indeed, whether a continuous Legislature has other, additional functions that a Legislature with a limited session would not have.

The Bureau further notes that the measure's request for a determination on whether allowing more time for the legislative process may result in "an increase in productivity of the legislative session" does not identify the specific parameters by which productivity should be evaluated. One possible parameter is the increase in the amount of bills introduced or passed each year; however, an increase in bills does not necessarily equate to an increase in productivity. Further, we note that other states' positive or negative experiences with continuous legislative sessions may not necessarily be replicated in Hawaii.

In light of the foregoing concerns, the Bureau requests that the measure either be amended to explicitly provide instructions on how productivity should be measured, or that the scope of the study be narrowed to a summary of laws in other states that provide for the continuous session of their legislatures and, to the extent such information is available, the policy reasons for those states' laws.

If the measure is amended to address the Bureau's concerns, then the Bureau believes that its amended responsibilities could be manageable, provided that the Bureau's interim workload is not adversely impacted by too many other studies or additional responsibilities, such as conducting studies, writing or finalizing other reports, drafting legislation, or any combination of these for the Legislature or for other state agencies, task forces, or working groups that may be requested or required under other legislative measures.

Thank you again for the opportunity to submit written comments.