



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-SECOND LEGISLATURE, 2024**

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 2281, PROPOSING AMENDMENTS TO ARTICLE III OF THE HAWAII STATE CONSTITUTION TO ESTABLISH A CONTINUOUS LEGISLATIVE SESSION.

**BEFORE THE:**

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

**DATE:** Tuesday, February 6, 2024      **TIME:** 3:10 p.m.

**LOCATION:** State Capitol, Room 225 and Videoconference

**TESTIFIER(S):** Anne E. Lopez, Attorney General, or  
Robyn B. Chun, Deputy Attorney General

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Chair McKelvey and Members of the Committee:

The Department of the Attorney General provides the following comments on this bill.

The bill proposes amendments to Art. III of the State Constitution to, among other things, establish a year-round Legislature.

In addition to establishing a year-round Legislature, the bill prohibits legislators from employment outside of the Legislature. Although not expressly stated in the bill, it is necessarily implied that the legislators' salaries and staff salaries will change to reflect their year-round employment. Currently, legislators' salaries are set by the Commission on Salaries. See Haw. Const. art. XVI, § 3.5, Section 26-56, Hawaii Revised Statutes. Should the Committee decide to pass this bill, the Committee may wish to amend the bill to reflect that the annual salaries of the legislators and their staffs may need to be increased while the Commission on Salaries is not convened.

If the Committee decides to address the annual salaries of the legislators and their staffs in the bill, the bill should be revised to address the anticipated change in appropriations needed.

Thank you for the opportunity to provide these comments.

# OFFICE OF INFORMATION PRACTICES

STATE OF HAWAII  
NO. 1 CAPITOL DISTRICT BUILDING  
250 SOUTH HOTEL STREET, SUITE 107  
HONOLULU, HAWAII 96813  
TELEPHONE: 808-586-1400 FAX: 808-586-1412  
EMAIL: oip@hawaii.gov

To: Senate Committee on Government Operations

From: Cheryl Kakazu Park, Director

Date: February 6, 2024, 3:10 p.m.  
State Capitol, Conference Room 225

Re: Testimony on S.B. No. 2281  
Proposing Amendments to Article III of the Hawaii State Constitution  
to Establish a Continuous Legislative Session

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Thank you for the opportunity to submit testimony on this bill, which would establish a continuous legislative session and would make the Legislature subject to part I of chapter 92, the Sunshine Law. The Office of Information Practices (OIP) offers comments on the Sunshine Law portion of this bill.

The Legislature can and has amended its rules from time to time to provide for greater public access. OIP recognizes that any potential for greater public access to and participation in the Legislature's proceedings if it were subject to the Sunshine Law must be balanced against the inherent logistical challenges of applying, to a two-chamber Legislature with over 80 total members, a set of requirements written for much smaller and unicameral bodies. OIP therefore believes that the question of what public access standards the Legislature follows and their enforcement is appropriately left to the Legislature itself to determine.

Thank you for considering OIP's testimony.

**SB-2281**

Submitted on: 2/1/2024 5:56:03 PM

Testimony for GVO on 2/6/2024 3:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Justin Silva	Individual	Support	Written Testimony Only

Comments:

Establishes a continuous Legislature. Requires the Legislature to convene at least once a month. Removes language regarding special sessions, adjournment, and recesses. Creates a two-year deadline for a bill to be submitted for gubernatorial consideration. Standardizes the number of days that the Governor must approve or veto a bill submitted for consideration. Requires the passage of the legislative budget within 45 days before the end of each fiscal year. Makes members of the Legislature subject to the sunshine law. Prohibits members of the Legislature from having employment other than their work as members of the Legislature.

**SB-2281**

Submitted on: 2/1/2024 8:22:47 PM

Testimony for GVO on 2/6/2024 3:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Robert Culbertson	Testifying for HULI PAC	Support	Written Testimony Only

Comments:

Aloha Senators!

Please help move SB 2281 as one of the essential reforms to further professionalize lawmaking and address the immense task of governing in these times of perpetual crises!

Mahalo Nui Loa!

R A Culbertson,

for HULI PAC, Hawaii Island

**SB-2281**

Submitted on: 2/1/2024 10:50:42 PM

Testimony for GVO on 2/6/2024 3:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Brett Kulbis	Individual	Oppose	Written Testimony Only

Comments:

While I understand the intent of SB 2281, I find it convenient that this bill comes just in time before the Salary Commission (2025) is required to meet per Article XVI of the State Constitution, and propose salary adjustments. Wouldn't it not be nice if when the Salary Commission meets next year the legislature is now a full time position.

Additionally, the sections that subject the legislature to the sunshine law; and prohibits members of the legislature from having employment other than their work as members of the legislature, could easily be addressed without a constitutional amendment.

**SB-2281**

Submitted on: 2/3/2024 2:36:56 PM

Testimony for GVO on 2/6/2024 3:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
lynne matusow	Individual	Support	Written Testimony Only

Comments:

I am in full support. A full time legislature will enable introduction of bills as their need is discovered. This past week there were calls for bills to be introduced regarding safety of building balconies, after one collapsed onto the beach at the Moana Surf rider. Alas, it was too late as the deadline to introduce bills had passed. This will also enable the legislature to follow the Sunshine Law. Please move this bill forward.

**SB-2281**

Submitted on: 2/4/2024 12:29:25 PM

Testimony for GVO on 2/6/2024 3:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
L Toriki	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill.

Changes to the State Constitution should be included on the ballot and voted upon by the majority of eligible voters in our State.



Senate Committee on Government Operations  
Honorable Angus L.K. McKelvey, Chair  
Honorable Mike Gabbard, Vice Chair

**RE: Testimony in support of S.B. 2281, Proposing Amendments to Article III of the Hawai`i State Constitution to Establish a Continuous Legislative Session**

Hearing: February 6, 2024 at 3:10 p.m.

Dear Chair and Members of the Committee:

My name is Ben Creps. I am a staff attorney at the Public First Law Center, a nonprofit organization that promotes government transparency.

Thank you for the opportunity to submit testimony **in support of** S.B. 2281. This measure proposes, *inter alia*, a constitutional amendment to establish a continuous legislative session subject to Hawai`i Revised Statutes chapter 92.

At present, the break-neck speed of the legislative session inhibits the public's ability to engage in an informed and effective manner. By slowing down the legislative process and incorporating Sunshine Law requirements, S.B. 2281 would provide greater opportunities for informed public participation in the law-making process.

Thank you again for the opportunity to testify in support of S.B. 2281.

