

JAN 19 2024

A BILL FOR AN ACT

RELATING TO THE OFFICE OF THE LIEUTENANT GOVERNOR.

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

1 PART I

2 SECTION 1. The Hawaii Revised Statutes is amended by
3 adding a new chapter to be appropriately designated and to read
4 as follows:

5 "CHAPTER

6 APOSTILLES AND CERTIFICATIONS

7 § -1 **Definitions.** As used in this chapter, unless the
8 context otherwise requires:

9 "Apostille" means a certification issued to authenticate
10 documents pursuant to the Hague Treaty.

11 "Hague Treaty" refers to the convention, adopted in the
12 Hague in 1961, that created a simplified form of document
13 certification for countries that joined the convention.

14 "Non-apostille certification" means a certification issued
15 by the lieutenant governor to authenticate a document for a
16 country that does not recognize the Hague Treaty.



1 § -2 **Fee.** (a) The lieutenant governor shall assess a
2 fee of \$10 for each apostille or non-apostille certification
3 issued.

4 (b) Moneys collected for the issuance of apostilles or
5 non-apostille certifications shall be deposited into the
6 apostilles and certifications special fund established pursuant
7 to section -3.

8 § -3 **Apostilles and certifications special fund;**

9 **established.** (a) There is established the apostilles and
10 certifications special fund, which shall be administered by the
11 office of the lieutenant governor.

12 (b) The following shall be deposited into the special
13 fund:

14 (1) All fees assessed for the issuance of apostilles and
15 non-apostille certifications pursuant to

16 section -2;

17 (2) Any interest earned or accrued on moneys in the
18 special fund; and

19 (3) Moneys appropriated by the legislature.

20 (c) The office of the lieutenant governor may expend
21 moneys in the apostilles and certifications special fund for



1 operational expenses, including but not limited to postage and
2 supplies."

3 SECTION 2. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$10,000 or so much
5 thereof as may be necessary for fiscal year 2024-2025 to be
6 deposited into the apostilles and certifications special fund.

7 PART II

8 SECTION 3. Section 91-2.6, Hawaii Revised Statutes, is
9 amended by amending subsection (a) to read as follows:

10 "(a) Beginning January 1, 2000, all state agencies,
11 through the office of the lieutenant governor, shall make
12 available on the website of the office of the lieutenant
13 governor each proposed rulemaking action of the agency and the
14 full text of the agency's proposed rules or changes to existing
15 rules[~~-~~] in Ramseyer format, showing the proposed language for
16 repeal by brackets and strike-through and the proposed new
17 material by underscoring, including citation to any existing
18 rule or part thereof affected by the proposed repeal or new
19 material, and using parallel columns or other appropriate
20 stylistic devices to aid the reader. The full text of the
21 agency's proposed rules shall be in a digitally accessible and



1 searchable format. The internet website shall provide
2 instructions regarding how to download the information regarding
3 proposed rulemaking actions and the full text of the agency's
4 proposed rules."

5 SECTION 4. Section 91-3, Hawaii Revised Statutes, is
6 amended by amending subsection (a) to read as follows:

7 "(a) Except as otherwise provided in this section, prior
8 to the adoption of any rule authorized by law, or the amendment
9 or repeal thereof, the adopting agency shall:

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

12 (A) A statement of the topic of the proposed rule
13 adoption, amendment, or repeal or a general
14 description of the subjects involved; ~~and~~

15 (B) A statement that a copy of the proposed rule to
16 be adopted, the proposed rule amendment, or the
17 rule proposed to be repealed will be mailed to
18 any interested person who requests a copy~~[7]~~ and
19 pays the required fees for the copy and the
20 postage, if any, together with a description of
21 where and how the requests may be made;



1 (C) A statement of when, where, and during what times
2 the proposed rule to be adopted, the proposed
3 rule amendment, or the rule proposed to be
4 repealed may be reviewed in person; and

5 (D) The date, time, and place where the public
6 hearing will be held and where interested persons
7 may be heard on the proposed rule adoption,
8 amendment, or repeal.

9 The notice shall be mailed and electronically
10 provided to all persons who have made a timely written
11 request of, and provided a valid working email address
12 to, the agency for advance notice of its rulemaking
13 proceedings, given at least once statewide for state
14 agencies and in the county for county agencies.

15 Proposed state agency rules shall also be posted on
16 the Internet as provided in section 91-2.6; and

17 (2) Afford all interested persons an opportunity to submit
18 data, views, or arguments, orally or in writing. The
19 agency shall fully consider all written and oral
20 submissions respecting the proposed rule. The agency
21 may make its decision at the public hearing or



1 announce [~~then~~] the date [~~when~~] it intends to make its
2 decision. Upon adoption, amendment, or repeal of a
3 rule, the agency, if requested to do so by an
4 interested person, shall issue a concise statement of
5 the principal reasons for and against its
6 determination."

7 SECTION 5. Section 91-4, Hawaii Revised Statutes, is
8 amended by amending subsection (a) to read as follows:

9 "(a) Each agency adopting, amending, or repealing a rule,
10 upon approval thereof by the governor or the mayor of the
11 county, shall file forthwith certified copies thereof with the
12 lieutenant governor in the case of the State, or with the clerk
13 of the county in the case of a county. In addition, the clerks
14 of all of the counties shall file forthwith certified copies
15 thereof with the lieutenant governor. A permanent register of
16 the rules, open to public inspection, shall be kept by the
17 lieutenant governor and the clerks of the counties. All state
18 agencies, through the office of the lieutenant governor, shall
19 make available on the website of the office of the lieutenant
20 governor, the rule being adopted, amended, or repealed, showing
21 in Ramseyer format the proposed language for repeal by brackets



1 and strike-through and the proposed new material by
2 underscoring, including citation to any existing rule or part
3 thereof affected by the proposed repeal or new material, and
4 using parallel columns or other appropriate stylistic devices to
5 aid the reader. The full text of the agency's proposed rules
6 shall be in a digitally accessible and searchable format."

7 SECTION 6. In accordance with section 9 of article VII of
8 the Hawaii State Constitution and sections 37-91 and 37-93,
9 Hawaii Revised Statutes, the legislature has determined that the
10 appropriations contained in Act 164, Regular Session of 2023,
11 and this Act will cause the state general fund expenditure
12 ceiling for fiscal year 2024-2025 to be exceeded by
13 \$ or per cent. This current declaration takes
14 into account general fund appropriations authorized for fiscal
15 year 2024-2025 in Act 164, Regular Session of 2023, and this Act
16 only. The reasons for exceeding the general fund expenditure
17 ceiling are that:

- 18 (1) The appropriations made in this Act is necessary to
19 serve the public interest; and
20 (2) The appropriations made in this Act meets the needs
21 addressed by this Act.



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PART III

SECTION 7. There is appropriated out of the general revenues of the State of Hawaii the sum of \$ or so much thereof as may be necessary for fiscal year 2024-2025 for the project for centralization of the full text of the Hawaii Administrative Rules for public access on the lieutenant governor's website, to be allocated as follows:

(1) \$ for the establishment of two full-time equivalent (2.0 FTE) positions within the office of the lieutenant governor for implementation and maintenance of the project; and

(2) \$ for the construction and maintenance of new website components necessary for the project.

The sum appropriated shall be expended by the office of the lieutenant governor for the purposes of this part.

SECTION 8. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 9. This Act shall take effect on July 1, 2024.

INTRODUCED BY: *[Signature]*



S.B. NO. 2816

Report Title:

Office of the Lieutenant Governor; Apostilles; Certifications; Fees; Special Fund; Administrative Rules; Public Information; Electronic Notice; Accessibility; Expenditure Ceiling; Positions; Appropriations

Description:

Establishes: (1) a fee of \$10 for the issuance of an apostille or non-apostille certification; and (2) the Apostilles and Certifications Special Fund. Authorizes the Office of the Lieutenant Governor to expend moneys in the special fund for operational expenses. Requires all state agencies to: (1) before adopting, amending, or repealing an administrative rule, provide electronic notice of the proposed rulemaking to certain persons; (2) when adopting, amending, or repealing an administrative rule, display changes to the rules in Ramseyer format; and (3) make the full text of their rules available on the Office of the Lieutenant Governor's internet website in a digitally accessible and searchable format. Establishes positions. Makes appropriations.

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