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# 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 office of the lieutenant governor  
2 shall charge and collect a fee for each apostille or non-  
3 apostille certification issued. The office of the lieutenant  
4 governor shall establish fees pursuant to section   -4.

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

9           §   -3 **Apostilles and certifications special fund;**  
10 **established.** (a) There is established in the state treasury  
11 the apostilles and certifications special fund, which shall be  
12 administered by the office of the lieutenant governor.

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

15           (1) All fees collected pursuant to section   -2;

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

18           (3) Moneys appropriated by the legislature.

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





1           "(a) Beginning January 1, 2000, all state agencies,  
2 through the office of the lieutenant governor, shall make  
3 available on the website of the office of the lieutenant  
4 governor each proposed rulemaking action of the agency and the  
5 full text of the agency's proposed rules or changes to existing  
6 rules[-] in Ramseyer format, showing the proposed language for  
7 repeal by brackets and strike-through and the proposed new  
8 material by underscoring, including citation to any existing  
9 rule or part thereof affected by the proposed repeal or new  
10 material, and using parallel columns or other appropriate  
11 stylistic devices to aid the reader. The full text of the  
12 agency's proposed rules shall be in a digitally accessible and  
13 searchable format. The internet website shall provide  
14 instructions regarding how to download the information regarding  
15 proposed rulemaking actions and the full text of the agency's  
16 proposed rules."

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

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



- 1           (1) Give at least thirty days' notice for a public  
2           hearing. The notice shall include:
- 3           (A) A statement of the topic of the proposed rule  
4           adoption, amendment, or repeal or a general  
5           description of the subjects involved; ~~and~~
- 6           (B) A statement that a copy of the proposed rule to  
7           be adopted, the proposed rule amendment, or the  
8           rule proposed to be repealed will be mailed to  
9           any interested person who requests a copy~~[7]~~ and  
10          pays the required fees for the copy and the  
11          postage, if any, together with a description of  
12          where and how the requests may be made;
- 13          (C) A statement of when, where, and during what times  
14          the proposed rule to be adopted, the proposed  
15          rule amendment, or the rule proposed to be  
16          repealed may be reviewed in person; and
- 17          (D) The date, time, and place where the public  
18          hearing will be held and where interested persons  
19          may be heard on the proposed rule adoption,  
20          amendment, or repeal.



1           The notice shall be mailed and electronically  
2           provided to all persons who have made a timely written  
3           request of, and provided a valid working email address  
4           to, the agency for advance notice of its rulemaking  
5           proceedings, given at least once statewide for state  
6           agencies and in the county for county agencies.

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

9           (2) Afford all interested persons an opportunity to submit  
10           data, views, or arguments, orally or in writing. The  
11           agency shall fully consider all written and oral  
12           submissions respecting the proposed rule. The agency  
13           may make its decision at the public hearing or  
14           announce [~~then~~] the date [~~when~~] it intends to make its  
15           decision. Upon adoption, amendment, or repeal of a  
16           rule, the agency, if requested to do so by an  
17           interested person, shall issue a concise statement of  
18           the principal reasons for and against its  
19           determination."

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



1           "(a) Each agency adopting, amending, or repealing a rule,  
2 upon approval thereof by the governor or the mayor of the  
3 county, shall file forthwith certified copies thereof with the  
4 lieutenant governor in the case of the State, or with the clerk  
5 of the county in the case of a county. In addition, the clerks  
6 of all of the counties shall file forthwith certified copies  
7 thereof with the lieutenant governor. A permanent register of  
8 the rules, open to public inspection, shall be kept by the  
9 lieutenant governor and the clerks of the counties. All state  
10 agencies, through the office of the lieutenant governor, shall  
11 make available on the website of the office of the lieutenant  
12 governor, the rule being adopted, amended, or repealed, showing  
13 in Ramseyer format the proposed language for repeal by brackets  
14 and strike-through and the proposed new material by  
15 underscoring, including citation to any existing rule or part  
16 thereof affected by the proposed repeal or new material, and  
17 using parallel columns or other appropriate stylistic devices to  
18 aid the reader. The full text of the agency's proposed rules  
19 shall be in a digitally accessible and searchable format."

20           SECTION 7. There is appropriated out of the general  
21 revenues of the State of Hawaii the sum of \$                    or so



1 much thereof as may be necessary for fiscal year 2024-2025 for  
2 the project for centralization of the full text of the Hawaii  
3 Administrative Rules for public access on the lieutenant  
4 governor's website, to be allocated as follows:

5 (1) § for the establishment of two full-time  
6 equivalent (2.0 FTE) positions within the office of  
7 the lieutenant governor for implementation and  
8 maintenance of the project; and

9 (2) § for the construction and maintenance of  
10 new website components necessary for the project.

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

13 PART III

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



1 year 2024-2025 in Act 164, Regular Session of 2023, and this Act  
2 only. The reasons for exceeding the general fund expenditure  
3 ceiling are that:

4 (1) The appropriations made in this Act is necessary to  
5 serve the public interest; and

6 (2) The appropriations made in this Act meets the needs  
7 addressed by this Act.

8 SECTION 9. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

10 SECTION 10. This Act shall take effect on July 1, 2112.



**Report Title:**

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

**Description:**

Part I: Requires the Office of the Lieutenant Governor to set a fee for the issuance of an apostille or a non-apostille certification by administrative rule. Establishes the Apostilles and Certifications Special Fund. Appropriates funds into and out of the Apostilles and Certifications Special Fund. Authorizes the Office of the Lieutenant Governor to adopt rules for the administration of apostilles and non-apostilles certifications. Part II: 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. Declares that the general fund expenditure ceiling is exceeded. Makes appropriations. Takes effect 7/1/2112.  
(SD1)

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