

A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION THAT REQUIRES PUBLIC HEARINGS, AND NOTICES OF THOSE HEARINGS, FOR BILL DRAFTS THAT AMEND THE ORIGINAL PURPOSE OF A BILL.

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

- 1 SECTION 1. The legislature finds that sixty-day sessions
- 2 save taxpayers money, and limit the need to hire year-round
- 3 staff that may otherwise be necessary.
- 4 Given these time constraints, however, the temptation
- 5 exists for legislators to drastically replace the contents of
- 6 bills with very different language. Such a practice is not
- 7 inconsistent with current constitutional law, which merely
- 8 requires that the title of a legislative bill cannot
- 9 substantively change. This practice, however, can lead to
- 10 confusion. For example, a bill about taxes may turn into a bill
- 11 promoting gambling.
- 12 Section 3-202 of the charter of the city and county of
- 13 Honolulu requires that "No bill shall be so amended as to change
- 14 its original purpose". This requirement makes sense for the
- 15 Honolulu city council, which meets year-round. The requirement
- 16 as written, however, is impractical for the state legislature.

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1 The State nevertheless desires to strike a balance between legislative efficiency and the need for the public to comment on 2 3 the contents of a bill. 4 The purpose of this Act, therefore, is to propose an 5 amendment to article III, section 4 of the Constitution of the 6 State of Hawaii to impose a forty-eight hour notice and public 7 hearing requirement on any legislative bill draft that amends 8 the purpose of the original draft of the bill. 9 SECTION 2. Article III, section 14, of the Constitution of 10 the State of Hawaii is amended to read as follows: 11 "BILLS; ENACTMENT 12 Section 14. No law shall be passed except by bill. Each 13 law shall embrace but one subject, which shall be expressed in 14 its title. The enacting clause of each law shall be, "Be it 15 enacted by the legislature of the State of Hawaii." No bill 16 shall be so amended as to change its original purpose, unless 17 the amended draft is subject to a committee hearing where the 18 public may submit comments on the draft, and public notice is 19 provided at least forty-eight hours in advance of the hearing,

provided that the forty-eight hour period shall exclude Sundays

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and state holidays."

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1 SECTION 3. The question to be printed on the ballot shall be as follows: "Shall an amended draft of a legislative bill 2 3 that changes the original purpose of the bill be subject to: (1) 4 a hearing where the public may submit comments; and (2) public 5 notice of that hearing, to be issued at least forty-hours in 6 advance of the hearing, provided that the forty-eight hour 7 period shall exclude Sundays and state holidays?" 8 SECTION 4. Constitutional material to be repealed is 9 bracketed and stricken. New constitutional material is 10 underscored. 11 SECTION 5. This amendment shall take effect upon 12 compliance with article XVII, section 3 of the Constitution of 13 the State of Hawaii.

INTRODUCED BY:

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Report Title:

Constitution; Amendments to Bill Drafts; Hearings

Description:

Imposes a hearing requirement on every bill draft amendment that changes the original purpose of a bill. Requires a public hearing for such bills, and a forty-eight hour public notice of those hearings.

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