

JAN 23 2015

A BILL FOR AN ACT

RELATING TO PUBLIC HEARINGS.

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

1 SECTION 1. The legislature finds that state agencies are
2 required to hold public hearings prior to the adoption,
3 amendment, or repeal of Hawaii administrative rules. However,
4 the Hawaii Revised Statutes do not require state agencies to
5 hold public hearings in each county or on each island
6 potentially affected by the adoption, amendment, or repeal of
7 administrative rules.

8 The legislature further finds that there needs to be
9 genuine public participation by residents and communities
10 primarily impacted by proposed changes to the Hawaii
11 administrative rules, including affording residents and
12 communities of the neighbor islands ample opportunity to engage
13 and participate in-person at public hearings. Furthermore, a
14 meaningful opportunity for residents on each island to engage in
15 discussion with state agencies is essential when proposed rules
16 have a significant monetary impact on residents or communities
17 of that island.



1 Accordingly, the purpose of this Act is to require:

2 (1) State agencies to hold public hearings in the county
3 or counties that are primarily impacted by the
4 proposed adoption, amendment, or repeal of any
5 administrative rule; and

6 (2) At least one public hearing with thirty days' notice
7 on each island that the proposed rule will likely have
8 a significant monetary impact on residents or
9 communities of that island.

10 SECTION 2. Section 91-3, Hawaii Revised Statutes, is
11 amended by amending subsection (a) to read as follows:

12 "(a) Except as provided in subsection (f), prior to the
13 adoption of any rule authorized by law, or the amendment or
14 repeal thereof, the adopting agency shall:

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

17 (A) A statement of the topic of the proposed rule
18 adoption, amendment, or repeal or a general
19 description of the subjects involved; and

20 (B) A statement that a copy of the proposed rule to
21 be adopted, the proposed rule amendment, or the



1 rule proposed to be repealed will be mailed to
2 any interested person who requests a copy, pays
3 the required fees for the copy and the postage,
4 if any, together with a description of where and
5 how the requests may be made;

6 (C) A statement of when, where, and during what times
7 the proposed rule to be adopted, the proposed
8 rule amendment, or the rule proposed to be
9 repealed may be reviewed in person; and

10 (D) The date, time, and place where the public
11 hearing will be held and where interested persons
12 may be heard on the proposed rule adoption,
13 amendment, or repeal.

14 The notice shall be mailed to all persons who
15 have made a timely written request of the agency for
16 advance notice of its rulemaking proceedings, given at
17 least once statewide for state agencies and in the
18 county for county agencies. Proposed state agency
19 rules shall also be posted on the Internet as provided
20 in section 91-2.6; [~~and~~]



1 (2) Afford all interested persons opportunity to submit
2 data, views, or arguments, orally or in writing. The
3 agency shall fully consider all written and oral
4 submissions respecting the proposed rule. The agency
5 may make its decision at the public hearing or
6 announce then the date when it intends to make its
7 decision. Upon adoption, amendment, or repeal of a
8 rule, the agency, if requested to do so by an
9 interested person, shall issue a concise statement of
10 the principal reasons for and against its
11 determination[-]; and

12 (3) Hold public hearings in the county, or counties,
13 primarily impacted by the proposed rule. The agency
14 may augment the public hearings by means of the
15 Internet, teleconference, videoconference, or other
16 electronic transmission technology; provided that if
17 the proposed rule is likely to have a significant
18 monetary impact on residents or communities of a
19 particular island, at least one public hearing shall
20 be conducted with thirty days' notice on that island."



1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect upon its approval.
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INTRODUCED BY:

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S.B. NO. 235

Report Title:

Administrative Procedure; Administrative Rules; Public Hearings

Description:

Requires state agencies to hold public hearings in the county, or counties, primarily impacted by the proposed adoption, amendment, or repeal of any administrative rule. Requires at least one public hearing with thirty days' notice on each island that a proposed rule will likely have a significant monetary impact on residents or communities of that island.

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