

JAN 22 2021

A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE III, SECTIONS 10, 11, 12, 15,
AND 16 OF THE HAWAII STATE CONSTITUTION TO ESTABLISH A
CONTINUOUS LEGISLATIVE SESSION.

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

- 1 SECTION 1. The purpose of this Act is to propose
2 amendments to article III, sections 10, 11, 12, 15, and 16 of
3 the Constitution of the State of Hawaii to establish a
4 continuous legislative session. Specifically, this Act:
- 5 (1) Requires the legislature to convene at least once a
6 month;
 - 7 (2) Removes constitutional language regarding special
8 sessions, adjournment, and recesses;
 - 9 (3) Creates a two-year deadline for a bill to be submitted
10 for gubernatorial consideration;
 - 11 (4) Standardizes the number of days that the governor must
12 approve or veto a bill submitted for consideration;
 - 13 (5) Requires bills returned from the governor to be heard
14 by the legislature within an unspecified number of
15 days for the bill to be further amended; and



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1 ~~presiding officers of both houses at the written request of two~~
 2 ~~thirds of the members to which each house is entitled or may be~~
 3 ~~granted by the governor.~~

4 ~~Each regular session shall be recessed for not less than~~
 5 ~~five days at some period between the twentieth and fortieth days~~
 6 ~~of the regular session. The legislature shall determine the~~
 7 ~~dates of the mandatory recess by concurrent resolution. Any~~
 8 ~~session may be recessed by concurrent resolution adopted by a~~
 9 ~~majority of the members to which each house is entitled.~~

10 ~~Saturdays, Sundays, holidays, the days in mandatory recess, and~~
 11 ~~any days in recess pursuant to a concurrent resolution shall be~~
 12 ~~excluded in computing the number of days of any session.]~~

13 All [~~sessions~~] meetings shall be held in the capital of the
 14 State. In case the capital shall be unsafe, the governor may
 15 direct that any [~~session~~] meeting be held at some other place."

16 SECTION 3. Article 3, section 12, of the Constitution of
 17 the State of Hawaii is amended to read as follows:

18 **"ORGANIZATION; DISCIPLINE; RULES; PROCEDURE**

19 **Section 12.** Each house shall be the judge of the
 20 elections, returns and qualifications of its own members and
 21 shall have, for misconduct, disorderly behavior or neglect of



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1 duty of any member, power to punish such member by censure or,
2 upon a two-thirds vote of all the members to which such house is
3 entitled, by suspension or expulsion of such member. Each house
4 shall choose its own officers, determine the rules of its
5 proceedings and keep a journal. The ayes and noes of the
6 members on any question shall, at the desire of one-fifth of the
7 members present, be entered upon the journal.

8 Twenty days after a bill has been referred to a committee
9 in either house, the bill may be recalled from such committee by
10 the affirmative vote of one-third of the members to which such
11 house is entitled.

12 Every meeting of a committee in either house or of a
13 committee comprised of a member or members from both houses held
14 for the purpose of making decision on matters referred to the
15 committee shall be open to the public.

16 By rule of its proceedings, applicable to both houses, each
17 house shall provide for the date by which all bills to be
18 considered in a [~~regular session~~] calendar year shall be
19 introduced."

20 SECTION 4. Article 3, section 15, of the Constitution of
21 the State of Hawaii is amended to read as follows:



"PASSAGE OF BILLS

1
2 Section 15. No bill shall become law unless it shall pass
3 three readings in each house on separate days. No bill shall
4 pass third or final reading in either house unless printed
5 copies of the bill in the form to be passed shall have been made
6 available to the members of that house for at least forty-eight
7 hours.

8 Every bill when passed by the house in which it originated,
9 or in which amendments thereto shall have originated, shall
10 immediately be certified by the presiding officer and clerk and
11 sent to the other house for consideration.

12 ~~[Any bill pending at the final adjournment of a regular~~
13 ~~session in an odd numbered year shall carry over with the same~~
14 ~~status to the next regular session. Before the carried over~~
15 ~~bill is enacted, it shall pass at least one reading in the house~~
16 ~~in which the bill originated.]~~ The annual budget shall pass each
17 house and be submitted for gubernatorial consideration
18 days before the end of the preceding fiscal year. Any bill,
19 except for the annual budget bill, shall have two calendar years
20 after introduction to pass each house and be submitted for
21 gubernatorial consideration. If the last day of the period



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1 within which the bill is required to be submitted for
 2 gubernatorial consideration falls on a Saturday, Sunday, or
 3 holiday, the period is extended to the next day that is not a
 4 Saturday, Sunday, nor holiday."

5 SECTION 5. Article 3, section 16, of the Constitution of
 6 the State of Hawaii is amended to read as follows:

7 **"APPROVAL OR VETO**

8 **Section 16.** Every bill which shall have passed the
 9 legislature shall be certified by the presiding officers and
 10 clerks of both houses and shall thereupon be presented to the
 11 governor. If the governor approves it, the governor shall sign
 12 it and it shall become law. If the governor does not approve
 13 such bill, the governor may return it, with the governor's
 14 objections to the legislature. Except for items appropriated to
 15 be expended by the judicial and legislative branches, the
 16 governor may veto any specific item or items in any bill which
 17 appropriates money for specific purposes by striking out or
 18 reducing the same; but the governor shall veto other bills, if
 19 at all, only as a whole.

20 The governor shall have [~~ten~~] thirty calendar days to
 21 consider bills presented [~~to the governor ten or more days~~



1 ~~before the adjournment of the legislature sine die], and if any~~
 2 ~~such bill is neither signed nor returned by the governor within~~
 3 ~~that time, it shall become law in like manner as if the governor~~
 4 ~~had signed it. If the last day of the period within which the~~
 5 ~~bill presented is required to be signed or returned falls on a~~
 6 ~~Saturday, Sunday, or holiday, the period is extended to the next~~
 7 ~~day that is not a Saturday, Sunday, nor holiday.~~

8 **RECONSIDERATION ~~[AFTER ADJOURNMENT~~**

9 ~~The governor shall have forty five days, after the~~
 10 ~~adjournment of the legislature sine die, to consider bills~~
 11 ~~presented to the governor less than ten days before such~~
 12 ~~adjournment, or presented after adjournment, and any such bill~~
 13 ~~shall become law on the forty fifth day unless the governor by~~
 14 ~~proclamation shall have given ten days' notice to the~~
 15 ~~legislature that the governor plans to return such bill with the~~
 16 ~~governor's objections on that day.] The legislature may convene~~
 17 ~~[at or before noon on the forty fifth day in special session,]~~
 18 ~~without call, for the sole purpose of acting upon any [such]~~
 19 ~~bill returned by the governor. In case the legislature shall~~
 20 ~~fail to so convene[, such] to act upon any bill returned with~~
 21 ~~objections by the governor within _____ days after the bill's~~



1 return, the bill shall not become law. Any [such] bill may be
 2 amended to meet the governor's objections and, if so amended and
 3 passed, only one reading being required in each house for such
 4 passage, it shall be presented again to the governor, but shall
 5 become law only if the governor shall sign it within ten days
 6 after presentation. If the last day of the period within which
 7 the amended bill is required to be signed by the governor falls
 8 on a Saturday, Sunday, or holiday, the period is extended to the
 9 next day that is not a Saturday, Sunday, nor holiday.

10 ~~[In computing the number of days designated in this~~
 11 ~~section, the following days shall be excluded: Saturdays,~~
 12 ~~Sundays, holidays and any days in which the legislature is in~~
 13 ~~recess prior to its adjournment as provided in section 10 of~~
 14 ~~this article.] "~~

15 SECTION 6. Article 3, section 11, of the Constitution of
 16 the State of Hawaii is repealed.

17 ["~~ADJOURNMENT~~

18 ~~Section 11. Neither house shall adjourn during any session~~
 19 ~~of the legislature for more than three days, or sine die,~~
 20 ~~without the consent of the other."]~~



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1 SECTION 7. The question to be printed on the ballot shall
2 be as follows:

3 "Shall the legislature meet continuously without adjourning
4 sine die; provided that:

5 (a) The legislature is required to meet at least once a
6 month;

7 (b) Procedures for convening special sessions be repealed;

8 (c) A two-year deadline for a bill to be submitted for
9 gubernatorial consideration be established;

10 (d) The governor be given thirty calendar days to approve
11 or veto a bill submitted for consideration;

12 (e) Require bills returned by the governor to be heard by
13 the legislature within days for the bill to be
14 further amended; and

15 (f) The legislative budget be required to pass within
16 days before the end of each fiscal year?"

17 SECTION 8. Constitutional material to be repealed is
18 bracketed and stricken. New constitutional material is
19 underscored.



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Report Title:

Continuous Legislative Session; Constitutional Amendment

Description:

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 bills returned by the governor to be heard by the legislature within an unspecified number of days for the bill for the bill to be further amended. Requires the passage of the legislative budget in an unspecified number of days before the end of each fiscal year.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

