

JAN 19 2024

A BILL FOR AN ACT

PROPOSING AMENDMENTS TO ARTICLE III 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 legislature finds that Hawaii's state
2 legislature only has sixty session days per year, generally
3 stretching from the middle of January until early May. The
4 legislature notes that the representatives and senators who
5 comprise the state legislature are part-time employees of the
6 State.

7 The legislature further finds that the efficiency,
8 productivity, orderliness, and transparency of the state
9 legislature could be improved by requiring that the legislature
10 be in session during every month of the year. The legislature
11 notes that doing so would make the representatives and senators
12 who comprise the state legislature into full-time employees of
13 the State.

14 The purpose of this Act is to propose amendments to article
15 III of the Constitution of the State of Hawaii to establish a
16 continuous legislative session. Specifically, this Act:



- 1 (1) Requires the legislature to convene at least once a
- 2 month;
- 3 (2) Removes constitutional language regarding special
- 4 sessions, adjournment, and recesses;
- 5 (3) Creates a two-year deadline for a bill to be submitted
- 6 for gubernatorial consideration;
- 7 (4) Standardizes the number of days that the governor must
- 8 approve or veto a bill submitted for consideration;
- 9 (5) Requires the passage of the legislative budget forty-
- 10 five days before the end of each fiscal year;
- 11 (6) Makes members of the legislature subject to the
- 12 sunshine law; and
- 13 (7) Prohibits members of the legislature from having
- 14 employment other than their work as members of the
- 15 legislature.

16 SECTION 2. Article III of the Constitution of the State of
17 Hawaii is amended by adding a new section to be appropriately
18 designated and to read as follows:

19 "MEETING TRANSPARENCY

20 The legislature shall be subject to any statutory law that
21 prescribes requirements relating to open meetings, notice of



1 meetings, meeting agendas, meeting minutes, or discussions
2 outside of meetings, notwithstanding any statutory language that
3 otherwise would exempt the legislature from those requirements."

4 SECTION 3. Article III, section 8, of the Constitution of
5 the State of Hawaii is amended to read as follows:

6 "DISQUALIFICATIONS OF MEMBERS

7 Section 8. No member of the legislature shall hold any
8 other public office under the State, nor shall the member,
9 during the term for which the member is elected or appointed, be
10 elected or appointed to any public office [~~or employment which~~
11 that shall have been created, or the emoluments whereof shall
12 have been increased, by legislative act during [~~such~~] the
13 term[-], or have any employment outside of the legislature. The
14 term "public offices," for the purposes of this section, shall
15 not include notaries public, reserve police officers or officers
16 of emergency organizations for civilian defense or disaster
17 relief. The legislature may prescribe further
18 disqualifications."

19 SECTION 4. Article III, section 10, of the Constitution of
20 the State of Hawaii is amended to read as follows:

21 "[~~SESSIONS~~] MEETINGS



1 Section 10. The legislature shall convene annually [~~in~~
2 ~~regular session~~] at 10:00 o'clock a.m. on the third Wednesday in
3 January. The legislature shall convene at least once a month.

4 ~~[At the written request of two thirds of the members to~~
5 ~~which each house is entitled, the presiding officers of both~~
6 ~~houses shall convene the legislature in special session. At the~~
7 ~~written request of two thirds of the members of the senate, the~~
8 ~~president of the senate shall convene the senate in special~~
9 ~~session for the purpose of carrying out its responsibility~~
10 ~~established by Section 3 of Article VI. The governor may~~
11 ~~convene both houses or the senate alone in special session.~~

12 ~~Regular sessions shall be limited to a period of sixty~~
13 ~~days, and special sessions shall be limited to a period of~~
14 ~~thirty days. Any session may be extended a total of not more~~
15 ~~than fifteen days. Such extension shall be granted by the~~
16 ~~presiding officers of both houses at the written request of two~~
17 ~~thirds of the members to which each house is entitled or may be~~
18 ~~granted by the governor.~~

19 ~~Each regular session shall be recessed for not less than~~
20 ~~five days at some period between the twentieth and fortieth days~~
21 ~~of the regular session. The legislature shall determine the~~



1 ~~dates of the mandatory recess by concurrent resolution. Any~~
2 ~~session may be recessed by concurrent resolution adopted by a~~
3 ~~majority of the members to which each house is entitled.~~
4 ~~Saturdays, Sundays, holidays, the days in mandatory recess and~~
5 ~~any days in recess pursuant to a concurrent resolution shall be~~
6 ~~excluded in computing the number of days of any session.]~~

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

10 SECTION 5. Article III, section 12, of the Constitution of
11 the State of Hawaii is amended to read as follows:

12 **"ORGANIZATION; DISCIPLINE; RULES; PROCEDURE**

13 **Section 12.** Each house shall be the judge of the
14 elections, returns and qualifications of its own members and
15 shall have, for misconduct, disorderly behavior or neglect of
16 duty of any member, power to punish [~~such~~] the member by censure
17 or, upon a two-thirds vote of all the members to which [~~such~~]
18 the house is entitled, by suspension or expulsion of [~~such~~] the
19 member. Each house shall choose its own officers, determine the
20 rules of its proceedings and keep a journal. The ayes and noes



1 of the members on any question shall, at the desire of one-fifth
2 of the members present, be entered upon the journal.

3 Twenty days after a bill has been referred to a committee
4 in either house, the bill may be recalled from [~~such~~] the
5 committee by the affirmative vote of one-third of the members to
6 which [~~such~~] the house is entitled.

7 Every meeting of a committee in either house or of a
8 committee comprised of a member or members from both houses held
9 for the purpose of making decision on matters referred to the
10 committee shall be open to the public.

11 [~~By rule of its proceedings, applicable to both houses,~~
12 ~~each house shall provide for the date by which all bills to be~~
13 ~~considered in a regular session shall be introduced.] "~~

14 SECTION 6. Article III, section 15, of the Constitution of
15 the State of Hawaii is amended to read as follows:

16 **"PASSAGE OF BILLS**

17 **Section 15.** No bill shall become law unless it shall pass
18 three readings in each house on separate days. No bill shall
19 pass third or final reading in either house unless printed
20 copies of the bill in the form to be passed shall have been made



1 available to the members of that house for at least forty-eight
2 hours.

3 Every bill when passed by the house in which it originated,
4 or in which amendments thereto shall have originated, shall
5 immediately be certified by the presiding officer and clerk and
6 sent to the other house for consideration.

7 ~~[Any bill pending at the final adjournment of a regular~~
8 ~~session in an odd numbered year shall carry over with the same~~
9 ~~status to the next regular session. Before the carried over~~
10 ~~bill is enacted, it shall pass at least one reading in the house~~
11 ~~in which the bill originated.] The annual budget shall pass each
12 house and be submitted for gubernatorial consideration forty-
13 five days before the end of the preceding fiscal year. Any
14 bill, except for the annual budget bill, shall have two calendar
15 years after introduction to pass each house and be submitted for
16 gubernatorial consideration. If the last day of the period
17 within which the bill is required to be submitted for
18 gubernatorial consideration falls on a Saturday, Sunday or
19 holiday, the period shall extend to the next day that is not a
20 Saturday, Sunday or holiday."~~



1 SECTION 7. Article III, section 16, of the Constitution of
2 the State of Hawaii is amended to read as follows:

3 "APPROVAL OR VETO

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

16 The governor shall have [~~ten~~] ninety calendar days to
17 consider bills presented [~~to the governor ten or more days~~
18 ~~before the adjournment of the legislature sine die~~], and if any
19 [~~such~~] bill is neither signed nor returned by the governor
20 within that time, it shall become law in like manner as if the
21 governor had signed it. If the last day of the period within



1 which the bill presented is required to be signed or returned
2 falls on a Saturday, Sunday or holiday, the period shall extend
3 to the next day that is not a Saturday, Sunday or holiday.

4 RECONSIDERATION [~~AFTER ADJOURNMENT~~]

5 ~~The governor shall have forty five days, after the~~
6 ~~adjournment of the legislature sine die, to consider bills~~
7 ~~presented to the governor less than ten days before such~~
8 ~~adjournment, or presented after adjournment, and any such bill~~
9 ~~shall become law on the forty fifth day unless the governor by~~
10 ~~proclamation shall have given ten days' notice to the~~
11 ~~legislature that the governor plans to return such bill with the~~
12 ~~governor's objections on that day. The legislature may convene~~
13 ~~at or before noon on the forty fifth day in special session,~~
14 ~~without call, for the sole purpose of acting upon any such bill~~
15 ~~returned by the governor. In case the legislature shall fail to~~
16 ~~so convene, such bill shall not become law.] Any [such] bill~~
17 may be amended to meet the governor's objections and, if so
18 amended and passed, only one reading being required in each
19 house for [such] passage, it shall be presented again to the
20 governor, but shall become law only if the governor shall sign
21 it within ten days after presentation. If the last day of the



1 period within which the amended bill is required to be signed by
 2 the governor falls on a Saturday, Sunday or holiday, the period
 3 shall extend to the next day that is not a Saturday, Sunday or
 4 holiday.

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

10 SECTION 8. Article III, section 11, of the Constitution of
 11 the State of Hawaii is repealed.

12 **["ADJOURNMENT**

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

16 SECTION 9. The question to be printed on the ballot shall
 17 be as follows:

18 "Shall the legislature meet continuously throughout the
 19 year; subject to the following:

- 20 (a) Members of the legislature be subject to the sunshine
- 21 law;



1 (b) Members of the legislature be prohibited from having
2 employment other than their work as members of the
3 legislature;

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

6 (d) Procedures for convening special sessions be repealed;
7 and

8 (e) A two-year deadline for a bill to be submitted for
9 gubernatorial consideration be established, the
10 governor be given ninety calendar days to approve or
11 veto a bill submitted for consideration, and the
12 legislative budget be required to pass within forty-
13 five days before the end of each fiscal year?"

14 SECTION 10. Constitutional material to be repealed is
15 bracketed and stricken. New constitutional material is
16 underscored.

17 SECTION 11. This amendment shall take effect upon
18 compliance with article XVII, section 3, of the Constitution of
19 the State of Hawaii.

20

INTRODUCED BY: 



S.B. NO. 2281

Report Title:

Continuous Legislative Session; Constitutional Amendment;
Constitutional Repeal

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 the passage of the legislative budget within 45 days before the end of each fiscal year. Makes members of the Legislature subject to the sunshine law. Prohibits members of the Legislature from having employment other than their work as members of the Legislature.

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

