

**Best Overall News Site**

Three years in a row

HONOLULU

**CIVIL BEAT**<sup>®</sup>

Sunday, December 15th, 2013



19K

[Today](#)[The Beat](#)[Honolulu](#)[Hawaii](#)[Education](#)[Energy & Environment](#)[Development](#)[DC808](#)[Fact Checks](#)[Special Reports](#)

7



11



73

## Could This Be The Year Of Change At The Hawaii Legislature?

By Carmille Lim | 01/15/2013

This year brings about a lot of change in Hawaii's political landscape. New leadership in both houses will allow for an opportunity to change how our legislative process is conducted – a change that promotes ethical practices, transparency, and greater public access to encourage more citizen participation in the Legislature, and preserve integrity in the Legislature. While the Legislature has made many improvements in public access in recent years, there is more that can be improved.

In order to make the legislative process more open and participatory for the public, Common Cause Hawaii and 13 other community organizations (see list below) have asked the Senate and House to consider implementing these rules and practices in the 2013 Legislative Session:

- 1) Eliminate the use of "gut and replace" practice
- 2) Provide adequate time (72 hours, excluding holidays and weekends) for hearing notices
- 3) Improve disclosure of conflicts of interests and enforce existing rules regarding conflicts
- 4) Increase public access through broadcasting/webcasting for public hearings
- 5) Require conference committees to post written comments and conference committee drafts onto the Capitol website.

Below are our proposed rules in further detail:

- 1) Eliminate the use of "gut and replace" practice

The poisonous practice of deleting a bill's content and replacing it with different — and often unrelated to the bill's original intent — content misleads the public, creates confusion, and leads to greater public disenchantment in the policy-making process. We urged the Legislature to eliminate this practice through its rules.

### ANNOUNCEMENTS

We're still asking  
the tough  
QUESTIONS  
to get you  
THE ANSWERS.

NOW ONLY  
33¢/day  
Don't Miss A Beat >>

### About the Author

**Carmille Lim**

Contributor

[Articles](#) / Carmille Lim[Topics](#) / Carmille Lim

**Thank you for your interest in Honolulu Civil Beat! We are subscriber-supported and your subscription allows us to provide quality, in-depth investigative reporting.**

**Not a subscriber yet? Help us keep telling the stories that impact your community, sign up here!**

- Your Team At Civil Beat

2) Provide adequate time (72 hours, excluding holidays and weekends) for hearing and notice requirements, in both houses

The Legislature moves very quickly. More lead time will allow for more citizens and organizations to submit meaningful testimony. Currently, the Senate requires three calendar days' notice (for the first committee only) and the House requires only two days' notice. With the existing short notice, it makes it extremely difficult for citizens to write and submit testimony, and almost impossible for them to rearrange work or personal schedules so that they may attend a hearing. Even announcing a hearing notice slightly earlier can make a difference in getting more people to participate. We have also asked that both houses provide 72 hours' notice for subsequent hearings when there have been substantial changes in the bill.

In the emergency situations when hearing notice requirements need to be waived, we encouraged the legislative body to implement a practice of recording votes on the waiver, in order to ensure accountability for implementing these rules.

3) Improve disclosure of conflicts of interests and enforce existing rules regarding conflicts

To encourage transparency and promote public trust, we supported an improved and consistent Conflict of Interest disclosure policy in both houses, and asked that existing rules be enforced.

For better accountability for leadership, we asked that the Senate President, House Speaker, and presiding officers have the authority to raise potential issues of conflict of interest, and not simply wait on members to address it.

Further and more specifically, we advocated for these following Conflict of Interest practices.

A) Enforcement of Conflict of Interest rules: Members should not vote on an issue where they have a conflict of interest — even if they have filed the conflict and stated it on the floor.

B) Require that financial disclosures be filed by January 31 of each year:

To ensure transparency of the financial interests of state lawmakers during legislative session, we proposed that disclosure forms be filed by January 31, instead of the current due date – at the end of May, after legislative session is over.

C) Expand who is allowed to file a Conflict of Interest complaint to include citizens.

We advocated for the House to adopt the Senate's Conflict of Interest complaint filing procedure to allow a citizen to file a complaint against a House member. Currently, only House members may file a Conflict of Interest complaint

{ Related Content

{ Recommended Content

[Sign Up](#)

Create an account or [Log In](#) to see



**UH Prof: 'GMO's Are Safe'**

182 people recommend this.



**Filipinos Overtake Japanese As Top Haw**

4 people recommend this.



**Bumpy Road for Hawaii's New High-Tech**

11 people recommend this.



**What Should Hawaii Do For Micronesians**

171 people recommend this.



Facebook social plugin

Follow [Civil Beat](#)



against a member of the House.

#### D) Strengthen disclosure on the floor:

We advocated for members to state their existing and potential conflict of interest on the floor – and thus on record. In the Senate, members currently do not need to explicitly state that they have a conflict of interest if they have already filed their financial disclosure forms with the Ethics Commission (Senate Rule 83).

We believe members need to report a conflict of interest regardless of whether or not they are in doubt. Thus, we also supported the elimination of the clause at the end of the existing Senate Rule 85 section 2 that states: “If a member is uncertain as to whether a conflict of interest exists.”

#### 4) Increase public access for public hearings

We proposed that public hearings and committee conferences be broadcast via webcast, or utilization of the most current and available video technology that would enable hearings to be broadcast, recorded, and replayed statewide, upon the viewer’s discretion. Without the ability to watch the hearings and floor sessions, a large segment of our population is excluded from observing the legislative process.

For the House: within this rule, we also asked that 1) the nonpartisan Public Access Room become the authority in determining which House hearings be recorded and presented, and 2) criteria used be clearly defined.

#### 5) Require conference committees to post public comments and conference committee drafts onto Capitol website.

We asked that written comments submitted to conference committees concerning proposed legislation be placed in the committee’s public file, made available for posting on the Capitol website, and filed state archives in the same manner as written comments and testimony submitted to standing committees.

We care deeply about improving ethics, transparency, and public access in the legislative process, and are willing to work with our elected officials to help make this happen. With change in leadership, the opportunity is ripe to embrace these higher standards of ethical conduct. The new Senate and House Leadership have the ability to insist on higher standards and open decision-making.

Will they?

*The letter to our legislators was co-signed by these organizations: American Civil Liberties Union of Hawaii (ACLU of Hawaii); Americans for Democratic Action Hawaii; Citizens For Equal Rights; Hawaii Coalition for Health; Hawaii People’s Fund; Hawaii State Democratic Women’s Caucus; Hawaii’s Thousand Friends; League of Women Voters of*

Hawaii; Open Law Alliance; Progressive Democrats of Hawaii; Save Oahu Farms Alliance; Sierra Club Hawaii Chapter; Stuart Coleman, Hawaii Coordinator of the Surfrider Foundation.

**About the author:** Carmille Lim is the new executive director at Common Cause Hawaii. She is a board member of the League of Women Voters of Hawaii and was a past civic engagement volunteer with Kanu Hawaii. She is passionate about voting modernization, public access, transparency in the legislative process, and women's issues.

**Community Voices aims to encourage broad discussion on many topics of community interest. It's kind of a cross between Letters to the Editor and op-eds. We do not solicit particular items and we rarely turn down submissions. This is your space to talk about important issues or interesting people who are making a difference in our world. Columns generally run about 800 words (yes, they can be shorter or longer) and we need a photo of the author and a bio. We welcome video commentary and other multimedia formats. Send to [news@civilbeat.com](mailto:news@civilbeat.com).**

Share

7

Tweet

11



73

Discussion

11 comments ▼



**Share Christie** · ★ Top Commenter · Hilo, Hawaii

Hello Carmille Lim and all coalition members,

Aloha to thee. Mahalo for submitting your list of positive changes for the Hawaii State Legislature to adopt this session. We coalition will be 100% successful as we, too, have high hopes for the new leadership. We do notice, however, what some error of omission to your list: state wide initiative.

Hawaii is still seriously lacking the basic right of registered voters to come-up with a new idea, collect a required amount of voters and then vote with a secret ballot for or against that proposed law on election day. We need greater access to all that democracy to be able to bypass our representatives and advance our lives as we see fit.

"We the people" deserve the fundamental right and r... [See More](#)

Reply · 2 · Like · January 16 at 1:02am



**Ace Lee** · ★ Top Commenter

I stopped by sen. Don Delacruz's office today (he wasn't in) and asked his staffers what Delacruz (Mr. PLDC) thought about replace" -- they said they thought sometimes it was needed (if something got added in at the last minute?) and that it worked both sides?) I didn't understand. But to an ordinary citizen, Gut & Replace makes our whole legislative process STINK.

Reply · 2 · Like · January 16 at 10:29pm



**Annie Hollis** · Haw aii

Yes to all of this! Thank you, Carmille!

Reply · 2 · Like · January 15 at 3:26pm



**Patricia Blair** · Top Commenter · University of Nebraska-Lincoln

As a citizen of Haw aii, I add my name to this letter.

Reply · 2 · Like · January 15 at 7:21am



**Elen Stoops** · Top Commenter · UC Davis

Carmille, thanks for writing this article, especially timely as we watch what the legislature is up to this season and as citizens in the process. I concur with Matt LoPresti that gut-and-replace and conflict of interest seemingly have gone hand-in-hand (experiences). Now ... how do we hold the legislators accountable and measure their performance to this great list of objectives who is willing to introduce a bill to eliminate these practices and is there a will by the Senate and the House to pass it into law?

Reply · 1 · Like · January 18 at 6:34pm



**Andy Parx** · Top Commenter

The problem with strengthening these by rule- especially the 72 hour notice- is that rules can be suspended. These should have 72 hours notice was to be made mandatory by law and gut and replace were to be eliminated by law each would be enforced. Having the speaker determine whether a member with a conflict can vote is itself a conflict since he or she depends on the speaker.

And the conference committee system needs a total overhaul as far as transparency goes. The way it is now the public support following legislation before it goes into a black hole and often comes out as a bill no one has ever seen before. I've often seen support from every referred committee in both houses, gathered testimony from hundreds and finally gotten the bill through slightly different versions have monkey-wrenches thrown in in conference committee. It's nuts.

Reply · 1 · Like · January 16 at 1:58pm



**Matt LoPresti** · Top Commenter · Honolulu, Haw aii

Eliminating "gut and replace" and enforcing conflict of interest rules have to be done together in my opinion. It seems the last gimmicks of the former tend to be tied to the latter.

Reply · 1 · Like · January 15 at 10:04am



**John Eckel** · President at Pinnacle Investment Management Inc.

Camille, Thank you for writing an excellent article and supporting a very important initiative. As an off-islander who owns property I am dismayed by some of the practices of the HI legislature. The adoption of your initiative would make an incredible difference.

Reply · Like · January 20 at 11:43am



**Andy Parx** · Top Commenter

Actually the only way we're going to eliminate conflict of interest is to make it a full time job and ban outside employment... all campaign finance. Unfortunately people think feel like don't want to pay them more or pay for campaigns without realizing they are paying on the back end through the corruption that results.

[Reply](#) · [Like](#) · January 16 at 6:59pm



**Kris Coffield** · [★](#) Top Commenter · Campaign Manager at Elect Kathryn Xian 2014

What constitutes a conflict of interest, according to CCH and others? Should Sen. Green be barred from voting on health-re impact his medical practice? Should someone with a family member attending UH be barred from voting on higher education silly, but in the past, people on this site have asserted that such incidents are disqualifying conflicts. Remember, when an e prevented from voting on an issue, her district is effectively denied representation. That's not something to be taken lightly.

[Reply](#) · [Like](#) · January 16 at 1:28pm



**Marsha Vaughn** · [★](#) Top Commenter · Grants Pass, Oregon

Fantastic recommendations! Thanks so much for writing this and I sincerely hope the efforts to institute these changes will

[Reply](#) · [Like](#) · January 18 at 7:01pm

 Facebook social plugin

Have feedback? Suggestions? [Email Us!](#)

[About Us](#) | [Contact](#) | [Terms of Service](#) | [Privacy Policy](#) | [FAQ](#) | [Partners](#) | [Archive](#) | [Topics](#) | [Multimedia](#) | [Register](#)

Copyright © 2010-2013 Peer News LLC. All rights reserved.

Civil Beat® is a registered trademark of Peer News LLC

All purchases subject to Hawaii and City and County of Honolulu General Excise Tax of 4.712%.

Coded With Aloha