

Honolulu, Hawaii

March 21, 2014

RE: S.B. No. 2249
S.D. 1
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2249, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS,"

begs leave to report as follows:

The purpose of this measure is to improve the administrative rulemaking process by allowing proposed rules to be described in public meeting agendas under the Sunshine Law in the same manner as currently provided in public hearing notices under administrative rulemaking procedures.

Specifically, this measure provides that a public meeting agenda for proposed administrative rules meets the requirements of the Sunshine Law if the agenda includes a statement on the topic of the proposed rules or a general description of the subjects involved, together with information on how the proposed rules may be viewed in person and on the Internet.

The Department of the Attorney General, the Department of Business, Economic Development, and Tourism, and the Office of Information Practices testified in support of this measure.

Your Committee finds that administrative procedures under chapter 91, Hawaii Revised Statutes, require a public hearing, and public notice thereof, for proposed administrative rules. However, if the agency considering proposed rules is subject to



the Sunshine Law for public agency meetings under chapter 92, Hawaii Revised Statutes, the agency must also comply with the Sunshine Law's notice requirements for public meeting agendas, which includes a listing of all items to be considered at the meeting. To avert potential claims that proposed rulemaking agendas may not describe each proposed rule with sufficient detail under the Sunshine Law, some agencies have resorted to attaching the entire text of proposed rules to their agendas, which sometimes has resulted in agendas comprising hundreds of pages. Along with creating a burden on agencies, this practice also frustrates the purpose of the Sunshine Law to provide the public with adequate notice of the topics to be considered at the meeting. To address the problem, this measure conforms the Sunshine Law with the administrative rulemaking procedures of chapter 91, to provide the public with a general description of the proposed rules in the meeting notice, supplemented by information on how the public may obtain a copy of the proposed rules for further details.

Your Committee has amended this measure by making it effective upon its approval.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2249, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2249, S.D. 1, H.D. 1, and be referred to the Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



