

STAND. COM. REP. NO. 2061

Honolulu, Hawaii

FEB 04 2014

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

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Madam:

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

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

begs leave to report as follows:

The purpose and intent of this measure is to conform the
agency meeting agenda requirements under the Sunshine Law for
proposed administrative rulemaking to the agency meeting agenda
requirements under administrative rulemaking laws.

Your Committee received testimony in support of this measure
from the Department of the Attorney General; Department of
Business, Economic Development, and Tourism; and Office of
Information Practices.

Your Committee finds that the laws relating to administrative
rulemaking require an agency to give public notice of any proposed
adoption, amendment, or repeal of administrative rules. When the
agency is a board that is subject to the Sunshine Law under
chapter 92, Hawaii Revised Statutes, and wishes to discuss the
proposed rules during a public meeting, the board is also required
to follow the public notice requirements under the Sunshine Law.

As the Office of Information Practices notes in testimony,
the notice requirements under administrative rulemaking laws and
the notice requirements under the Sunshine Law rely upon different
assumptions. Notice requirements under administrative rulemaking
laws focus on providing the public with information on how to

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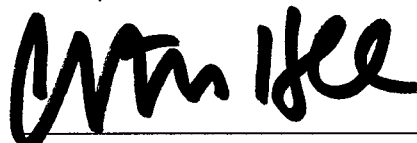
obtain or view the text of the proposed adoption, amendment, or repeal of administrative rules and therefore require only general descriptions of the topic of the proposed rule adoption, amendment, or repeal in the agenda. On the other hand, notice requirements under the Sunshine Law imply that the agenda itself must provide notice of all necessary information because the reader is not assumed to have access to additional information, such as the actual text of the proposed adoption, amendment, or repeal of administrative rules. To prevent challenges of not satisfying notice requirements under the Sunshine Law, some agencies have been attaching the entire text of their proposed rules to the agenda, creating a burden on public agencies and frustrating the purpose of a meeting agenda.

This measure is necessary to enable the satisfaction of notice requirements under administrative rulemaking laws to also satisfy notice requirements under the Sunshine Law for agenda items relating to administrative rulemaking.

Your Committee has amended this measure by inserting an effective date of July 1, 2050, to encourage further discussion.

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

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

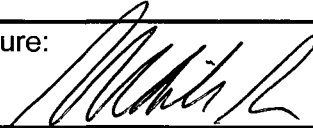


CLAYTON HEE, Chair



The Senate
Twenty-Seventh Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:*	Committee Referral:	Date:
SB 2249	JDL	01-28-14
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____		
The Recommendation is:		
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310
<input type="checkbox"/> Recommit 2313		
Members	Aye	Aye (WR)
	Nay	Excused
HEE, Clayton (C)	✓	
SHIMABUKURO, Maile S.L. (VC)	✓	
GABBARD, Mike		✓
GALUTERIA, Brickwood	✓	
IHARA, Jr., Les	✓	
SOLOMON, Malama		✓
SLOM, Sam	✓	
TOTAL	5	2
Recommendation:	<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	
Chair's or Designee's Signature:		
Distribution:	Original File with Committee Report	Yellow Clerk's Office
	Pink Drafting Agency	Goldenrod Committee File Copy

*Only one measure per Record of Votes