

Honolulu, Hawaii

FEB 20 2015

RE: S.B. No. 235
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Madam:

Your Committees on Government Operations and Judiciary and Labor, to which was referred S.B. No. 235 entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC HEARINGS,"

beg leave to report as follows:

The purpose and intent of this measure is to require:

- (1) State agencies to hold public hearings in the county or counties that are primarily impacted by the proposed adoption, amendment, or repeal of any administrative rule; and
- (2) At least one public hearing with thirty days' notice on each island with residents or communities on which the proposed rule will likely have a significant monetary impact.

Your Committees received testimony in support of this measure from the County of Hawaii Department of Environmental Management and County of Hawaii Planning Department. Your Committees received testimony in opposition to this measure from the League of Women Voters of Hawaii. Your Committees received comments on this measure from the Department of Human Services and Office of Information Practices.

Your Committees find that administrative rule changes may have a significant financial impact on residents, and it is important to give residents an opportunity to provide public




comment. Public input assists in the vetting process for rules and helps rule makers avoid unintended consequences. Especially when rules stand to impact certain islands more than others, public, in-person hearings are vital to uphold transparency and accountability in the rulemaking process.

Your Committees have amended this measure by:


- (1) Adding language to clarify that if electronic communications are used to supplement an in-person hearing, and the electronic communications between locations are interrupted or terminated, the in-person public hearing may continue and the interruption or failure of electronic communications shall not be a basis for challenging the rulemaking process; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Government Operations and Judiciary and Labor that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 235, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 235, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committees on Government
Operations and Judiciary and
Labor,



GILBERT S.C. KEITH-AGARAN, Chair




DONOVAN M. DELA CRUZ, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

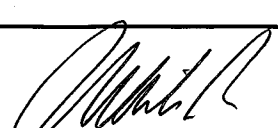
Record of Votes
Committee on Government Operations
GVO

Bill / Resolution No.:*	Committee Referral:	Date:		
SB235	GVO ND, RAM	2-17-15		
<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 <small>2312</small>				
<input checked="" type="checkbox"/> Pass, with amendments <small>2311</small>				
<input type="checkbox"/> Hold <small>2310</small>				
<input type="checkbox"/> Recommit <small>2313</small>				
Members	Aye	Aye (WR)	Nay	Excused
DELA CRUZ, Donovan M. (C)	✓			
NISHIHARA, Clarence K. (VC)	✓			
IHARA, Jr., Les				✓
TOKUDA, Jill N.	✓			
SLOM, Sam	✓			
TOTAL	4			1
Recommendation:				
<input checked="" type="checkbox"/> Adopted				
<input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes

The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB235	Committee Referral: GVO/JDL, WAM	Date: 2/18/15		
<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
KEITH-AGARAN, Gilbert S.C. (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
ESPERO, Will	✓			
GABBARD, Mike				✓
IHARA, Jr., Les	✓			
THIELEN, Laura H.	✓			
SLOM, Sam	✓			
	<i>max ML</i>			
TOTAL	6			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes