

STAND. COM. REP. NO. 3626

Honolulu, Hawaii

APR 01 2022

RE: H.B. No. 2026
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2026, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO CHAPTER 92, HAWAII REVISED STATUTES,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Define "board business" and "informal gatherings";
- (2) Allow a board to prepare and circulate amongst members a statement on a position previously adopted for purposes of submission to the Legislature, under certain circumstances;
- (3) Outline when board packets must be available to interested persons; and
- (4) Apply sunshine law to all adjudicatory functions concerning land use.

Your Committee received testimony in support of this measure from one member of the Hawai'i County Council, Common Cause Hawaii, League of Women Voters of Hawaii, Civil Beat Law Center for the Public Interest, Hawaii Chapter of the Society of Professional



Journalists, Hawai'i State Association of Counties, and eight individuals. Your Committee received comments on this measure from the Department of Land and Natural Resources, Office of Information Practices, Hawai'i Tourism Authority, and one individual.

Your Committee finds that part I of chapter 92, Hawaii Revised Statutes, the State's sunshine law, provides critical assurances to the public that decision-making by formal decision-making bodies in Hawai'i is transparent and includes the opportunity for public input. Meaningful engagement with a board by the public assists with the formation and conduct of public policy and helps with decision-making that is in the best interest of the public. However, as with every law, there is an opportunity to improve the understanding and compliance of the law as it operates in practice. Your Committee further finds that, in order for the public to provide meaningful written and oral testimony at a board meeting, the public must be allowed to review and inspect the same material provided to the boards in a timely manner, and before testimony submittal deadlines. This measure will strengthen understanding of, and public participation in, the administrative proceedings and process of boards.

Your Committee has amended this measure by:

- (1) Removing language that applied the sunshine law to all adjudicatory functions concerning land use;
- (2) Clarifying that at the time the board packet is distributed to the board members, but no later than forty-eight hours before the meeting time, the board shall also make the board packet available for public inspection in the board's office;
- (3) Making it effective upon its approval; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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 H.B. No. 2026, H.D. 2, as amended herein, and recommends that it pass



Second Reading in the form attached hereto as H.B. No. 2026,
H.D. 2, S.D. 1, and be placed on the calendar for Third Reading.

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



KARL RHOADS, Chair



The Senate
 Thirty-First Legislature
 State of Hawai'i

**Record of Votes
 Committee on Judiciary
 JDC**

Bill / Resolution No.:* HB 2026, HD2	Committee Referral: JDC	Date: 03-22-22
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The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	/			
KEOHOKALOLE, Jarrett (VC)	/			
ACASIO, Laura	/			
GABBARD, Mike	/			
KIM, Donna Mercado	/			
LEE, Chris				/
FEVELLA, Kurt				/
TOTAL	5	-	-	2

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature: *Karl Rhoads*

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***Only one measure per Record of Votes**