

STAND. COM. REP. NO. 645-22

Honolulu, Hawaii  
, 2022

**FEB 18**

RE: H.B. No. 2303  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-First State Legislature  
Regular Session of 2022  
State of Hawaii

Sir:

Your Committee on Government Reform, to which was referred  
H.B. No. 2303 entitled:

"A BILL FOR AN ACT RELATING TO THE UNIFORM INFORMATION  
PRACTICES ACT,"

begs leave to report as follows:

The purpose of this measure is to specify that certain deliberative and pre-decisional materials that are a direct part of a government agency's internal decision-making process are not subject to disclosure if the disclosure of such materials would impair the agency's ability to make sound and fair decisions, but only to the extent that the impairment outweighs public interest in disclosure of the materials.

Your Committee received testimony in support of this measure from the Department of Budget and Finance, University of Hawai'i System, and Employees' Retirement System. Your Committee received testimony in opposition to this measure from the Civil Beat Law Center for the Public Interest, Common Cause Hawaii, League of Women Voters of Hawaii, and three individuals. Your Committee received comments on this measure from the Office of Information Practices.

Your Committee finds that in 1988, the Legislature passed the Uniform Information Practices Act, codified as chapter 92F, Hawaii

2022-1563 HB2303 HD1 HSCR HMSO



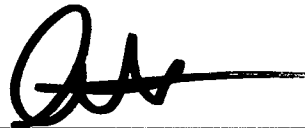
Revised Statutes, which includes the requirement that state and county government agencies allow public access to government records upon request, with certain exceptions. Your Committee further finds that beginning in 1989, the Office of Information Practices recognized that public disclosure of pre-decisional and deliberative memoranda and correspondence transmitted within or between government agencies could impede the candid and free exchange of ideas and opinions within an agency, which is contrary to the Legislature's original intent when passing the Uniform Information Practices Act. This measure will clarify the Legislature's intent regarding internal deliberative and pre-decision materials and provide for the protection of internal decision-making materials to allow agencies to freely and candidly share views internally and reach sound and fair decisions.

Your Committee has amended this measure by:

- (1) Changing its effective date to July 1, 2112, to encourage further discussion; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Government Reform that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2303, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2303, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on  
behalf of the members of the  
Committee on Government Reform,



ANGUS L.K. MCKELVEY, Chair



