Honolulu, Hawaii

MAR 03 , 2022

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 Judiciary & Hawaiian Affairs, to which was referred H.B. No. 2303, H.D. 1, 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 under the Uniform Information Practices Act if the disclosure 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.

Your Committee received testimony in support of this measure from the Department of Human Services, Department of Budget and Finance, Employees' Retirement System Board of Trustees, and Honolulu Police Department. Your Committee received testimony in opposition to this measure from The Civil Beat Law Center for the Public Interest, League of Women Voters of Hawaii, Hawaii Chapter of the Society of Professional Journalists, Common Cause Hawaii, Community Alliance on Prisons, and five individuals. Your Committee received comments on this measure from the Office of Information Practices and Grassroot Institute of Hawaii.

Your Committee finds that requiring disclosures of all discussions and perspectives during a deliberative process would inhibit free and candid discussion within government agencies, including preventing the discussion of alternative views out of fear of repercussion. Your Committee believes this measure strikes an appropriate and needed balance between the public's interest in disclosure of information and the public's need for government entities to be able to deliberate toward well-informed, stress-tested, and thoughtful decisions.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2303, H.D. 1, and recommends that it pass Third Reading.

Respectfully submitted on behalf of the members of the Committee on Judiciary & Hawaiian Affairs,

MARK M. NAKASHIMA, Chair

## State of Hawaii House of Representatives The Thirty-first Legislature

## Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: HB 2303, HDI	Committee Referral:	JHA Date:	2-25-	17
☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to:  Pass, unamended (as is)  Pass, with amendments (HD)  Hold  Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)				
2. MATAYOSHI, Scot Z. (VC)				
2 ICHIYAMA Lindo				
3. ICHIYAMA, Linda				
4. KOBAYASHI, Dale T.				
5. LoPRESTI, Matthew S.			TTE grant and a major as ventous sources	a centeral alle invite an
6. LOWEN, Nicole E.				1 2 - 4 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1
7. McKELVEY, Angus L.K.				
8. NAKAMURA, Nadine K.				
24.1. <u></u>				
9. TAKUMI, Roy M.				
10. TOKIOKA, James Kunane				
10. TORTONA, James Kunane				
11. WARD, Gene			ee	E de e e e e e e e e e e e e e e e e e e
TOTAL (11)	9	Q		
The recommendation is:  Adopted  If joint referral, did not support recommendation.  committee acronym(s)				
Vice Chair's or designee's signature:				
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