

STAND. COM. REP. NO. **685** -22

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.

2022-1917 HB2303 HD1 HSCR HMSO



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



