

STAND. COM. REP. NO. 1093-22

Honolulu, Hawaii

MAR 18 , 2022

RE: S.B. No. 3329
S.D. 1
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
S.B. No. 3329, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC PARTICIPATION IN
GOVERNMENT,"

begs leave to report as follows:

The purpose of this measure is to repeal chapter 634F, Hawaii
Revised Statutes, the Citizen Participation in Government Act, and
enact the Hawaii Public Expression Protection Act in its place.

Your Committee received testimony in support of this measure
from the Commission to Promote Uniform Laws; League of Women
Voters of Hawaii; Sierra Club of Hawai'i; Climate Protectors
Hawai'i; UNITE HERE! Local 5 Hawaii; Common Cause Hawaii; Motion
Picture Association, Inc.; Center for Biological Diversity; Mālama
Pūpūkea-Waimea; American Civil Liberties Union of Hawai'i; Hawaii's
Thousand Friends; Uniform Law Commission; Kua'āina Ulu 'Auamo; and
five individuals.

Your Committee finds that the enactment in 2002 of Hawaii's
Citizen Participation in Government Act was intended to promote
the rights of citizens to participate in government and to protect
citizens from the chilling effect of retributive strategic
lawsuits against public participation, or SLAPP suits. Your

2022-2274 SB3329 HD1 HSCR HMSO



Committee further finds that to minimize the damage of SLAPP claims against citizens, Hawaii's anti-SLAPP law seeks to shift the burden of litigation back to the party bringing the SLAPP claim by providing for expedited judicial review, a stay on discovery, and sanctions. Your Committee notes that despite the intentions of the Legislature to broadly construe the original anti-SLAPP law, narrow court interpretation has rendered it ineffective at protecting citizen participation.

Your Committee also finds that in July 2020, the Uniform Law Commission drafted the Uniform Public Expression Protection Act to address SLAPP suits that are not solely based on public testimony at government proceedings. This measure incorporates the provisions of the uniform law, which will serve as a well-balanced, comprehensive update to Hawaii's anti-SLAPP law and includes broader protections for the public and clearer procedures for expedited dismissal of SLAPP claims.

Your Committee has amended this measure by:

- (1) Changing its effective date to July 1, 2112, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purpose 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 S.B. No. 3329, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3329, S.D. 1, 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



Record of Votes of the Committee on Government Reform

Bill/Resolution No.: SB 3329, SD1	Committee Referral: GVR, JHA, FIN	Date: 3-16-22		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
GVR Members	Ayes	Ayes (WR)	Nays	Excused
1. McKELVEY, Angus L.K. (C)	✓			
2. WILDBERGER, Tina (VC)	✓			
3. COSTALES, Luella	✓			
4. ELI, Stacelynn K.M.	✓			
5. ICHIYAMA, Linda	✓			
6. MIZUNO, John M.				✓
7. WOODSON, Justin H.	✓			
8. YAMASHITA, Kyle T.	✓			
9. WARD, Gene	✓			
TOTAL (9)	8	0	0	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				