

Honolulu, Hawaii

FEB 13 2024

RE: S.B. No. 2638

S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B.
No. 2638 entitled:

"A BILL FOR AN ACT RELATING TO BOARD PACKETS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require boards to make available for public inspection board packets, if created, at the time the board packet is distributed to the board members but no later than two business days before the meeting; and
- (2) Establish an exception by allowing public testimony to be distributed to board members within two business days before the meeting.

Your Committee received testimony in support of this measure from the Public First Law Center; Society of Professional Journalists, Hawaii Chapter; and one individual.

Your Committee received comments on this measure from the University of Hawai'i System and Office of Information Practices.

Your Committee finds that existing law requires a board packet, or materials compiled and distributed to board members before their use at the meeting, to be distributed at least forty-



eight hours prior to the meeting and be made available to the public at that same time. However, since written public testimony is among the materials compiled and distributed to board members for their use at a meeting, which usually comes within the last day or two before a meeting, boards have been required to use work-arounds such as waiting to distribute the testimony until the meeting itself to avoid violating the forty-eight hour requirement. This measure will provide clarity and assist boards in distributing written public testimony to their members in time for those members to read it before a meeting.

Your Committee has amended this measure by:

- (1) Adding language that requires a board to include in a notification sent to a person requesting the notification of meetings a list of the documents that were compiled by the board and distributed to the board members before a meeting for use at that meeting; and
- (2) Adding language that requires a board to post the board packet on its website.

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 S.B. No. 2638, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2638, S.D. 1, and be referred to your Committee on Ways and Means.

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



KARL RHOADS, Chair



