STAND. COM. REP. NO. 831

Honolulu, Hawaii

MAR 0 3 2023

RE: S.B. No. 767

Honorable Ronald D. Kouchi President of the Senate Thirty-Second State Legislature Regular Session of 2023 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 767 entitled:

"A BILL FOR AN ACT RELATING TO EMERGENCY POWERS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Prohibit the Governor or a Mayor from suspending requests for public records or vital statistics during a declared state of emergency; and
- (2) Allow for a reasonable delay in an agency's response to a request as a result of extenuating circumstances.

Your Committee received testimony in support of this measure from the Civil Beat Law Center for the Public Interest, League of Women Voters of Hawaii, All News Hawaii, Iron Workers Stabilization Fund, and four individuals. Your Committee received comments on this measure from the Hawaii Emergency Management Agency, Department of Human Services, Department of Health, Office of Information Practices, and Grassroot Institute of Hawaii.

Your Committee finds that the Governor's Twenty-First Emergency Proclamation relating to the coronavirus disease 2019 (COVID-19) emergency included a suspension of the Uniform Information Practices Act to the extent that it contains any deadlines for agencies or the Office of Information Practices,

relating to requests for government records or complaints to the Office of Information Practices, subject to minimum requirements. One requirement is that the completion of the request must directly impair the agency's COVID-19 response effort. This requirement allowed government agencies to freely deny access to public information for an indefinite time period even as COVID-19 vaccination rates increase and the economy begins to reopen. This measure prevents future suspensions of the acquisition of critical public records.

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. 767 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

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

KARL RHOADS, Chair

The Senate Thirty-Second Legislature State of Hawaiʻi

Record of Votes Committee on Judiciary JDC

Bill / Resolution No.:*	Committee	Referral:	С	Date:	
55767	JDC			2/10/23	
The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)) Nay	Excused
RHOADS, Karl (C)		V			
GABBARD, Mike (VC)		V			,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
ELEFANTE, Brandon J.C.		V			
SAN BUENAVENTURA, Joy A	٩.				
AWA, Brenton		ν			
					
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TOTAL		ک			
Recommendation: Adopted Not Adopted					
Chair's or Designed's Signature:					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

*Only one measure per Record of Votes