

STAND. COM. REP. NO. **327b**

Honolulu, Hawaii

MAR 22 2024

RE: H.B. No. 1598
H.D. 1
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 Government Operations, to which was referred H.B. No. 1598, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE SUNSHINE LAW,"

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, rather than forty-eight hours, before the board meeting; and
- (2) Carve out an exception to this requirement 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 Society of Professional Journalists Hawaii Chapter and Public First Law Center.

Your Committee received comments on this measure from the 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 a public 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, your Committee recognizes that since written public testimony is among the materials in a board packet, boards have resorted to using work-arounds when testimony is received within forty-eight hours before the public meeting to avoid violating this requirement. The clarifications in this measure will not only allow boards to distribute to their members written public testimony received within two business days before a public meeting without violating the Sunshine Law, but also assist government agencies and the public by allowing them time to review any distributed board packets for a meeting held a day or two after a weekend or holiday.

Your Committee has amended this measure by:

- (1) Inserting language that requires boards to:
 - (A) Include in the notice to persons requesting notification of meetings, a list of the documents that were compiled by the board and distributed to board members before a meeting for use at that meeting; and
 - (B) Post board packets on its website;
- (2) Amending section 1 to reflect its amended purpose; and
- (3) Inserting an effective date of July 1, 2491, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1598, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1598, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.



Respectfully submitted on
behalf of the members of the
Committee on Government
Operations,



ANGUS L.K. MCKELVEY, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
 Committee on Government Operations
 GVO

Bill / Resolution No.:* HB 1598 HD1	Committee Referral: GVO, JDC	Date: March 19, 2024
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The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
MCKELVEY, Angus L.K. (C)	✓			
GABBARD, Mike (VC)	✓			
SAN BUENAVENTURA, Joy A.	✓			
WAKAI, Glenn	✓			
AWA, Brenton	✓			
TOTAL	5	—	—	—

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:


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*Only one measure per Record of Votes