

OFFICE OF INFORMATION PRACTICES

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To: Senate Committee on Government Operations

From: Carlotta Amerino, Director

Date: February 3, 2026, 3:00 p.m.
State Capitol, Conference Room 225

Re: Testimony on S.B. No. 2449
Relating to Public Meetings

Thank you for the opportunity to submit testimony on this bill, which would change the definition of a business day used in determining when a board subject to the Sunshine Law, part I of chapter 92, Hawaii Revised Statutes (HRS), must make its board packet available to the public (if using one); would define “regular business hours”; would define “chief executive” as used in the new definition of a business day; and would specify that when a board makes a board packet available for public inspection in its office, it must do so during regular business hours. The Office of Information Practices (OIP) offers comments.

Section 92-7.5, HRS, currently requires that a Sunshine Law board using a board packet for an upcoming meeting must, among other things, make it available for public inspection in the board’s office at least three full business days before the meeting. OIP already interprets this requirement to mean that the public inspection must be offered during the board’s regular business hours, since a board packet obviously is not available for public inspection in a board’s office while that office is closed. Thus, OIP considers this proposed amendment unnecessary, but harmless.

The purpose of the remaining changes – changing the definition of business day and adding definitions of chief executive and business hours – is not entirely clear. The primary substantive effect it appears to have would be to count the two federal holidays that are not also state and county holidays as business days for the purpose of the board packet deadline, whereas the current definition includes federal holidays. This affects the deadline twice year (Columbus Day, recognized by the State as Discoverer's Day and Indigenous Peoples' Day but not made a holiday; and Juneteenth, also recognized but not a holiday). For meetings held soon after those federal holidays, the three business day deadline is a day earlier under current law than it would be under this proposal. A secondary effect is that for the purpose of the board packet provision, OIP would be placed in the position of telling any state and county offices providing administrative support for a board what their business hours should be and, in the event of a complaint that the office was not open for board packet inspection during those hours, requiring that they show that their chief executive authorized it.

Setting business hours is not among the Sunshine Law's stated purposes, and OIP questions whether this is a subject matter that should be subject to Sunshine Law enforcement. OIP also notes that the Sunshine Law's board packet provision has been amended three times in the last three years. Although OIP updates its training materials and announces the changes via its email newsletter each time, the frequent amendments to this provision have been challenging for boards to keep up with and have resulted in meeting cancellations for boards following an outdated deadline and thus missing the new and earlier deadline. Thus, OIP respectfully recommends that this Committee consider whether the public benefit of the changes proposed by this bill is worth further confusion for the boards subject to the Sunshine Law.



Senate Committee on Government Operations

Tuesday, February 3, 2026, 3 PM Hearing in Conference Room 225 on
SB 2449, Relating to Public Meetings

TESTIMONY

Douglas Meller, Legislative Committee, League of Women Voters of Hawaii

Chair McKelvey, Vice Chair Gabbard, and Committee Members:

The League of Women Voters of Hawaii supports the intent of SB 2449. Unless this might jeopardize passage, we request that SB 2449 also amend Sec. 92-7.5, Hawaii Revised Statutes, to establish a deadline for timely public access to electronic copies of board packets.

Thank you for the opportunity to testify.

PETER L. FRITZ

PLFLEGIS@FRITZHQ.COM

Subject: Testimony in Support of Bill SB 2449 Clarifying Definitions of Business Days and State Holidays.

Dear Chair McKelvy, Vice Chair Gabbard's, and Members of the Committee on Government Operations.

My name is Peter Fritz. I am an attorney with experience in drafting legal documents to address ambiguities in statutory language, including the correction of ambiguities in tax laws. This bill is intended to correct an issue in the board packet law, §92-7.5, Hawaii Revised Statutes. I am testifying in support of this bill.

The purpose of this bill is to define business days and clarify what days are state holidays for purposes of the board packet law. Existing law provides that business days do not include federal holidays. However, the State of Hawaii does not recognize all federal holidays as state holidays. Confusion exists regarding the definition of business hours for the inspection of board packets. Because Hawaii Revised Statutes Section 92-7.5, HRS, does not define office hours, the Office of Information Practices (OIP) has opined, based solely on legislative history, that office hours mean the six hours preceding the close of the business day. This bill would establish specific hours to replace that interpretation.

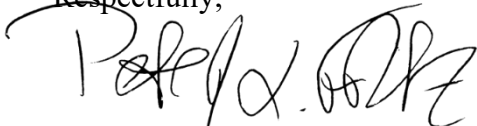
The provisions in this bill will provide clarity for agencies regarding the definition of business days for the purposes of §92-7.5. The bill will specify the business hours during which board packets will be available for inspection. It will also establish that federal holidays not recognized by the State of Hawaii are business days. The Office of Information Practices has notified agencies that, under the current definition, a federal holiday not recognized by Hawaii must be counted as a nonbusiness day.

My review of public agendas posted by state agencies indicates that agencies have successfully adjusted to the transition from a two-day to a three-day notice period. This bill would further assist those agencies by removing the ambiguity regarding which days qualify as business days.

I respectfully request that this committee pass this bill to provide statutory certainty to state agencies and the public.

Thank you for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read "Peter L. Fritz", with a stylized flourish at the end.

Peter L. Fritz