

Honolulu, Hawaii  
MAR 24 , 2022

RE: S.B. No. 2143  
S.D. 2  
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. 2143, S.D. 2, entitled:

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

begs leave to report as follows:

The purpose of this measure is to:

- (1) Define "board packet"; and
- (2) Specify that each board subject to the State's Sunshine Law:
  - (A) Shall not limit the presentation of oral testimonies solely to the beginning of the board meeting; and
  - (B) Shall make its board packets publicly available at least forty-eight hours prior to the board meeting if the board uses board packets.

Your Committee received testimony in support of this measure from the League of Women Voters of Hawaii, Civil Beat Law Center for the Public Interest, Common Cause Hawaii, Hawaii Chapter of the Society of Professional Journalists, and eight individuals.



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

Your Committee finds that many boards subject to the State's Sunshine Law do not provide the public with adequate time prior to a board meeting to understand what the board plans to discuss. This hampers the public's ability to submit meaningful comment on board matters. Your Committee further finds that this measure will provide the public with ample time and opportunity to review the materials of the board and give meaningful testimony to assist the board with its review and deliberations of agenda items.

Your Committee additionally finds that only allowing the public to testify at the beginning of a board meeting does not allow for meaningful discussion. Your Committee notes the example raised by Common Cause Hawaii in its testimony. Common Cause Hawaii had attended a commission meeting and was only permitted to testify at the beginning of the agenda. As the agenda progressed, Common Cause Hawaii was not allowed to raise any concerns. One of the concerns Common Cause Hawaii had during the commission's meeting was a violation of the Sunshine Law, as that commission was about to vote on a motion that was not on the commission's agenda. Your Committee recognizes this as an example of the importance of not limiting the presentation of oral testimonies solely to the beginning of the board meeting.

Your Committee notes the amendment suggested by the Hawaii Tourism Authority in its testimony about exempting research reports from inclusion in board packets to prevent them from being released prior to a board meeting. However, your Committee believes that providing such an exemption will create issues with public transparency.

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 purposes of clarity, consistency, and style.

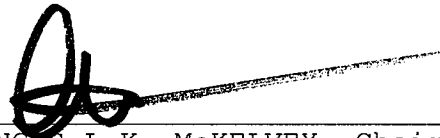
Your Committee is concerned that this measure may conflict with or duplicate certain provisions found in House Bill No. 2026 H.D. 2 (2022). Your Committee has accordingly amended this



measure to allow continued discussion and, should a Committee on Conference be established to deliberate on this measure, allow the Committee on Conference to reconcile any differences between the two measures.

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. 2143, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2143, S.D. 2, 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,



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ANGUS L.K. MCKELVEY, Chair



State of Hawaii  
House of Representatives  
The Thirty-first Legislature

HSCR 1449-22

Record of Votes of the Committee on Government Reform

Bill/Resolution No.: SB 2143, SD 2	Committee Referral: GVR, JNA	Date: 3-23-22		
<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)	7	0	0	2
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: <u>T. Wingan</u>				
Distribution: Original (White) – Committee      Duplicate (Yellow) – Chief Clerk's Office      Duplicate (Pink) – HMSO				