

STAND. COM. REP. NO. 2061

Honolulu, Hawaii

FEB 04 2014

RE: S.B. No. 2249  
S.D. 1

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Seventh State Legislature  
Regular Session of 2014  
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred  
S.B. No. 2249 entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS,"

begs leave to report as follows:

The purpose and intent of this measure is to conform the  
agency meeting agenda requirements under the Sunshine Law for  
proposed administrative rulemaking to the agency meeting agenda  
requirements under administrative rulemaking laws.

Your Committee received testimony in support of this measure  
from the Department of the Attorney General; Department of  
Business, Economic Development, and Tourism; and Office of  
Information Practices.

Your Committee finds that the laws relating to administrative  
rulemaking require an agency to give public notice of any proposed  
adoption, amendment, or repeal of administrative rules. When the  
agency is a board that is subject to the Sunshine Law under  
chapter 92, Hawaii Revised Statutes, and wishes to discuss the  
proposed rules during a public meeting, the board is also required  
to follow the public notice requirements under the Sunshine Law.

As the Office of Information Practices notes in testimony,  
the notice requirements under administrative rulemaking laws and  
the notice requirements under the Sunshine Law rely upon different  
assumptions. Notice requirements under administrative rulemaking  
laws focus on providing the public with information on how to

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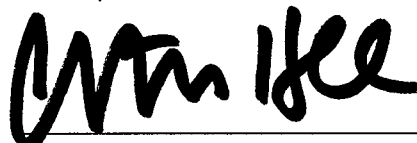
obtain or view the text of the proposed adoption, amendment, or repeal of administrative rules and therefore require only general descriptions of the topic of the proposed rule adoption, amendment, or repeal in the agenda. On the other hand, notice requirements under the Sunshine Law imply that the agenda itself must provide notice of all necessary information because the reader is not assumed to have access to additional information, such as the actual text of the proposed adoption, amendment, or repeal of administrative rules. To prevent challenges of not satisfying notice requirements under the Sunshine Law, some agencies have been attaching the entire text of their proposed rules to the agenda, creating a burden on public agencies and frustrating the purpose of a meeting agenda.

This measure is necessary to enable the satisfaction of notice requirements under administrative rulemaking laws to also satisfy notice requirements under the Sunshine Law for agenda items relating to administrative rulemaking.

Your Committee has amended this measure by inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2249, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2249, S.D. 1, and be placed on the calendar for Third Reading.

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



CLAYTON HEE, Chair



