

House Committee on Judiciary & Hawaiian Affairs
Honorable David A. Tarnas, Chair
Honorable Mahina Poepoe, Vice Chair

RE: Testimony in support of S.B. 1651 S.D. 1 H.D. 1, Relating to Public Meetings
Hearing: April 2, 2025 at 2:00 p.m.

Dear Chair and Members of the Committee:

My name is Ben Creps. I am a staff attorney at the Public First Law Center, a nonprofit organization that promotes government transparency. Thank you for the opportunity to submit testimony in **support** of S.B. 1651 S.D. 1 H.D. 1.

This measure is necessary to carry out the intent of the Legislature in passing H.B. 1598, enacted as Act 11 (2024). Act 11 was intended to afford the public and board members *more* time to review meeting materials than the then-existing 48-hour deadline, by giving them at least two full business days to review the materials. *E.g.*, H. Stand. Comm. Rep. No. 672-24 at 1 (bill intended to “give the general public and the government agencies ample time to review materials prior to the meeting in situations where the meeting may take place following a weekend or holiday”).

Despite this clear intent, the Office of Information Practices (OIP) has interpreted the law to provide the public and board members *less* time to review materials. OIP’s interpretation creates situations in which board members have only one business day to review board packet materials. OIP has also taken the position that there is no deadline for boards to notify the public about the availability of a board packet. That means a board could provide notice that its board packet is available for inspection *after* the meeting to which it pertains.¹ This bill addresses both of these concerns, by setting a clear deadline for board packet availability and notice.

Board packets, and notice that they are available, are critical to informed public participation in Sunshine Law meetings. Without board packets, members of the public would have only the bare details of an agenda to inform testimony in advance of a meeting – that would be like drafting public testimony based solely on a bill title, like “relating to public meetings,” and not the bill itself. S.B. 1651 S.D. 1 is thus necessary to promote *meaningful* public participation.

¹ In testimony, OIP has asserted that the notice must be sent “early enough to allow those receiving it to obtain and review a board packet prior to the meeting.” OIP, however, has not identified any standards to determine what constitutes “early enough.”



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To ensure compliance with the intent of this measure, if enacted, we respectfully suggest confirming with OIP in testimony, or in the report of this Committee, that “two full business days” means – *at the latest* – 7:45 a.m. on the second business day before a meeting.

Thank you again for the opportunity to testify in support of S.B. 1651 S.D. 1 H.D. 1.