

Resolution

No. 22-199

APPROVING FOR INCLUSION IN THE 2023
MAUI COUNTY COUNCIL LEGISLATIVE
PACKAGE A STATE BILL RELATING TO PUBLIC
TESTIMONY AT OPEN MEETINGS

WHEREAS, Act 264 (2022) amended the State Sunshine Law to require that testimony be taken either immediately prior to discussion of each item or prior to each category or set of agenda items, rather than allowing for all testimony at the beginning of a public meeting; and

WHEREAS, though the asserted basis for the statute was to allow members of the public to view any presentation before testimony, the Office of Information Practices had advised that that practice was acceptable under the Sunshine Law; and

WHEREAS, the statute unduly restricts public bodies' options for conducting meetings without any new benefit to the public; and

WHEREAS, the statute has only been in effect since July 8, 2022, but has already created much public confusion and unfairly restricted public bodies in the conduct of their meetings, even as the State Legislature and its committees continue to operate outside the Sunshine Law and with no limitations on the timing in which they accept testimony; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That the proposed State bill, attached as Exhibit "A," relating to public testimony at open meetings, is approved for inclusion in the 2023 Maui County Council Legislative Package; and
2. That certified copies of this Resolution be transmitted to the Mayor.

INTRODUCED BY:


ALICE L. LEE

____.B. NO.____

A BILL FOR AN ACT

RELATING TO PUBLIC TESTIMONY AT OPEN MEETINGS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 92-3, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§92-3 Open meetings.** Every meeting of all boards
4 shall be open to the public and all persons shall be
5 permitted to attend any meeting unless otherwise provided
6 in the state constitution or as closed pursuant to
7 sections 92-4 and 92-5; provided that the removal of any
8 person or persons who willfully disrupts a meeting to
9 prevent and compromise the conduct of the meeting shall
10 not be prohibited. The boards shall afford all
11 interested persons an opportunity to submit data, views,
12 or arguments, in writing, on any agenda item. The boards
13 shall also afford all interested persons an opportunity
14 to present oral testimony on any agenda item[provided
15 ~~that the oral testimonies of interested persons shall not~~
16 ~~be limited to the beginning of a board's agenda or~~
17 ~~meeting~~]. The boards may provide for reasonable
18 administration of oral testimony by rule."
19

Exhibit "A"

1 SECTION 2. Statutory material to be deleted is bracketed
2 and in strikethrough.

3 SECTION 3. This Act shall take effect upon its approval.

4

5

6 INTRODUCED BY: _____

7 paf:dmr:22-172b