

# Resolution

**No.** 22-199, CD1

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:

A handwritten signature in cursive script, appearing to read "Alice L. Lee".

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ALICE L. LEE

\_\_\_\_.B. NO. \_\_\_\_\_

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## 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 sections  
7 92-4 and 92-5; provided that the removal of any person or  
8 persons who willfully disrupts a meeting to prevent and  
9 compromise the conduct of the meeting shall not be  
10 prohibited. The boards shall afford all interested persons  
11 an opportunity to submit data, views, or arguments, in  
12 writing, on any agenda item. The boards shall also afford  
13 all interested persons an opportunity to present oral  
14 testimony on any agenda item at the beginning of the board's  
15 agenda or meeting, provided that except for the legislative  
16 body of each county, the oral testimonies of interested  
17 persons shall not be limited to the beginning of a board's  
18 agenda or meeting. The boards may provide for reasonable  
19 administration of oral testimony by rule."

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

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

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7                                   INTRODUCED BY: \_\_\_\_\_

8 great:misc:004(1)abill01:kmatt

**COUNCIL OF THE COUNTY OF MAUI**

**WAILUKU, HAWAII 96793**

**CERTIFICATION OF ADOPTION**

It is **HEREBY CERTIFIED** that **RESOLUTION NO. 22-199, CD1** was adopted by the Council of the County of Maui, State of Hawaii, on the 20th day of September, 2022, by the following vote:

MEMBERS	Alice L. LEE Chair	Keani N. W. RAWLINS-FERNANDEZ Vice-Chair	Gabriel JOHNSON	Natalie A. KAMA	Kelly T. KING	Michael J. MOLINA	Tamara A. M. PALTIN	Shane M. SINENCI	Yuki Lei K. SUGIMURA
ROLL CALL	Aye	No	Aye	Aye	Aye	Aye	No	Aye	Aye



COUNTY CLERK