



July 10, 2025

Hon. Ronald D. Kouchi  
Senate President  
Hawai'i Senate

Hon. Nadine K. Nakamura  
House Speaker  
Hawai'i House of Representatives

**Re: Act 310, Relating to the State Budget (Grants in Aid)**

Dear President Kouchi and Speaker Nakamura:

My name is Brian Black. I am the Executive Director of the Public First Law Center, a nonprofit organization that promotes government transparency. We write with two concerns and a suggestion regarding Act 310 (2025), which creates a four-member legislative committee to award "grant in aid" funds.

First, please take notice that meetings of the committee must be public. Although the bill exempts the committee from the Sunshine Law, it remains subject to the constitutional requirement of open legislative meetings. The Hawai'i Constitution requires: "Every meeting of a committee in either house or of a committee comprised of a member or members from both houses held for the purpose of making decision on matters referred to the committee shall be open to the public." Haw. Const. art. III, § 12. Fifty million dollars in public monies cannot be doled out in the dark by a legislative committee.

Second, procedural defects in the adoption of Act 310 threaten to invalidate any grants awarded by the committee. The Hawai'i Constitution requires that all bills be introduced in the Legislature by a set date. *Id.* That provision allows "the public more time to familiarize itself with proposed legislation, conduct research, and 'prepare more thoughtful and detailed testimony.'" *League of Women Voters v. State*, 150 Hawai'i 182, 203, 499 P.3d 382, 403 (2021). Act 310, however, was in "short form" when introduced; it was not a bill. *Id.* at 194, 499 P.3d at 394 ("Every bill consists of a number, title, and the substance of the bill . . ."). Act 310 did not have "substance" until after the bill introduction deadline. Because of this defect, the law may be challenged as unconstitutional and nullified, jeopardizing any grants made by the committee.



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To avoid exposing nonprofit grantees to the uncertainty and risk of receiving potentially revocable public funds, we would encourage the Legislature to hold a special session to award the grant in aid funds. A special session would allow greater public participation, result in a more representative award process, and build much-needed public trust.

Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read 'R. Black', with a long horizontal flourish extending to the right.

R. Brian Black  
Executive Director

cc: Department of the Attorney General  
State Department of Labor & Industrial Relations, Office of Community Services  
Aloha United Way  
Hawai'i Alliance of Nonprofit Organizations