

Honolulu, Hawaii  
Feb 28, 2008

RE: H.B. No. 1968  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fourth State Legislature  
Regular Session of 2008  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1968 entitled:

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

begs leave to report as follows:

The purpose of this bill is to allow board members, including members of State or county agencies, boards, commissions, authorities, and committees, more flexibility to conduct business, while safeguarding the public's interest in participating in the formation and conduct of public policy, by making amendments to statutory provisions on permitted interactions of board members and quorum requirements.

The Hawaii Civil Rights Commission testified in support of this bill. Office of Information Practices (OIP) supported this measure and provided comments. The Society of Professional Journalists Hawaii Chapter opposed this bill. The Board of Education and the Chamber of Commerce of Hawaii provided comments.

Your Committee agrees that Chapter 92, Hawaii Revised Statutes (HRS), relating to public agency meetings, also known as the "Sunshine Law," could be modified to allow greater flexibility for public agency meetings without undermining its fundamental purpose of encouraging public participation in the formation of public policy. Your Committee notes that OIP expressed, in written and oral testimony, its general support for this measure.



Your Committee has amended this measure by taking into account suggestions made by OIP, including:

- (1) Allowing private administrative discussions on officer selection and committee assignments not only by less than the number of members constituting a quorum, but also by a quorum or majority of the members;
- (2) Requiring board members who intend to discuss their individual positions relating to official board business at a meeting of another board or a public hearing of the legislature to announce in advance their intention to attend and participate in the meeting or hearing when reasonably practicable, and report their attendance and matters discussed at the meeting or hearing at the next duly noticed meeting of the board on which they sit;
- (3) Requiring board members who attend presentations that involve matters relating to official board business to report their attendance and matters presented and discussed at the presentation at the next duly noticed meeting of the board on which they sit; and
- (4) Clarifying that informational presentations to a board without a quorum must be noticed on an agenda pursuant to section 92-7, HRS.

Your Committee has also amended this bill by:

- (1) Changing the effective date to January 1, 2112, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1968, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1968, H.D. 1, and be placed on the calendar for Third Reading.



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

  
\_\_\_\_\_  
TOMMY WATERS, Chair



