

STAND. COM. REP. NO.

805

Honolulu, Hawaii

March 1, 2007

RE: H.B. No. 128

H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fourth State Legislature  
Regular Session of 2007  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 128 entitled:

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

begs leave to report as follows:

The purpose of this bill is to improve the State's sunshine law by permitting:

- (1) Two or more members of a board, but fewer than the number of members that would constitute a quorum for the board, to discuss their individual positions relating to official board business at a meeting of another board or a public hearing of the Legislature; and
- (2) Two or more members of a board, but fewer than the number of members that would constitute a quorum for the board, to attend presentations that involve matters relating to official board business, as long as the presentation is not specifically and exclusively organized for, or directed towards, the members of the board; and
- (3) Board members attending a presentation to participate in the discussions, including among themselves; provided that no commitment to vote on official board business is made or sought.



The Office of Information Practices, a member of the Maui County Council, Kuliouou/Kalani Iki Neighborhood Board No. 2, Liliha/Puunui/Alewa/Kamehameha Heights Neighborhood Board No. 14, Mililani/Waipio/Melemanu Neighborhood Board No. 25, Mililani Mauka/Launani Valley Neighborhood Board No. 35, Hawaii State Teachers Association, and several concerned individuals supported this bill. The League of Women Voters of Hawaii supported this bill with amendments. Several concerned individuals supported the intent of this measure. Several concerned individuals submitted comments.

Your Committee finds that certain provisions in H.B. No. 1394 and H.B. No. 849, as well as other clarifying amendments, will further strengthen and clarify the sunshine law.

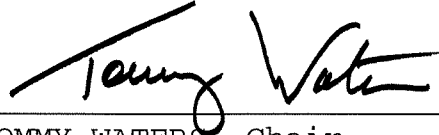
Accordingly, your Committee has amended this measure by:

- (1) Establishing that discussions between two or more members of a board, but less than the number of members that would constitute a quorum for the board, concerning the assignment of members to the board's committees may be conducted in private;
- (2) Requiring, except for informational presentations, a quorum for discussion prior and related to voting, and for voting required to validate an act of the board as part of official board business;
- (3) Changing its effective date to January 1, 2112, to encourage further discussion; and
- (4) 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. 128, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 128, H.D. 1, and be placed on the calendar for Third Reading.



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

A handwritten signature in black ink that reads "Tommy Waters". The signature is written in a cursive style with a long horizontal stroke at the beginning.

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TOMMY WATERS, Chair



