

STAND. COM. REP. NO.

2665

Honolulu, Hawaii

FEB 29 2008

RE: S.B. No. 2201
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 2201 entitled:

"A BILL FOR AN ACT RELATING TO LEGAL REQUIREMENTS FOR
NEIGHBORHOOD BOARD MEETINGS,"

begs leave to report as follows:

The purpose of this measure is to prescribe the procedure to be followed at certain neighborhood board meetings, such as the information that may be included in the written public notice, the information that the neighborhood board may receive on a matter, and the deliberation and decision-making process.

The Neighborhood Commission, Neighborhood Board No. 25, Coalition of Hawaii Engineering and Architectural Professionals, and two individuals submitted testimony in support of the measure. The Chamber of Commerce of Hawaii submitted testimony in opposition. The Office of Information Practices and the League of Women Voters of Hawaii submitted comments.

Your Committee finds that the purpose of neighborhood boards is to provide a forum for public input that can then be disseminated to government agencies and elected officials. However, the ability of neighborhood boards to solicit public input is hampered by certain provisions of chapter 92, Hawaii Revised Statutes, commonly known as the Sunshine Law. This measure gives the neighborhood board more flexibility to allow the taking of testimony on a matter that is not specifically noticed for consideration and the receiving of testimony on an official

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board matter without quorum; provided that no decisions may be made thereon. The measure also permits neighborhood board members to attend and participate in discussions at meetings and presentations related to official board matters; provided that the discussions occur as part of the meeting or presentation and no deliberation or commitment to vote is made.

Upon further consideration, your Committee has amended this measure by:

- (1) Providing that any information or testimony that the neighborhood board receives on a matter of official board business without a quorum present shall be permitted again at a subsequent meeting when the decision is made;
- (2) Clarifying that neighborhood board members may participate in discussions, including discussions among themselves, at certain information meetings or presentations on matters relating to official board business as long as no commitment to vote is made or sought;
- (3) Permitting discussion of an unanticipated event if:
 - (A) Timely action on the matter is "urgently necessary", as opposed to "necessary"; and
 - (B) Time does not allow for it to be addressed by an emergency meeting scheduled pursuant to section 92-8; and
- (4) Making technical nonsubstantive amendments for the purposes of style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2201, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2201, S.D. 1, and be placed on the calendar for Third Reading.



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


BRIAN T. TANIGUCHI, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 2201	Committee Referral: JDL	Date: 2-7-08
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The committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312 Pass, with amendments 2311 Hold 2310 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, BRIAN T. (C)	✓			
HEE, Clayton (VC)				✓
GABBARD, Mike	✓			
KOKUBUN, Russell S.				✓
NISHIHARA, Clarence K.	✓			
SLOM, Sam	✓			
TOTAL	4			2

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:


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*Only one measure per Record of Votes