

STAND. COM. REP. NO.

2702

Honolulu, Hawaii

FEB 29 2008

RE: S.B. No. 2295
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. 2295 entitled:

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

begs leave to report as follows:

The purpose of this measure is to clarify the sunshine law to allow two or more board members to discuss their individual positions, or attend meetings or presentations relating to board business under certain circumstances. This measure also allows members to be polled on official board business outside of meetings under certain circumstances.

Your Committee received testimony in support of this measure from the Hawaii Civil Rights Commission, the Coalition of Hawaii Engineering and Architectural Professionals, and two individuals. Testimony in opposition to this measure was submitted by the Chamber of Commerce of Hawaii, a Maui County councilmember, and one individual. Comments on this measure were submitted by the Office of Information Practices and the Board of Education.

The intent of this measure is to facilitate the business of boards and commissions by allowing two or more members but less than a quorum of the board to:

- (1) Attend a meeting of another board or a public hearing at the Legislature and discuss their individual positions and provide testimony; or



- (2) Attend other informational meetings or presentations relating to official board business, with certain restrictions on their activities at those meetings and presentations.

This measure further allows members of the board to be polled in writing, including facsimile and email, regarding their positions.

The intent of this measure is to facilitate the conduct of business of boards and commissions without compromising the integrity of the sunshine law. Your Committee recognizes the practical realities of board functions and duties. Your Committee notes that this measure carefully guards against voting on official board business outside of a duly noticed board meeting.

Your Committee has amended this measure on the recommendation of the Office of Information Practices by:

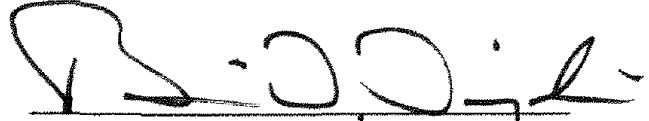
- (1) Deleting reference to "deliberate" as being redundant to "discussion"; and
- (2) Deleting reference to making public the documentation of the polling pursuant to rules of the board, and instead making the documentation by law a public record to be made available to the public, as required for minutes of board meetings; provided that public availability of the documentation shall occur within seven days after the polling.

Your Committee has also made technical, nonsubstantive amendments.

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. 2295, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2295, 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



