

STAND. COM. REP. NO. **578**

Honolulu, Hawaii

MAR 06 2009

RE: S.B. No. 1661  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Madam:

Your Committee on Judiciary and Government Operations, to which was referred S.B. No. 1661 entitled:

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

begs leave to report as follows:

The purpose of this measure is to clarify the permissible attendance by board members at other meetings, for purposes of the public agency meetings law.

Your Committee received comments. Written testimony presented to the Committee may be reviewed on the Legislature's website.

Your Committee notes that section 92-2.5, Hawaii Revised Statutes, currently governs discussions and other communications among board members outside of a meeting of the board. Permitted interactions of neighborhood board members at attendance at informational meetings and presentations is governed by section 92-82, Hawaii Revised Statutes.

Your Committee finds that board members need guidance regarding when they may attend meetings of other boards and the extent of their permissible interaction at those meetings. This measure clarifies the existing law by enabling board members to attend another agency's meeting if a topic that pertains to the board member's future board agenda may be discussed; provided that the board member does not participate in the discussions. Furthermore, the measure allows board members to attend meetings

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not under their board's purview. In addition, the board member would be required to disclose the board member's attendance and the disclosure would be recorded in the minutes of the board member's board meeting. The measure also allows a board to continue to meet even though a quorum is not present; provided that no actions are taken.

- (1) Your Committee has amended this measure by distinguishing official meetings to which this measure applies and other types of interactions to which existing laws apply;
- (2) Deleting subsections (b) and (c) from the new section in section 1 of this measure, as the Office of Information Practices indicated these subsections are unnecessary;
- (3) Changing the effective date to July 1, 2050 to continue the discussions in this matter; and
- (4) Making technical, nonsubstantive amendments.

As affirmed by the record of votes of the members of your Committee on Judiciary and Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1661, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1661, 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  
Government Operations,

  
BRIAN T. TANIGUCHI, Chair



