

STAND. COM. REP. NO.

606

Honolulu, Hawaii

Feb 23, 2011

RE: H.B. No. 109
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 109 entitled:

"A BILL FOR AN ACT RELATING TO THE SUNSHINE LAW,"

begs leave to report as follows:

The purpose of this bill to allow more circumstances under which public officials are permitted to gather. Among other things, this measure allows two or more members of a board to attend public gatherings if:

- (1) That number is less than the number required for quorum;
- (2) In the case of public gatherings or community events, the event is not related to matters currently under official deliberation or pending action, and attendance was disclosed to the board prior to the event; and
- (3) In the case of professional association conferences and professional development activities, the board member posts a publicly accessible report of activities conducted.

Several councilmembers of the Maui County Council and concerned individuals testified in support of this measure. The Office of Information Practices (OIP) and League of Women Voters of Hawaii offered comments.

HB109 HD1 HSCR JUD HMS 2011-1784



Your Committee notes the concerns about this bill's relevance, including comments from OIP. Nonetheless, your Committee finds the neighborhood board system is an informative and appropriate guide to achieve the appropriate balance between the need for public officials to interact with the constituency and transparent decision making. Neighborhood board members are permitted to attend qualifying information meetings or presentation that are not specifically and exclusively organized for or around the board members. With the following amendments, your Committee finds this measure merits further consideration.

Your Committee has amended this measure by:

- (1) Allowing attendance at a public gathering or community event that does not relate to official board business over which the board is exercising adjudicatory, advisory, or legislative powers, and is not organized for the members of the board;
- (2) Changing its effective date to January 7, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive changes for clarity, consistency, and style.

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. 109, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 109, H.D. 1, and be placed on the calendar for Third Reading.

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


GILBERT KEITH-AGARAN, Chair



State of Hawaii
 House of Representatives
 The Twenty-sixth Legislature

HSCR 606

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: HB 109	Committee Referral: JUD	Date: 2/1/11		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. KEITH-AGARAN, Gilbert S.C. (C)	✓			
2. RHOADS, Karl (VC)	✓			
3. BROWER, Tom	✓			
4. CABANILLA, Rida T.R.	✓			
5. CARROLL, Mele				✓
6. HERKES, Robert N.	/			
7. ITO, Ken	/			
8. LUKE, Sylvia	/			
9. McKELVEY, Angus L.K.	/			
10. MORITA, Hermina M.				✓
11. OSHIRO, Blake K.	/			
12. SOUKI, Joseph M.	/			
13. TSUJI, Clift	/			
14. FONTAINE, George R.	/			
15. MARUMOTO, Barbara C.	/			
16. THIELEN, Cynthia	/			
TOTAL (16)	14	0	0	2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ committee acronym(s) _____ did not support recommendation.				
Vice Chair's or designee's signature: <u> <i>Karl Rhoads</i> </u>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				