

STAND. COM. REP. NO.

605

Honolulu, Hawaii

Feb 23, 2011

RE: H.B. No. 640
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. 640 entitled:

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

begs leave to report as follows:

The purpose of this bill is to require any action taken by a board in an executive meeting closed to the public to be reported to the public when the board reconvenes at an open meeting in accordance with the Sunshine Law.

The League of Women Voters of Hawaii, Americans for Democratic Action Hawaii, and a concerned individual testified in support of this measure. The Office of the Mayor of the City and County of Honolulu offered comments.

Your Committee notes there are concerns about the phrase "any action" and its potential impact on boards making use of executive meetings. The bill does not define "action", nor is it defined elsewhere in the Hawaii Revised Statutes. Your Committee heard the testimony of the Office of Information Practices, who would be responsible for administering this bill, stating that an action is currently understood to be an act taken by a board and not the vote by itself.

Therefore, a board would not be required to report the following if they occurred in an executive meeting: receiving advice, discussing whether to terminate an officer or employee, or

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a failed vote. However, if during an executive meeting a vote was taken or a decision was made that caused the board to act, the board would be required to report this act when an open meeting was convened. Your Committee finds this measure warrants further consideration and discussion.

Your Committee has amended this bill by changing its effective date to January 7, 2050, to encourage further discussion.

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. 640, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 640, 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



