

Honolulu, Hawaii
Feb 3, 2012

RE: H.B. No. 1611
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1611 entitled:

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

begs leave to report as follows:

The purpose of this measure is to increase the effectiveness and efficiency of state and county boards, while encouraging transparency, by:

- (1) Allowing board members to attend:
 - (A) Public gatherings and community events that do not relate to any matters over which the board is currently exercising its adjudicatory, advisory, or legislative function; and
 - (B) Professional-association conferences and professional-development seminars; provided that the board members file a public report; and
- (2) Reducing the minimum number of days within which written public notice of a board meeting must be posted to at least four days before any meeting, and allowing such notice to be sent out by e-mail to those persons who request notification of meetings.



The Department of Planning and Permitting of the City and County of Honolulu, Council Chair of the County Council of the County of Maui, Hawaii Farm Bureau Federation, several Council Members of the County Council of the County of Maui, and a Commissioner of the Hawaiian Homes Commission supported this measure. The League of Women Voters, Media Council Hawaii, Common Cause Hawaii, Americans for Democratic Action Big Island Press Club, a member of the Board of Common Cause, and numerous concerned individuals opposed this bill. The Office of Information Practices, Hawaii Farm Bureau, and several concerned individuals commented on this measure.

Your Committee has amended this measure by:

- (1) Adding language to ensure that board members do not engage in ex parte communications at a public gathering or community event;
- (2) Deleting language that would allow boards to notice their meetings four calendar days before a meeting instead of six calendar days; and
- (3) Making technical, nonsubstantive amendments 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. 1611, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1611, H.D. 1, and be referred to the Committee on Legislative Management.

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



GILBERT KEITH-AGARAN, Chair



