

STAND. COM. REP. NO. 599

Honolulu, Hawaii

MAR 05 2015

RE: S.B. No. 465
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 465 entitled:

"A BILL FOR AN ACT RELATING TO GOVERNMENT RECORDS,"

begs leave to report as follows:

The purpose and intent of this measure is to amend the
Sunshine Law to expressly allow certain government records to be
shared among public board members where no commitment relating to
a vote on the matter is made or sought.

Your Committee received testimony in support of this measure
from four individuals. Your Committee received testimony in
opposition to this measure from the League of Women Voters of
Hawaii. Your Committee received comments on this measure from the
Office of Information Practices, The Civil Beat Law Center for the
Public Interest, and one individual.

Your Committee finds that the Hawaii Supreme Court held in
Kanahele v. Maui County Council, 130 Hawaii 228 (2013), that
memoranda circulated among members of a public board subject to
the Sunshine Law were not permitted interactions under section
92-2.5, Hawaii Revised Statutes. As a result, public board
members are prevented from transmitting government records to each
other related to board business. This measure includes such
memoranda as a permitted interaction between public board members
as long as the memoranda do not include a commitment to vote on a
matter to be considered by the board or request for a commitment.



Your Committee has amended this measure by:

- (1) Adopting the language suggested by the Office of Information Practices to require that the transmittal does not include any additional discussion other than a statement describing the government record and the issue related to the government record being circulated among public board members;
- (2) Inserting an effective date of January 7, 2059, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 465, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 465, 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,


GILBERT S.C. KEITH-AGARAN, Chair



