

STAND. COM. REP. NO.

1572

Honolulu, Hawaii

April 4

, 2017

RE: S.B. No. 478

S.D. 1

H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 478, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to amend the Sunshine Law, Chapter 92, Hawaii Revised Statutes (HRS), to permit a board member to share certain government records with other board members, where no commitment relating to a vote on the matter is made or sought; provided that the board member:

- (1) Does not express a position relating to a matter of official board business; and
- (2) Files the transmittal and government record in the board's office for public inspection.

The Chairperson of the Maui County Council, a Council member of the Maui County Council, Hawaii State Association of Counties, and The Civil Beat Law Center for the Public Interest testified in support of the measure. The League of Women Voters of Hawaii testified in opposition. The Office of Information Practices provided comments.

SB478 HD1 HSCR JUD HMS 2017-3033



Your Committee has amended this measure by:

- (1) Amending the definition of "board" to include county councils;
- (2) Reducing the scope of the measure from board members to county council members;
- (3) Providing that the government record must be created by a third-party, other than an officer or employee of the county council;
- (4) Requiring that no additional discussion is added to the record, other than a neutral statement in the transmittal that identifies the government record and the issue before the board that it pertains to;
- (5) Providing that the transmission of the government record occurs during business hours, the transmittal document, and government record are filed for inspection on the same day in the county council office; and
- (6) 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 S.B. No. 478, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 478, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

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


SCOTT Y. NISHIMOTO, Chair



