

STAND. COM. REP. NO.

798

Honolulu, Hawaii

March 2, 2017

RE: H.B. No. 308

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 H.B. No. 308 entitled:

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

begs leave to report as follows:

The purpose of this measure is to increase government transparency and efficiency by putting county council members on equal footing with executive branch officials and special interest groups by allowing board members to transmit government records for which disclosure is required by section 92F-12, Hawaii Revised Statutes, to other board members so long as the transmittal accompanying the government record does not include a commitment to vote or a request for such a commitment.

The Hawaii State Association of Counties Maui County Council, Maui County Councilmember representing Upcountry, and Kauai County Council Chair, testified in support of this measure. The League of Women Voters testified in opposition. Common Cause Hawaii, The Civil Beat Law Center for the Public Interest, and Office of Information Practices provided comments.

Your Committee has amended this measure by:

- (1) Expanding the scope of records that can be circulated by removing reference to section 92F-12, Hawaii Revised Statutes. Since disclosure under section 92F-12, Hawaii Revised Statutes, is limited in scope, this limitation

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does not improve board efficiency and communication for better decision-making. As long as appropriate protections are in place for public access to enable board communications to be monitored, removing reference to this section would enable board members to exchange any records that are public under the Uniform Information Practices Act;

- (2) Clarifying that a board member is not allowed to express a position relating to a matter of official board business in the government record or attached transmittal memorandum, except for a neutral statement in the transmittal memorandum that identifies the government record and the official board business that is related to the government record;
- (3) Clarifying that no commitment relating to a vote on a matter of official board business may be made or sought;
- (4) Clarifying that when the government record is provided to other board members, the transmittal memorandum and government record must be promptly filed in the board's office;
- (5) Making this disclosure requirement apply only if the board's last notice pursuant to section 92-7, Hawaii Revised Statutes, for the applicable board meeting identified where members of the public may obtain copies of the government records in person or on the Internet; and
- (6) Changing its effective date to July 1, 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. 308, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 308, H.D. 1, and be placed on the calendar for Third Reading.



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



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SCOTT Y. NISHIMOTO, Chair



