

STAND. COM. REP. NO.

1548

Honolulu, Hawaii

APR 07 2017

RE: H.B. No. 308  
H.D. 1  
S.D. 2

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Ninth State Legislature  
Regular Session of 2017  
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred H.B. No. 308, H.D. 1, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to allow county council members to transmit government records to other county council members under specified conditions.

Your Committee received testimony in support of this measure from the Office of Information Practices and The Civil Beat Law Center for the Public Interest. Your Committee received comments on this measure from the County Council, County of Maui and Hawai'i State Association of Counties.

Your Committee finds that the Hawaii Supreme Court held in *Kanahele v. Maui County Council*, 130 Haw. 228 (2013), that memoranda or transmittals that are subject to the Sunshine Law and circulated among county council members were not permitted interactions under section 92-2.5, Hawaii Revised Statutes (HRS). As a result, county council members are prevented from transmitting government records related to council business to each other. By establishing certain parameters on the information that can be transmitted and conditions under which the



transmission may occur, this measure increases government transparency and efficiency.

Your Committee has amended this measure by:

- (1) Clarifying that the transmittal document and government record must be filed in the council's office for public inspection concurrently with, rather than on the same day as, the transmission of the documents between council members;
- (2) Making a conforming amendment to section 279D-9(b), HRS, to reflect the amendments made to section 92-2.5, HRS; 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 H.B. No. 308, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 308, H.D. 1, S.D. 2.

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

  
GILBERT S.C. KEITH-AGARAN, Chair



