

Honolulu, Hawaii

FEB 18 , 2022

RE: H.B. No. 2025
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Government Reform, to which was referred
H.B. No. 2025 entitled:

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

begs leave to report as follows:

The purpose of this measure is to amend the State's Sunshine Law to require that the mandatory disclosure of the names of persons who are physically with a board member attending a remote board meeting shall apply only to the persons over eighteen who are physically present with the board member at a nonpublic location.

Your Committee received testimony in support of this measure from the Hawaii Tourism Authority. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Office of Information Practices.

Your Committee finds that the Sunshine Law's remote meetings provision requires a board member participating from a nonpublic location to identify who is also present at the same location. Your Committee further finds that board members may have their minor children with them during a virtual board or committee meeting. Your Committee believes that protecting minors is



paramount and will provide peace of mind to board members while fulfilling their duties.

Your Committee additionally finds that in today's economy, there may be young people who are still of an age to be considered a minor yet engage in internship or professional capacities, potentially with organizations or entities that may have business in front of a board. Your Committee also finds that a conflict of interest stipulation should be added to this measure so that if any such situation exists, the young person would still have to declare their presence under the Sunshine Law.

Your Committee is concerned that litigation may occur regarding what constitutes a conflict of interest. Your Committee further finds that *Black's Law Dictionary* defines "conflict of interest" as "A real or seeming incompatibility between one's private interests and one's public or fiduciary duties." Your Committee believes that this definition is appropriate to delineate what constitutes a conflict of interest.

Accordingly, your Committee has amended this measure by:

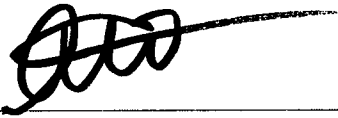
- (1) Requiring the disclosure of names of any individual who is physically with a board member attending a public meeting by an online method and is under the age of eighteen if the individual has a conflict of interest on any issue before the board at the meeting;
- (2) Inserting a definition for "conflict of interest"; and
- (3) Changing its effective date to July 1, 2112, to encourage further discussion.

Your Committee respectfully requests your Committee on Judiciary & Hawaiian Affairs, should it choose to deliberate on this measure, examine further the definition of conflict of interest as it pertains to this measure.

As affirmed by the record of votes of the members of your Committee on Government Reform that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2025, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2025, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.



Respectfully submitted on
behalf of the members of the
Committee on Government Reform,



ANGUS L.K. MCKELVEY, Chair



Record of Votes of the Committee on Government Reform

Bill/Resolution No.: HB 2025	Committee Referral: GVR, JHA	Date: 2-16-22		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
GVR Members	Ayes	Ayes (WR)	Nays	Excused
1. McKELVEY, Angus L.K. (C)	✓			
2. WILDBERGER, Tina (VC)	✓			
3. ELI, Stacelynn K.M.	✓			
4. ICHIYAMA, Linda	✓			
5. MIZUNO, John M.	✓			
6. WOODSON, Justin H.	✓			
7. YAMASHITA, Kyle T	✓			
8. . WARD, Gene				✓
TOTAL (8)	7	0	0	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature: <u>T. Winger</u>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				