

STAND. COM. REP. NO.

3695

Honolulu, Hawaii

APR 05 2024

RE: H.B. No. 1597
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1597, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO OPEN MEETINGS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Clarify that members of the public may sue a board or alleged board after receiving an adverse Office of Information Practices decision, and that the decision will be reviewed de novo;
- (2) Establish a two-year statute of limitations to bring the lawsuit and reaffirm a complainant's right to seek review by the Office of Information Practices first;
- (3) Recognize that only a member of the public may recover attorney's fees and costs if that person prevails in an open meetings lawsuit;
- (4) Require that persons suing for open meetings law violations notify the Office of Information Practices about the lawsuit so that it may decide whether to intervene; and



- (5) Require open meetings lawsuits that seek to void a board's final action to be prioritized by the courts.

Your Committee received testimony in support of this measure from the Office of Information Practices and Public First Law Center.

Your Committee finds that under existing law, if the Office of Information Practices (Office) issues a decision finding that a board did not violate the Sunshine Law, there is not a clear statutory path for the person who complained to the Office to challenge the Office's decision. Following a cause of action brought after a decision by the Office that a board had not violated the Sunshine Law, the Hawaii Supreme Court ruled that the complaining party is allowed to sue the Office instead of the board for the alleged Sunshine Law violation. This measure will conform the Sunshine Law with similar Uniform Information Practices Act appeal processes to allow a person to sue the relevant board over the board's alleged violation and require the court to hear the lawsuit de novo.

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. 1597, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

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




KARL RHOADS, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* HB 1597 HD 1 SD 1	Committee Referral: GVO, JDC	Date: 04/02/24		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input checked="" type="checkbox"/> Pass, unamended 2312				
<input type="checkbox"/> Pass, with amendments 2311				
<input type="checkbox"/> Hold 2310				
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
ELEFANTE, Brandon J.C.	✓			
SAN BUENAVENTURA, Joy A.	✓			
AWA, Brenton				✓
TOTAL	4	-	-	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: <input type="checkbox"/> Original <input type="checkbox"/> Yellow <input type="checkbox"/> Pink <input type="checkbox"/> Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes