

STAND. COM. REP. NO. **3272**

Honolulu, Hawaii

MAR 22 2024

RE: H.B. No. 1600
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 Government Operations, to which was referred H.B. No. 1600, H.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 require board meetings to deliberate and decision-make on an investigative group's report to occur at least six days after the board meeting in which the group has presented the findings and recommendations of its investigation to the board.

Your Committee received testimony in support of this measure from the Office of Information Practices, League of Women Voters, Public Law First Center, and one individual.

Your Committee finds that existing law permits a limited number of board members, or a permitted interaction group, to investigate certain issues without complying with the open meetings requirement of the Sunshine Law, and report back to the board before a public discussion occurs; provided that three separate public meetings occur: first, to identify the members of the investigatory permitted interaction group and scope of the group's authority; second, for the group to report its findings to the board; and third, for the board to discuss and act on the group's report. Your Committee further finds that on multiple



occasions over the years, boards have tried to circumvent the legislative intent of this exception to the open meeting law, which is to provide the public and the board with sufficient time to digest the investigatory group's report before any substantive discussion, by scheduling the second and third meetings back-to-back. This measure promotes public access and informed decision-making, while preserving a board's ability to conduct board business through investigatory permitted interaction groups.

Your Committee notes that specifying that the third meeting must occur at least six business days rather than six calendar days after the second meeting would provide for uniformity and ensure full public disclosure before any action resulting from an investigation by a permitted interaction group can be taken.

Accordingly, your Committee has amended this measure by:

- (1) Specifying that board meetings to deliberate and decision-make on an investigatory group's report must occur at least six business days, rather than six calendar days, after the group has presented the findings and recommendations of its investigation to the board;
- (2) Amending section 1 to reflect its amended purpose; and
- (3) Inserting an effective date of July 1, 2491, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1600, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1600, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.



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



ANGUS L.K. MCKELVEY, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Government Operations
GVO

Bill / Resolution No.:* <i>HD 1600 HD1</i>	Committee Referral: <i>GVO, JDC</i>	Date: <i>March 19, 2024</i>
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The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
MCKELVEY, Angus L.K. (C)	✓			
GABBARD, Mike (VC)	✓			
SAN BUENAVENTURA, Joy A.	✓			
WAKAI, Glenn	✓			
AWA, Brenton	✓			
TOTAL	<i>5</i>	<i>—</i>	<i>—</i>	<i>—</i>

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:


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*Only one measure per Record of Votes