

STAND. COM. REP. NO. **2710**

Honolulu, Hawaii

FEB 16 2024

RE: S.B. No. 2637
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 S.B. No. 2637 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 require the third meeting of a board to deliberate and act on a matter investigated by its members, as required under the Sunshine Law, to be held at least six days after the second meeting.

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

Your Committee received comments on this measure from the Board of Regents of the University of Hawai'i.

Your Committee finds that for decades, the Sunshine Law has had an exception to the open meetings requirement to permit a limited number of board members, or a permitted interaction group, to investigate an issue, without complying with the open meetings requirement of the Sunshine Law, and report back to the board before a discussion occurs. Existing law requires three different meetings -- to identify the members and scope of the investigative group, for the group to report its findings, and to discuss and act on the report. However, on multiple occasions over the years,



boards have tried to circumvent the legislative intent that the public have an opportunity to digest the report before any substantive discussion, by scheduling back-to back second and third meetings. This measure promotes public access and informed decision-making, while preserving a boards' ability to conduct board business through permitted interaction groups.

During the hearing, your Committee received testimony suggesting the need to authorize specific boards to expedite their deliberations on testimony for legislative hearings. This proposal aims to enable these boards, which are directly impacted by proposed legislation, to efficiently convey their position or contribute their input on the legislation within the limited timeframe of the sixty-day session. It is important to note that this expedited process will solely pertain to the deliberations regarding testimony for legislative hearings and will not extend to other board business.

Accordingly, your Committee has amended this measure by:

- (1) Inserting language that allows boards to expedite deliberations about testimony for legislative hearings, but not other board business; and
- (2) 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 Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2637, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2637, 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



