

STAND. COM. REP. NO. 2699

Honolulu, Hawaii

FEB 16 2024

RE: S.B. No. 3307  
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. 3307 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:

- (1) Require the Director of the Office of Information Practices to adopt rules to establish a process for the selection and appointment of trusted public representatives;
- (2) Authorize the Director of the Office of Information Practices to assign trusted public representatives to observe board meetings closed to the public;
- (3) Require the Director of the Office of Information Practices to include in the Director's annual report the activities of trusted public representatives;
- (4) Require trusted public representatives to submit a confidential report to the Director of the Office of Information Practices that a board meeting was conducted in conformance with chapter 92, Hawaii Revised Statutes;
- (5) Define "trusted public representative"; and



- (6) Authorize boards to hold certain meetings closed to the public if a trusted public representative is assigned to the meeting by the Director of the Office of Information Practices and is present at the meeting.

Your Committee received testimony in opposition to this measure from the Public First Law Center and League of Women Voters of Hawaii.

Your Committee received comments on this measure from the Office of Information Practices.

Your Committee finds that the Sunshine Law, codified in chapter 92, Hawaii Revised Statutes, is Hawaii's open meetings law, which governs the manner in which all state and county boards must conduct their official business. The purpose of the Sunshine Law is to require that the discussions, deliberations, decisions, and actions of governmental agencies be conducted as openly as possible for the purposes of transparency and good government practice. Notwithstanding, your Committee finds that when Sunshine boards enter closed meetings, also known as executive sessions, the public is not able to observe these deliberations, which are not open to public scrutiny and participation. Therefore, this measure, as introduced, would help increase transparency and public trust by authorizing a trusted public representative to observe certain closed board meetings.

Notwithstanding, your Committee has heard the concerns raised by testifiers that the role of the trusted public representative, as currently described in this measure, would not provide the necessary safeguards to promote transparency that this measure was intended to address. Therefore, amendments to this measure are necessary to address these concerns.

Accordingly, your Committee has amended this measure by deleting its contents and inserting an amendment to section 92-4, Hawaii Revised Statutes, to authorize representatives of the news media to be allowed to attend certain executive meetings held by a Sunshine board.

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. 3307, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3307, 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



