

HAWAII COUNCIL OF MAYORS

January 22, 2021

The Honorable Representative Sylvia Luke,
and Members of the House Committee on Finance
Hawaii State Capitol
415 South Beretania Street, Room 306
Honolulu, Hawaii 96813

Dear Finance Chair Luke and Members:

SUBJECT: 2021 BILL PACKAGE FOR HAWAII COUNCIL OF MAYORS

Thank you for allowing the Hawaii Council of Mayors the opportunity to submit its bill package for the 2021 Legislative Session.

Our legislative priorities are as follows:

1. **Public Agency Meetings and Records (HB168 and SB393):**
Amend Section 92-5, Hawaii Revised Statutes (HRS), to allow boards to hold a meeting closed to the public to consider statements and information obtained from witnesses or victims during the course of any investigation into the hire, evaluation, dismissal, or discipline of an officer or employee.
2. **Tort Liability (HB167 and SB392)**
Amend Chapter 663, HRS, to permanently reinstate the liability protections, previously afforded for lifeguard services.

Thank you again for your consideration, should you have any questions please contact Saumalu Mataafa (808) 270-7215, or via email at saumalu.mataafa@mauicounty.gov. Mahalo!



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County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720



Mayor Rick Blangiardi
City and County of Honolulu
530 South King Street
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Mayor Michael Victorino
County of Maui
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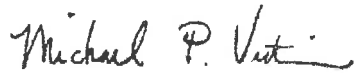
Mayor Derek Kawakami
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LEE LORD
Acting Mayor, County of
Hawaii



RICK BLANGIARDI
Mayor, City and County of
Honolulu



MICHAEL VICTORINO
Mayor, County of Maui



DEREK KAWAKAMI
Mayor, County of Kauai

A BILL FOR AN ACT

RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 92-5, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 “(a) A board may hold a meeting closed to the public
4 pursuant to section 92-4 for one or more of the following
5 purposes:

6 (1) To consider and evaluate personal information relating
7 to individuals applying for professional or vocational licenses
8 cited in section 26-9 or both;

9 (2) To consider the hire, evaluation, dismissal, or
10 discipline of an officer or employee or of charges brought
11 against the officer or employee, where consideration of matters
12 affecting privacy will be involved; provided that if the
13 individual concerned requests an open meeting, an open meeting
14 shall be held;

15 (3) Notwithstanding the right of the individual concerned
16 in paragraph (2) above to request an open meeting, to consider
17 statements and information obtained from witnesses or victims

1 during the course of any investigation into the hire,
2 evaluation, dismissal, or discipline of an officer or employee
3 or of charges brought against the officer or employee, where
4 consideration of matters affecting a witness's or victim's
5 privacy will be involved;

6 ([3]4) To deliberate concerning the authority of persons
7 designated by the board to conduct labor negotiations or to
8 negotiate the acquisition of public property, or during the
9 conduct of such negotiations;

10 ([4]5) To consult with the board's attorney on questions
11 and issues pertaining to the board's powers, duties, privileges,
12 immunities, and liabilities;

13 ([5]6) To investigate proceedings regarding criminal
14 misconduct;

15 ([6]7) To consider sensitive matters related to public
16 safety or security;

17 ([7]8) To consider matters relating to the solicitation
18 and acceptance of private donations; and

19 ([8]9) To deliberate or make a decision upon a matter that
20 requires the consideration of information that must be kept
21 confidential pursuant to a state or federal law, or a court
22 order."

23 SECTION 3. Statutory material to be repealed is
24 bracketed. New statutory material is underscored.

1 SECTION 4. This Act shall take effect on July 1, 2021.

INTRODUCED BY: _____
BY REQUEST

BILL FOR AN ACT

RELATING TO TORT LIABILITY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The liability protections afforded to
2 lifeguards in Act 170, Session Laws of Hawai'i 2002, were
3 repealed on June 30, 2017. Act 170 provided liability
4 protection for lifeguard services on the beach or in the ocean,
5 except for gross negligence or wanton acts or omissions. This
6 limited liability protection was made necessary because some
7 counties would not provide lifeguard services at state beach
8 parks, due to the fear of potential liability that might ensue.
9 The legislature finds that Act 170 created a climate in which
10 lifeguard services could be provided by the counties without
11 fear of liability and, therefore, is a life saving measure that
12 should be reestablished.

13 The purpose of this Act is to permanently reinstate the
14 liability protections previously afforded for lifeguard
15 services.

16 SECTION 2. Chapter 663, Hawai'i Revised Statutes, is
17 amended by adding a new section to part I to be appropriately
18 designated and to read as follows:

