STAND. COM. REP. NO. **SOS** 

Honolulu, Hawaii

Merch 1 , 2007

RE: H.B. No. 128 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fourth State Legislature Regular Session of 2007 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 128 entitled:

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

begs leave to report as follows:

The purpose of this bill is to improve the State's sunshine law by permitting:

- (1) Two or more members of a board, but fewer than the number of members that would constitute a quorum for the board, to discuss their individual positions relating to official board business at a meeting of another board or a public hearing of the Legislature; and
- (2) Two or more members of a board, but fewer than the number of members that would constitute a quorum for the board, to attend presentations that involve matters relating to official board business, as long as the presentation is not specifically and exclusively organized for, or directed towards, the members of the board; and
- (3) Board members attending a presentation to participate in the discussions, including among themselves; provided that no commitment to vote on official board business is made or sought.

HB128 HD1 HSCR JUD HMS 2007-2439

The Office of Information Practices, a member of the Maui County Council, Kuliouou/Kalani Iki Neighborhood Board No. 2, Liliha/Puunui/Alewa/Kamehameha Heights Neighborhood Board No. 14, Mililani/Waipio/Melemanu Neighborhood Board No. 25, Mililani Mauka/Launani Valley Neighborhood Board No. 35, Hawaii State Teachers Association, and several concerned individuals supported this bill. The League of Women Voters of Hawaii supported this bill with amendments. Several concerned individuals supported the intent of this measure. Several concerned individuals submitted comments.

Your Committee finds that certain provisions in H.B. No. 1394 and H.B. No. 849, as well as other clarifying amendments, will further strengthen and clarify the sunshine law.

Accordingly, your Committee has amended this measure by:

- (1) Establishing that discussions between two or more members of a board, but less than the number of members that would constitute a quorum for the board, concerning the assignment of members to the board's committees may be conducted in private;
- (2) Requiring, except for informational presentations, a quorum for discussion prior and related to voting, and for voting required to validate an act of the board as part of official board business;
- (3) Changing its effective date to January 1, 2112, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for style, clarity, and consistency.

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. 128, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 128, H.D. 1, and be placed on the calendar for Third Reading.

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

TOMMY WATERS

Chair



## State of Hawaii House of Representatives The Twenty-fourth Legislature

## **Record of Votes of the Committee on Judiciary**

Bill/Resolution No.: H.B. 128	Date: 2/20107-				
Committee Referral: JUD	☐ The comprevious	☐ The committee is reconsidering its previous decision on the measure.			
The recommendation is to:  Pass, unamended	Par	Pass, with amendments			
☐ Hold		Pass, with amendments, for recommittal for further consideration			
JUD Members	Ayes	Ayes (WR)	Nays	Excused	
1. WATERS, Tommy (C)	1				
2. OSHIRO, Blake K. (VC)	/				
3. CALDWELL, Kirk				-	
4. EVANS, Cindy					
5. GREEN, Josh, M.D.	<u></u>				
6. ITO, Ken					
7. LUKE, Sylvia	<u> </u>				
8. McKELVEY, Angus L.K.				_	
9. MORITA, Hermina M.	/				
10. SONSON, Alex M.	_				
11. SOUKI, Joseph M.					
12. TSUJI, Clift					
13. YAMANE, Ryan I.					
14. YAMASHITA, Kyle T.					
15. MARUMOTO, Barbara C.					
16. PINE, Kymberly Marcos					
17. THIELEN, Cynthia					
TOTAL	12			5	
The recommendation is:  Adopted  Not Adopted  If joint referral,	mittee acronym(	did not suppo	ort recommendation	ı.	
Vice Chair's or designee's signature:	tu		70		
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