STAND. COM. REP. NO. 605

Honolulu, Hawaii

Fel 23, 2011

RE: H.B. No. 640 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Sixth State Legislature Regular Session of 2011 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 640 entitled:

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

begs leave to report as follows:

The purpose of this bill is to require any action taken by a board in an executive meeting closed to the public to be reported to the public when the board reconvenes at an open meeting in accordance with the Sunshine Law.

The League of Women Voters of Hawaii, Americans for Democratic Action Hawaii, and a concerned individual testified in support of this measure. The Office of the Mayor of the City and County of Honolulu offered comments.

Your Committee notes there are concerns about the phrase "any action" and its potential impact on boards making use of executive meetings. The bill does not define "action", nor is it defined elsewhere in the Hawaii Revised Statutes. Your Committee heard the testimony of the Office of Information Practices, who would be responsible for administering this bill, stating that an action is currently understood to be an act taken by a board and not the vote by itself.

Therefore, a board would not be required to report the following if they occurred in an executive meeting: receiving advice, discussing whether to terminate an officer or employee, or



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a failed vote. However, if during an executive meeting a vote was taken or a decision was made that caused the board to act, the board would be required to report this act when an open meeting was convened. Your Committee finds this measure warrants further consideration and discussion.

Your Committee has amended this bill by changing its effective date to January 7, 2050, to encourage further discussion.

HB640 HD1 HSCR JUD HMS 2011-1815

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. 640, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 640, H.D. 1, and be placed on the calendar for Third Reading.

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

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GILBERT KEITH-AGARAN, Chair

State of Hawaii House of Representatives The Twenty-sixth Legislature



Record of Votes of the Committee on Judiciary

Bill/Resolution No.:CommitteeHB 640JU	e Referral: D	Date: 2./	1/11	
□ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: □ Pass, unamended (as is) A Pass, with amendments (HD) □ Hold □ Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. KEITH-AGARAN, Gilbert S.C. (C)	<u> </u>			
2. RHOADS, Karl (VC)				
3. BROWER, Tom				
4. CABANILLA, Rida T.R.				
5. CARROLL, Mele				
6. HERKES, Robert N.	<u> </u>			
7. ITO, Ken	-			
8. LUKE, Sylvia				
9. McKELVEY, Angus L.K.				
10. MORITA, Hermina M.				
11. OSHIRO, Blake K.	-			
12. SOUKI, Joseph M.				
13. TSUJI, Clift				
14. FONTAINE, George R.				
15. MARUMOTO, Barbara C.				
16. THIELEN, Cynthia				
· · ···				
	<u>.</u>			
Adverte				
TOTAL (16)	12	Z	0	Z
The recommendation is: Adopted If joint referral, did not support recommendation.				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				