STAND. COM. REP. NO.

Honolulu, Hawaii

MAR 0 5 2015

RE: S.B. No. 465

S.D. 1

Honorable Donna Mercado Kim President of the Senate Twenty-Eighth State Legislature Regular Session of 2015 State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred S.B. No. 465 entitled:

"A BILL FOR AN ACT RELATING TO GOVERNMENT RECORDS,"

begs leave to report as follows:

The purpose and intent of this measure is to amend the Sunshine Law to expressly allow certain government records to be shared among public board members where no commitment relating to a vote on the matter is made or sought.

Your Committee received testimony in support of this measure from four individuals. Your Committee received testimony in opposition to this measure from the League of Women Voters of Hawaii. Your Committee received comments on this measure from the Office of Information Practices, The Civil Beat Law Center for the Public Interest, and one individual.

Your Committee finds that the Hawaii Supreme Court held in Kanahele v. Maui County Council, 130 Hawaii 228 (2013), that memoranda circulated among members of a public board subject to the Sunshine Law were not permitted interactions under section 92-2.5, Hawaii Revised Statutes. As a result, public board members are prevented from transmitting government records to each other related to board business. This measure includes such memoranda as a permitted interaction between public board members as long as the memoranda do not include a commitment to vote on a matter to be considered by the board or request for a commitment.

Your Committee has amended this measure by:

- (1) Adopting the language suggested by the Office of Information Practices to require that the transmittal does not include any additional discussion other than a statement describing the government record and the issue related to the government record being circulated among public board members;
- (2) Inserting an effective date of January 7, 2059, to encourage further discussion; and
- (3) 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 Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 465, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 465, S.D. 1, and be placed on the calendar for Third Reading.

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

GILBERT S.C. KEITH-ACARAN, Chair

The Senate Twenty-Eighth Legislature State of Hawai'i

Record of Votes Committee on Judiciary and Labor JDL

Bill / Resolution No.:*	Committee Referral:		Da	Date:	
58 465	JDL		ő	2/13/15	
The Committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)		~			
SHIMABUKURO, Maile S.L. (VC)		~	,		
ESPERO, Will					
GABBARD, Mike					
IHARA, Jr., Les		/			
THIELEN, Laura H.		/			
SLOM, Sam					
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TOTAL		5			2
Recommendation:					
Adopted			Not Adopted		
Chair's or Designee's Signature:					
Distribution: Original Yellow			Pink Goldenrod		
File with Committee Report Clerk's Office Drafting Agency Committee File Copy					ee File Copy

*Only one measure per Record of Votes