

STAND. COM. REP. NO. **3275**

Honolulu, Hawaii

MAR 22 2024

RE: H.B. No. 1597
H.D. 1
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 H.B. No. 1597, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to better align the enforcement mechanisms for the State's open meetings law with the State's Uniform Information Practice Act specifically to:

- (1) Provide that any person may sue a board or alleged board after receiving an adverse decision by the Office of Information Practices (Office) relating to violations of the State's open meetings law, and that the decision will be reviewed de novo;
- (2) Establish a two-year statute of limitations to bring the lawsuit and reaffirm the person's right to seek review by the Office first;
- (3) Recognize that only a member of the public may recover attorney's fees and costs if that person prevails on such action, consistent with the Hawaii Supreme Court's observations in *Kahana Sunset Owners Ass'n v. Maui Cnty. Council*, 86 Hawaii 132 (1997);



- (4) Require that a person bringing the lawsuit notify the Office about the action so that it may decide whether to intervene; and
- (5) Require lawsuits that seek to void a board's final action to be prioritized by the courts.

Your Committee received testimony in support of this measure from the Office of Information Practices, Public First Law Center, Society of Professional Journalists Hawaii Chapter, and one individual.

Your Committee finds that existing law does not provide a specific right of action to challenge decisions of the Office of Information Practices relating to the State's open meetings law. This measure will not only promote compliance with the State's open meetings law, but also prevent the courts from giving deference to erroneous decisions and opinions by the Office of Information Practices.

Your Committee has amended this measure by:

- (1) Making it effective upon its approval; and
- (2) 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 Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1597, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1597, H.D. 1, 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



