STAND. COM. REP. NO. 32.15

Honolulu, Hawaii

## MAR 2 2 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

## The Senate Thirty-Second Legislature State of Hawai'i

## Record of Votes Committee on Government Operations GVO

Bill / Resolution No.:*						
HB1597 HDI	7 HDI GVO, JDC 3-19-24					
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	
MCKELVEY, Angus L.K. (C)						
GABBARD, Mike (VC)		/				
SAN BUENAVENTURA, Joy A.		/				
WAKAI, Glenn						
AWA, Brenton						
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TOTAL					1_1_	
Recommendation:  Adopted  Not Adopted						
Chair's or Designee's Signature:						
Distribution: Original Yellow File with Committee Report Clerk's Office			Pink Goldenrod Drafting Agency Committee File Copy			
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\*Only one measure per Record of Votes