

SENATE JOURNAL - CONFERENCE COMMITTEE REPORTS

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Conf. Com. Rep. No. 36 on S.B. No. 1413

The purpose of this bill is to afford the public more participation in the open meetings of the government.

This year marks the tenth anniversary of Hawaii's Sunshine Laws, Chapter 92, Hawaii Revised Statutes. To make government as open to the public as possible to protect the public interests, strengthening of the Sunshine Law is necessary.

Specifically, the bill amends various sections of Chapter 92, Hawaii Revised Statutes, as follows:

(1) Section 92-3: A provision was added to require the board to give an opportunity for interested persons to submit written testimony, and at the discretion of the board, present oral testimony.

(2) Section 92-4: Two provisions were added to mandate that a majority of the board vote to close the meeting, and if so voted, the reason for the closed meeting be publicly announced and the vote of each member be recorded.

(3) Section 92-5: Three provisions were added a) to protect in a closed meeting personal information about applicants for vocational and professional licenses; b) to require that closed meetings with the board's attorney be limited to questions pertaining to the board's legal responsibilities, to legal issues, and to matters relating to actual, threatened, or proposed lawsuits which may involve the board; and c) to prohibit the board from making a decision or deliberating toward a decision in matters not reasonably related to the open meeting exceptions.

(4) Section 92-7: A provision was added to require the board to give the public notice of an executive meeting, if known in advance, and the reason for it.

(5) Section 92-12: A provision was added to authorize and set standards for the initiation of a suit in court for any violation and to provide the court the discretion to award reasonable attorney fees to the prevailing party.

Upon further consideration, your Committee made the following amendments to the bill:

(1) Section 92-3: This section was revised to require the board to hear oral testimony but allow the board to establish its own rules governing oral testimony. The amendment will give the board the authority to reasonably administer the presentation of oral testimony. By this amendment, your Committee does not intend to provide rule-making powers pursuant to Chapter 91, Hawaii Revised Statutes, to any board which does not already have that power.

(2) Section 92-5: a) This section was amended to permit the board to consult with its attorneys on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities. The amendment would limit the situations in which a board could call an executive meeting with its attorney. b) The section was also amended to insure that a board would not deliberate toward or make a decision in an executive meeting on matters not directly related to the open meeting exceptions.

(3) Section 92-7: This section was amended to require a board which is unable to complete its agenda to continue consideration of items of reasonably major importance to a reasonable day and time.

Your Committee also made technical, nonsubstantive amendments to conform with recommended drafting style.

Your Committee on Conference is in accord with the intent and purpose of S.B. No. 1413, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1413, S.D. 1, H.D. 1, C.D. 1.

Senators Chang, Abercrombie, Toguchi, Aki and A. Kobayashi
Managers on the part of the Senate

Representatives Yoshimura, Tom, Hashimoto, Metcalf, Taniguchi and Medeiros
Managers on the part of the House