

HOUSE OF REPRESENTATIVES
THE EIGHTEENTH LEGISLATURE
REGULAR SESSION OF 1996

COMMITTEE ON JUDICIARY

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	Rep. Cynthia Thielen

NOTICE OF HEARING

DATE: Thursday, February 29, 1996
TIME: 1:30 P.M. - 5:00 P.M.
PLACE: Conference Room 325, State Capitol

A G E N D A

- ✓ H.B. 2802 RELATING TO TORTS. JUD
Abolishes joint and several liability with respect to all joint tortfeasors. Provides that where a government entity or any other person or entity, whether public or private, is a joint tortfeasor, that person is liable for no more than the percentage share of damages attributable to that person.
- ✓ H.B. 3924 RELATING TO AMMUNITION. JUD
Makes it a misdemeanor for any person to sell ammunition for any firearm required to be registered, except upon proof that the purchaser is the registered owner of the firearm for which the ammunition is being purchased or the lawful owner of a rifle or shotgun acquired prior to 7/1/94. Requires recordkeeping. Makes it a misdemeanor, after 6/30/97, to sell ammunition for any rifle or shotgun acquired prior to 7/1/94, except upon proof that the purchaser is the registered owner of the rifle or shotgun for which the ammunition is being purchased or upon production by the purchaser of either: a dated sales receipt for the rifle or shotgun; other reliable, written indicia of lawful ownership prior to 7/1/94; or a certificate of ownership issued by the chief of police of the appropriate county.
- ✓ H.B. 2839 RELATING TO HUNTING. WLP, JUD
H.D. 1 Allows licensed hunters to hunt with pistols and revolvers.

- ✓ H.B. 2895 RELATING TO ENVIRONMENTAL PROTECTION. EEP, JUD
 H.D. 1 Amends air pollution control; ozone layer protection; water pollution; nonpoint source pollution management and control; noise polluting; solid waste pollution; hazardous waste; underground asbestos laws by authorizing the Dept. of Health to establish a field citation program to assess existing administration penalties for violation of environmental protection law; define field citation.
- ✓ H.B. 593 PROPOSING AN AMENDMENT TO ARTICLE X, EDN, JUD
 SECTION 2, OF THE HAWAII CONSTITUTION, TO ALLOW THE STUDENT MEMBER OF THE BOARD OF EDUCATION TO VOTE. Proposes an amendment to the State Constitution to allow the student member of the board of education to vote.
- ✓ H.B. 3724 RELATING TO THE KAHO'OLAWA ISLAND RESERVE COMMISSION. HAH, JUD
 Allows the Kaho'olawe Island Reserve Commission to hire its own attorneys to represent it rather than using the Attorney General.
- ✓ H.B. 1866 RELATING TO PUBLIC AGENCY MEETINGS. JUD
 Proposed H.D. 1 defines those circumstances where members of a board may discuss official business privately with each other or with other persons.

DECISION MAKING TO FOLLOW

DECISION MAKING ON THE FOLLOWING DEFERRED BILLS

- ✓ H.B. 2521 RELATING TO DOMESTIC ABUSE PROTECTIVE ORDERS. JUD
 (2/13/96)
- H.B. 3216 RELATING TO DOMESTIC VIOLENCE. (2/13/96) JUD
- ✓ H.B. 3637 RELATING TO UNIFORM PROBATE CODE. (2/23/96) JUD
- Testimony* ✓ H.B. 1308 RELATING TO COPYRIGHTS. (2/22/96) JUD

PERSONS WISHING TO TESTIFY ARE REQUESTED TO SUBMIT 40 COPIES OF THEIR TESTIMONY 24 HOURS PRIOR TO THE HEARING TO: (1) THE COMMITTEE'S CHAIR IN ROOM 302, STATE CAPITOL; OR (2) THE HOUSE SGT.-AT-ARMS PERSONNEL IN THE TURNAROUND AREA OF THE CAPITOL BASEMENT PARKING LOT. TESTIMONY MAY BE FAXED TO THE HOUSE SGT.-AT-ARMS OFFICE AT: 586-6501 (OAHU) OR 1-800-535-3859 (NEIGHBOR ISLANDS). WHEN FAXING, PLEASE INDICATE TO WHOM THE TESTIMONY IS BEING SUBMITTED, THE DATE AND TIME OF THE HEARING, AND THE REQUIRED NO. OF COPIES THAT IS NEEDED FOR SUBMITTAL.

IT IS ALSO REQUESTED THAT THE COPIES BE ON ONE SIDE OF AN 8-1/2" X 11" SHEET WITH TWO HOLES PUNCHED AT THE TOP. FOR FURTHER INFORMATION, PLEASE CALL THE JUD COMMITTEE CLERK AT 586-6550.

IF YOU REQUIRE SPECIAL ASSISTANCE OR AUXILIARY AIDS AND/OR SERVICES TO PARTICIPATE IN THE PUBLIC HEARING PROCESS OF THE STATE HOUSE (I.E., SIGN LANGUAGE INTERPRETER, WHEELCHAIR ACCESSIBILITY, OR PARKING DESIGNATED FOR THE DISABLED), PLEASE CONTACT THE COMMITTEE CLERK 24 HOURS PRIOR TO THE HEARING SO ARRANGEMENTS CAN BE MADE.



Rep. Terrance W.H. Tom
Chair

BOARD OF WATER SUPPLY

CITY AND COUNTY OF HONOLULU
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February 28, 1996

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RAYMOND H. SATO
Manager and Chief Engineer

**The Honorable Terrance W. H. Tom
Chair and Members
Committee on Judiciary
House of Representatives
Conference Room 325
State Capitol
Honolulu, Hawaii 96813**

Dear Chair Tom and Members:

Subject: HOUSE BILL NO. 1866 RELATING TO PUBLIC AGENCY MEETINGS

My name is Raymond H. Sato, Manager and Chief Engineer of the Board of Water Supply, City and County of Honolulu.

We support House Bill 1866, Relating to Public Agency Meetings, which clarifies the current definition of a "board" to be only those entities expressly created by constitution, statute, charter, executive order, ordinance or rule.

The bill properly distinguishes between an advisory group formed within an agency director's discretion and official boards functioning as a deliberative or parliamentary body. The requirements of the sunshine law are not compromised and the public interest in decision making is preserved.

Thank you for the opportunity to testify on this bill.

Very truly yours,


RAYMOND H. SATO
Manager and Chief Engineer

February 29, 1996

To: Representative Eric Hamakawa
From: Shunichi Kimura
Re: H.B. 1866, H.D. 1

Am strongly in favor of the proposed amendment to §92(a) that would allow "[t]wo or more members of a board may discuss matters relating to the official business of their board privately, as long as (1) No vote and no commitment to vote is made or sought during the discussion." I had requested this change so that a board member could seek information from other members such as the institutional history of an issue or information about the university. Without the above change, a board member would be committing a misdemeanor by asking for information about the university from another board member. The above change is especially important to new board members who do not have the background of prior actions and/or the history of the institution.

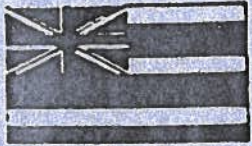
I do not concur with subsections 2,3 and 4 as those sections are not necessary to implement the intent of the Sunshine law. It is so cumbersome that it would destroy the above subsection (a) amendment and revert the status to the present overly restrictive interpretation. There should be a measure of trust in board members and not require unnecessary procedures that the legislature did not intend to require in the Sunshine Law.

Section 92(b)(2) is too restrictive and prevents members of the community from obtaining information and discussing issues with board members. Members are often invited to meet with community members and organizations to discuss university issues. The proposed amendment would restrict the community from meeting with two or more board members unless the board has already adopted a position and unless the board members are assigned to make the presentation and "the scope of each member's authority is defined at a meeting of the board." Board members have the duty to seek information from the community before the board adopts a position; the above proposed procedure would limit the community's right to be heard; would limit the board member's duty to seek input from the community.

Subsection (c) is appropriate as board members who are willing to serve as officers should have the opportunity to privately seek the support of other members. Members would be hesitant to serve as officers if they were prevented from privately discussing their candidacy with other members.

The proposed amendment to SECTION 3, Section 92-5 is appropriate as the deletion of the bracketed material would allow electronic communications under the approved circumstances. This is important in an island-state where it is often expensive and difficult to meet in person on Oahu.

The above are my observations upon a first review of the proposals by the Attorney General.



COMMON CAUSE HAWAII



P.O. Box 235353 Honolulu HI 96823-3505 Tel/Fax (808) 533-6996

February 29, 1996

Testimony of Common Cause Hawaii to House Judiciary Committee Opposing HB 1866.

First, thank you to the Chair and committee members for the opportunity to speak. I'm Larry Meacham, Executive Director of Common Cause Hawaii, the citizen lobby for open, honest, accountable government. We have about 1300 members locally and 260,000 nationwide.

Almost every year, some version of this bill comes forward. We have opposed all versions because many of the so-called advisory panels set up by agencies and boards set the framework for decisions by making certain assumptions, including and excluding certain information, deciding to limit or broaden the scope of inquiries, and so forth. Thus, by the time the decision reaches the formal board, much of the decision has already been made by default.

If this whole process has been closed, the public has never had a chance to find out what information, assumptions and other decisions have been made by the advisory panel and have had no chance to offer alternative information.

Numerous advisory panels have made their meetings public, and this has resulted in broader and superior information gathering and decision-making. We urge you not to close off public input to and public scrutiny of advisory panels. We urge you not to pass this bill.

Again, thank you for the opportunity to speak. I will try to answer any questions you may have.