

STAND. COM. REP. NO. 1216

Honolulu, Hawaii
, 1999

RE: H.B. No. 996

Honorable Norman Mizuguchi
President of the Senate
Twentieth State Legislature
Regular Session of 1999
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 996 entitled:

"A BILL FOR AN ACT RELATING TO MEETINGS OF STATE AND COUNTY BOARDS,"

begs leave to report as follows:

The purpose of this bill is to maintain the confidentiality of protected information when it is brought before a state or county board.

Your Committee finds that this measure seeks to resolve the conflict that boards face when attempting to comply with open meeting requirements under the Sunshine Law, confidentiality statutes, and court orders. Your Committee notes that under the Uniform Information Practices Act (UIPA), chapter 92F, Hawaii Revised Statutes, an agency is not required to disclose government records that are protected from disclosure pursuant to state or federal law or under a state or federal court order. Your Committee further finds that this bill would make the State's public meeting laws consistent with UIPA.

The Attorney General has advised your Committee that pursuant to section 92-4, Hawaii Revised Statutes, closed meetings are expressly limited to those matters exempted by section 92-5. Therefore, only matters that fall within one of the exceptions set out in section 92-5, Hawaii Revised Statutes, can be discussed in an executive session, and then only after the

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exception is announced and a majority of the board's membership agrees that an executive meeting should be held.

Testimony in support of this measure was submitted by the Department of the Attorney General and the Office of Information Practices.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 996 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

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

AVERY B. CHUMBLEY, Co-Chair

MATTHEW M. MATSUNAGA, Co-Chair

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