

SCRep. 745 Public Employment and Government Operations on S.B. No. 1413

The purpose of this bill is to provide the public with more opportunities for participation in the governmental process by clarifying certain provisions relating to public access to government meetings.

Extensive testimony relating to this measure was received, and as a result, your Committee believes that there is justification for the clarification of certain provisions of Chapter 92, Hawaii Revised Statutes, relating to public agency meetings, to reaffirm the commitment to open government.

To ensure public access to meetings where decisions are made, this bill more clearly delineates the circumstances and conditions under which an executive meeting may be held by a public board. This measure requires a majority of the board to vote to close a meeting. In addition, each member's reason for affirmatively voting for the closed meeting must be publicly announced and recorded.

This measure would also allow an executive meeting to be held to protect personal information about applicants for professional or vocational licenses, and limits closed meetings with the board's attorneys to matters relating to an actual, threatened, or proposed lawsuit in which the board is a party. Public notice and reason for an executive meeting, if known in advance, must also be given.

The bill would also prohibit board deliberations to reach decisions in an executive meeting. However, your Committee feels that this provision should not be construed to discourage open and free conversation or discussion.

The bill also provides a mandatory requirement to allow all interested parties the opportunity to submit testimony to a board on any agenda item. Under this bill, the Attorney General and the Prosecuting Attorney are directed to investigate citizen's complaints. It also provides relief to citizens denied their rights under this Chapter by allowing them to pursue their claims directly in the Courts, and allows the Courts to award those citizens attorneys' fees and costs when their claims of violations under this Chapter are sustained.

Your Committee on Public Employment and Government Operations is in accord with the intent and purpose of S.B. No. 1413, S.D. 1, and recommends that it pass Second Reading and be referred to the Committee on Judiciary.

Signed by all members of the Committee except Representatives Anderson, Blair, Kim, Medeiros and Menor.