

**SCRep. 789-96      Judiciary on H.B. No. 1866**

The purpose of this bill is to clarify which boards or other State entities are subject to sunshine law requirements.

Your Committee received supporting testimony from the Office of the Attorney General and the Honolulu Board of Water Supply. Common Cause Hawaii opposed the measure. A concerned citizen suggested amendments.

It is the finding of your Committee that it is necessary for greater efficiency that a board member seek out and discuss matters in various circumstances which may be in violation of chapter 92, the Sunshine Law. Additional interaction outside open meetings can increase effectiveness if certain safeguards regarding subsequent reporting are required.

In addition private discussions are necessary concerning the selection of board officers, interactions between certain government officials with board members acting in other capacities, and communication of administrative matters with the department to which the board is assigned.

Your Committee has deleted the provisions dealing with the definition of a board and substituted the following provisions to increase board efficiency while remaining mindful of the sometimes competing interests of open government:

- (1) Permitting board members to privately discuss matters if a written summary is included on the agenda of the next meeting;
- (2) Assigning board members to investigate a defined matter and report in writing with notice to the public at a subsequent meeting;
- (3) Allowing discussions with the Governor and State officials who are board members of matters not related to the board's exercising adjudicatory function;
- (4) Allowing discussions regarding the selection of board officers;
- (5) Allowing discussions with the head of the department to which the board is assigned regarding administrative matters; and
- (6) Creating procedures for reporting on matters, noticing the public, and setting permitted matters on a subsequent agenda.

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. 1866, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1866, H.D. 1, and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Menor.

**SCRep. 790-96      Judiciary on H.B. No. 2802**

The purpose of this bill is to:

- (1) Abolish joint and several liability with respect to all joint tortfeasors; and
- (2) Provide that when a government entity or any other person or entity, whether public or private, is a joint tortfeasor, that person or entity is liable for no more than the percentage share of damages attributable to that person or entity.

Your Committee received testimony in support of this bill from representatives of the Chamber of Commerce of Hawaii, the Hawaii Civil Justice Coalition, the Hawaii Congress on Small Business, the Maui Hotel Association, the National Federation of Independent Business, numerous other organizations, and a private citizen. Testimony in opposition to this bill was received from representatives of the Hawaii Women Lawyers and the Consumer Lawyers of Hawaii.

Your Committee feels that, as a matter of fairness, joint and several liability must be abolished. Joint tortfeasors should not be liable for more damages than their degree of fault merits. Abolishing joint and several liability will also eliminate the current practice of seeking "deep pockets" to sue, in the event that other defendants are judgment proof.

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. 2802 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by all members of the Committee except Representative Menor.  
(Representatives Hamakawa and Saiki voted no.)

**SCRep. 791-96      Judiciary on H.B. No. 3151**

The purpose of this bill is to eliminate the proof of financial responsibility requirement for people convicted of driving without a valid no-fault policy for the first time within a five-year period.

Your Committee received testimony in support of this bill from the State Insurance Commissioner, the Public Defender, and a representative of the City and County of the Honolulu Department of Finance. Testimony in opposition to this bill was received from a representative of the Hawaii Insurers Council.

Numerous amendments were added to the bill. H.R. 431:10C-117, HR:

Your Committee

- (1) Provide them; and
- (2) Making

As affirmed by your Committee is in :  
Second Reading i

Signed

**SCRep. 792-96**

The purpose of this bill is to clarify the association dispute resolution process, including costs a

Your Committee and various community groups Chapter of Comr

It is the sense of the Senate delinquent comm

- (1) Assist
- (2) Makii

Your Committee and other community groups condominium owners with atte

Section 514A expenses, including Hawaii law were recovering the full recovering "all direct conflict b

Therefore, your agencies, not a their fees and c and any court-exclude, any o purpose of:

- (1) Prov
- (2) Allo

As affirmed by your Committee is in :  
Second Reading

Sign

**SCRep. 793-96**

The purpose of this bill is to clarify the osteopaths.

Your Committee from a private Department of

While your physicians an conduct. The caused numer