

From: [Gary Hooser](#)
To: [Standards of Conduct](#)
Subject: Testimony re open meetings and the legislature's ongoing violation of State Constitution
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To Judge Foley and Commission Members,

While most discussion on the subject of open meetings versus behind closed door meetings, focus on the legislatures self exemption from the Sunshine Law, my below testimony today focuses on the State Constitution which is the law of the land for our State government and which the State legislature is unable to legally exempt themselves from.

Article III – The Legislature
Organization, Discipline, Rules and Procedure
Section 12.
3d paragraph

“Every meeting of a committee in either house or of a committee comprised of a member or members of both houses held for the purpose of making decision on matters referred to the committee shall be open to the public.”

Given the above requirement it would seem that both the State House and Senate regularly violate the Hawaii State Constitution.

It is common practice that House and Senate Conference Committee members regularly meet in private “for the purpose of making decision on matters referred to the committee”. They meet in private, negotiate in private and agree on the outcomes in private, emerging from the closed private meetings to announce the outcome and then formally vote at the public meeting. This practice seems obviously to violate the Hawaii State Constitution.

It is also far too common a practice for the various committees of the legislature to provide less than 24 hours notice of a committee meeting. Sometimes less than one hour of public notice is provided. The State Constitution states that a committee meeting held for the purpose of making a decision...“shall be open to the public”. It would seem that a meeting held where it is physically impossible for the public to attend due to basic logistics (time to drive or fly to the meeting once notice is received) also violates the Hawaii State Constitution.

I urge the Commission in its final report of recommendations, to acknowledge this constitutional provision and strongly recommend to the legislature that they begin immediately complying with the state constitution.

If the commission believes it would be helpful, I encourage you also to utilize legal staff and or the U.H. Richardson School of Law, as may be available to research the history of this provision.

Unfortunately I am currently traveling, writing this testimony on my phone while sitting in an

airport lobby, and unable to be present to testify in person.

Mahalo for your service to our community

Sincerely,

Gary Hooser
Former State Senator

Sent from my iPhone