

OFFICE OF INFORMATION PRACTICES

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To: House Committee on Judiciary

From: Paul T. Tsukiyama, Director

Date: Friday, March 28, 2008, 2:00 p.m.
State Capitol, Conference Room 325

Re: Testimony on S.B. No. 3105, S.D. 1
Relating to Public Agency Meetings.

The Office of Information Practices ("OIP") supports this bill.

With certain very limited exceptions, the Open Meetings Law (the "Sunshine Law"), part I of chapter 92, Hawaii Revised Statutes, prohibits a board from conducting a site inspection that is closed to the public. Several boards have advised the OIP of the importance of site inspections to enable these boards to be more fully informed about matters, but have complained that it is impracticable for the public to participate in certain site inspections because of difficult conditions present at the particular sites.

The OIP believes that this bill would assist boards in making more informed decisions relating to on-site inspections while ensuring that the public's business is conducted as openly as possible.

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In particular, this bill allows a board to hold a limited meeting to conduct an on-site inspection closed to the public, but secures the people's right to know by placing the following limitations on the board in order for it to hold its limited meeting for this purpose: (1) at an open meeting beforehand, the board must specify its reasons for conducting the on-site inspection in a limited meeting (and must obtain the OIP director's concurrence); (2) the board must give the public notice of the limited meeting; (3) minutes must be kept in accordance with section 92-9, Hawaii Revised Statutes, (4) a videotape of the limited meeting must be made (the OIP director can waive this requirement); and (5) no decisions can be made at this limited meeting.

Thank you for the opportunity to testify.

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