



HB1611, HD1
RELATING TO THE SUNSHINE LAW
House Committee on Legislative Management

February 15, 2012

1:30 p.m.

Room: 423

The Office of Hawaiian Affairs (OHA) offers the following comments on HB1611, HD1, which amends key provisions of Chapter 92, HRS (the Sunshine Law), relating to (1) attendance by board members at external events and (2) giving of notice of board meetings.

OHA supports the intent of the bill, which is to facilitate board members' attendance at public gatherings, community events, professional-association conferences, and other professional-development seminars, as well as to allow e-mail notice of board meetings to persons who request notification.

However, we are concerned about the following provision of the bill, at page 4, lines 4-10:

(c) One or more members of a board may attend a public gathering or a community event individually or in concert; provided that the public gathering or community event does not directly relate to any specific matter over which the board is currently exercising its adjudicatory, advisory, or legislative function and the members do not participate in ex parte communications at the public gathering or community event.

Our concern is that the words "ex parte" are not defined for purposes of this provision. Without a definition, the bill, if enacted, will be open to interpretation and difficult to implement.

Mahalo for the opportunity to testify on this measure.

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FEBRUARY 15, 2012

HEARING BEFORE THE
HOUSE COMMITTEE ON LEGISLATIVE MANAGEMENT

TESTIMONY ON HB 1611 HD1
RELATING TO THE SUNSHINE LAW

Room 423
1:30 PM

Chair Yamashita, Vice Chair Tokioka, and Members of the Committee:

I am Brian Miyamoto, Chief Operating Officer and Government Affairs Liaison for the Hawaii Farm Bureau Federation (HFBF). Organized since 1948, the HFBF is comprised of 1,800 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic and educational interests of our diverse agricultural community.

HFBF supports HB 1611 HD1 which we believe is necessary to ensure that public officials are adequately educated so that they can make wise decisions that benefit the public. Public officials, especially young or newly elected or appointed officials, should be encouraged to educate themselves, communicate with others, and develop expertise in a wide array of complex topics. We believe that the current Sunshine Law restricts the ability of public officials to do this. We agree that officials should be allowed to individually or jointly attend public gatherings and events and professional development seminars.

We also agree with Maui Council member Don Couch that the current proposed language is too restrictive and would prevent public officials from attending most public gatherings and community events, thereby defeating the bill's intent.

We would prefer that public officials are allowed to attend gatherings and events when the subject matter *does* address currently pending matters, so long as their attendance is reasonably necessary to enable them to perform their duties faithfully and as long as no commitment to vote is made or sought.

I can be reached at (808) 848-2074 if you have any questions. Thank you for the opportunity to testify.

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