

# LATE TESTIMONY



**Hawaii Farm Bureau**  
F E D E R A T I O N

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JANUARY 24, 2012

HEARING BEFORE THE  
HOUSE COMMITTEE ON JUDICIARY

TESTIMONY ON HB 1611  
RELATING TO THE SUNSHINE LAW

Room 325  
2:00 PM

Chair Keith-Agaran, Vice Chair Rhoads and Members of the Judiciary 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 interest of our diverse agricultural community.

HFBF supports Section 2 of HB 1611, which proposes to allow board members to attend public gatherings, community events, professional-association conferences, and professional development seminars. However, HFBF opposes Section 3, which reduces the requirement for public meeting notices from six days to four days.

In order to 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.

Regarding Section 3, HFBF disagrees that reducing the public notice requirement from six days to four days will make government more effective and efficient. This proposal will make it more difficult for members of the public to respond and participate in the public process and will circumvent the intent of the Sunshine Law. Those two days could be used to prepare testimony or to request time off from work to attend the meeting. In order

to attend a public meeting that could impact agriculture, our farmer and rancher members must often find replacements for themselves before being able to leave the farm.

We do not object to the use of an email distribution list to notify persons who are able to and have requested to receive notification in that manner.

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

The Big Island Press Club  
P.O. Box 1920  
Hilo, HI 96721

# LATE TESTIMONY

January 24, 2012

The Hon. Gilbert Keith-Agaran  
And members of the Committee on Judiciary

Dear Chair Keith-Agaran,

The Big Island Press Club opposes any proposal to weaken the provision of the Sunshine Law relating to the six-day notice for public meetings. This bill states in its preamble:

"With the ability to immediately transmit meeting agendas electronically to interested members of the public, the six-day-notice requirement is antiquated, excessive, and unduly slows the deliberative process, causing the public to lose faith in government. (Emphasis added)

Please note that the preamble quoted above mentions two separate ideas, public notice and deliberation.

Regarding public notice: Speed of *sending* electronic notices does not translate to speed in *receiving* electronic notices. The Big Island where our club is centered is twice as big as all of the other islands combined. There are large areas where cell phone service is unreliable or completely absent.

Sending email notices does not mean every recipient will be standing by his or her computer waiting to receive a notice. Some people do not check their email for a day or even several days. This change would disenfranchise citizens without regular access to the Internet.

Regarding deliberation - The preamble mentions the "deliberative process" of government agencies, but it should be clear that the public requires time for its own deliberations. An individual needs time to think. An organization, such as the Big Island Press Club, needs a lot more time to think, since each of the individuals on the board of directors have to think, confer, and decide with others members on the board.

Even with deliberation complete, public response, such as giving testimony in person, can be very time-consuming. To drive between East Hawaii and West Hawaii is roughly a 200-mile round trip, which cannot necessarily be done at the drop of a four-day hat.

A few years ago, the Hawaii County Council gave notice of a reorganizational meeting just before a weekend, and then held the meeting right after the weekend. It was difficult

to be aware of their actions with a six-day notice. A four-day notice would increase the potential for abuse.

Electronic communications *may* be fast but we emphasize that is only a "maybe." The speed of human thought and deliberation has not increased. The existing six-day notice requirement is not "antiquated," nor is it "excessive."

Does the six-day requirement cause the public to lose faith in government? No, of course it does not. This is an example of an overly broad statement, unsupported by facts. People lose faith in government when government bodies leave people out of their decision-making process, and one way to ensure that is to shorten the public notice requirements of the Sunshine Law. Trust in government is eroded when government bodies give the appearance of rushed decisions in the name of expediency.

Regarding the other provisions of House Bill 1611, the Big Island Press Club is neutral regarding the changes to permitted actions among board members, provided it does not infringe upon the principle of government doing the public's business in a public setting.

BIPC also supports the practice of notifying the public by e-mail, provided it supports and does not supplant other methods of public notice.

Thank you for giving us the opportunity to voice our concerns.

Sincerely,

Yisa Var, president, Big Island Press Club  
Peter Sur, immediate past president



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WOMEN VOTERS®

# LATE TESTIMONY

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## TESTIMONY TO HOUSE COMMITTEE ON JUDICIARY OPPOSING HB 1611

We strongly oppose the proposal in Section 3 of HB 1611 to reduce Sunshine Law public notice requirements to 4 days. There simply is no compelling reason to reduce public notice to people who do not have computers or who prefer not to use email.

We also recommend that Section 92-2.5(c) HRS, be amended to read as follows:

"(c) Members of a board may individually or jointly attend public gatherings and community events; provided that the gathering or event does not directly relate to and the members participate in ex parte communications concerning any specific matter over which the board is exercising its adjudicatory, advisory, or legislative function."

Dated: January 24, 2012

**Testimony for HB1611 on 1/24/2012 2:00:00 PM**

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

**Sent:** Tuesday, January 24, 2012 9:49 AM

**To:** JUDtestimony

**Cc:** jbkslb@kona.net

## LATE TESTIMONY

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Testimony for JUD 1/24/2012 2:00:00 PM HB1611

Conference room: 325  
Testifier position: Comments Only  
Testifier will be present: No  
Submitted by: Sherry L. Bracken  
Organization: Individual  
E-mail: jbkslb@kona.net  
Submitted on: 1/24/2012

Comments:

Re Sunshine Law:

I am vehemently against shortening notice from 6 calendar days to 4. That would allow posting of a notice 4:30 pm on a Friday, counting Fri, Sat, Sun, and a Monday holiday for a Tuesday 9 am meeting. That is NOT a good idea. Shortening to 4 opens the door to abuse of public notice requirements.

I am very much for allowing committee and council members to attend trainings and public meetings. To not do so has restricted them getting the knowledge and information to do their jobs.

Respectfully submitted,  
Sherry L. Bracken  
PO Box 248  
Kailua-Kona HI 96745  
808-334-1521

Jo Kamae Byrne  
P. O. Box 2390  
Honolulu, HI 96804

# LATE TESTIMONY

Testimony re: HB1611.

Chair Keith-Agaran, Vice Chair Rhoads, and Committee Member  
House Judiciary Committee,

Thank you for this opportunity to submit testimony on HB 1611. As an individual citizen, but also a Board member of Common Cause Hawaii, I strongly oppose the reduction of advance notice for public meetings from the current 6 days to 4 days. I also have grave concerns over the open ended language of the bill with regards to board members attending professional conferences and public or community events.

## PUBLIC MEETINGS NOTICE

The rationale presented in the bill makes reference to the efficiencies of e.mail communication, however, it does not take into consideration that all citizens of Hawaii may not have immediate or efficient access to e.mail.

Citizen participation is an essential element of a democracy, and any barrier discouraging that participation can only be a detriment to the health of our government. Given the circumstances of our economic challenges, we should be encouraging dialog and new thinking. Reducing the time for people to read and digest legislative proposals could seriously impact the community's ability to thoughtfully participate.

## BOARD MEMBERS ATTENDING OTHER MEETINGS

The reasons presented for changes allowing board members to attend professional conferences and other public or community events certainly as merit. I do believe that stronger language is needed in the bill to address more than just a "specific matter over which the board is currently exercising its adjudicatory, advisory, or legislative function." A stronger conflict of interest definition is needed.

As for attendance at professional-association conferences and seminars, requiring a report "within a reasonable period of time" is too vague. A specific deadline for reporting (ie within 10 days of return, or by the next meeting of the body) should be required.

## SUMMARY

The Sunshine Laws were passed to encourage active citizen participation in our democracy and to protect their right to participate. Providing access to information about what our elected and appointed officials are doing, and making public officials accountable to the community are keystones to that protection.