



Hawaii
COMMON CAUSE
Holding Power Accountable

LATE TESTIMONY

Senate Public Safety Committee
Chair Will Espero, Vice Chair Rosalyn Baker

Thursday 02/13/2014 at 02:00PM in Room 325
HB2139 HD1– Relating to Public Agency Meetings

TESTIMONY OF OPPOSITION
Carmille Lim, Executive Director, Common Cause Hawaii

Dear Chair Espero, Vice Chair Baker, and members of the Committee:

Common Cause Hawaii strongly opposes HB2139 HD1, which essentially would allow a quorum or *all* members of a city council to attend and participate in discussions during a public meeting/presentation held by special interests. This bill creates a loophole in Hawaii's Sunshine Laws, which are meant to promote transparency and openness in our state.

We are aware that in Hawaii, it is common for special private interests to hold "community meetings." However, these meetings tend to be less of a forum for community concerns and unbiased dialog. Instead, these meetings are often one-sided and are used as an avenue to advocate and persuade lawmakers (and the community) to support a project. Currently, the Sunshine Law does not allow a quorum (or more) of members to attend such meetings. This safeguard is in place to prevent discussion and decisions made on issues without public input and public notice. HB2139 HD1 would allow all members to attend these meetings, listen to a biased presentation in support of a project, and would allow a quorum or all members to discuss the project or issue at hand.

Specifically, we have these concerns:

- 1) "Free to the public" is not the same as a public meeting. Meetings may be free to the public, but that does not necessarily mean the public is invited.
- 2) No required public notice – Without public notice, the community could not be aware that these meetings were taking place. For example: the only notices that could go out could be invitations sent to councilmembers only.
- 3) This bill allows for members to discuss information presented at these meetings. Under the current Sunshine Law, this is acceptable. HB2139 HD1 would allow a quorum or *all* members who are able to attend, to discuss the information, off public record.
- 4) No minutes – While this bill would require members to report back their attendance and matters presented and discussed, there is no requirement of public record while the meeting is happening.
- 5) No requirement for how meeting is structured – This bill has no indication that public input would be accepted at any of these "community" meetings.

HB2139 HD1 undermines Hawaii's Sunshine Laws. We urge you to defer this bill.

Thank you for the opportunity to testify in strong opposition on HB2139 HD1.



LATE TESTIMONY

49 South Hotel Street, Room 314 | Honolulu, HI 96813
www.lwv-hawaii.com | 808.531.7448 | voters@lwvhawaii.com

COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AFFAIRS AND MILITARY AFFAIRS
Tuesday, March 11, 2014, 1¹⁵ p.m. Room 224
HB 2139, HD1, RELATING TO PUBLIC AGENCY MEETINGS

TESTIMONY

Douglas Meller, Legislative Committee, League of Women Voters of Hawaii

Chair Espero, Vice-Chair Baker and Committee Members:

The League of Women Voters of Hawaii opposes HB2139, HD1, which would create a loophole in Hawaii's Sunshine Law by allowing all members of a county council to attend and participate in discussions during a public "meeting or presentation" held by private special interests. It is not appropriate to amend Hawaii's Sunshine Law to authorize this. In our view, "Meetings or presentations" held by private special interests do more than "inform" the community about proposed projects – they are intended to influence county council decisions. Regardless of whether county council members are elected from districts or are elected at large, there is no compelling justification to create a loophole in Hawaii's Sunshine Law.

It has become common in Hawaii for private developers seeking county land use approvals and for private businesses seeking county contracts to hold "informational meetings and presentations" for the purpose of advocating special interest projects. Hawaii's Sunshine Law does not allow a council quorum to attend any private "meeting or presentation". However, if HB 2139, HD 1 became law, all county council members could be invited to attend an "informational meeting or presentation" organized by proponents of a special interest project. Prior public notice would not be required. Only invitees might know about the "meeting or presentation" even if the event were open and "free" to the public, thus limiting the public's access and input in such meetings. At the "meeting or presentation", the proponents could make a one-sided presentation in support of a special interest project and then discuss the project with a quorum or even all council members. Additionally, all members would be allowed to discuss information presented at these meetings. As HB2139 HD1 is written, it would also be possible to structure the "meeting or presentation" to prevent the public from asking questions or participating in discussions. Regardless of how many council members participated, minutes would not be required or kept, thus further limiting government transparency on, and the public's access to, these projects.

HB2139 HD1 undermines Hawaii's Sunshine Laws. The League of Women Voters requests that you hold this bill.



49 South Hotel Street, Room 314 | Honolulu, HI 96813
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Written Statement of
ROBBIE MELTON
Executive Director & CEO
High Technology Development Corporation
before the
**COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY
AFFAIRS**
Tuesday, March 11, 2014
2:50 p.m.
State Capitol, Conference Room 224
In consideration of

HB 2139 HD1 RELATING TO PUBLIC AGENCY MEETINGS.

Chair Espero, Vice Chair Baker, and Members of the Committee on Public Safety,
Intergovernmental and Military Affairs.

The High Technology Development Corporation (HTDC) would like to offer
comments on HB2139 HD1. HD1 adds language that limits the allowable meeting of two or
more board members and less than a quorum to events held in state and free to the public.
HTDC suggests that this additional restriction would prevent board members from jointly
attending out of state informational conferences that would benefit the State.

Thank you for the opportunity to offer these comments.

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 10, 2014 3:19 PM
To: PSMTestimony
Cc: stacy.crivello@mauicounty.us
Subject: Submitted testimony for HB2139 on Mar 11, 2014 14:50PM

HB2139

Submitted on: 3/10/2014

Testimony for PSM on Mar 11, 2014 14:50PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Councilmember Stacy Helm Crivello	Individual	Support	No

Comments: I support Maui County Council Chair Gladys Baisa who submitted a testimony in support of the measure.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 10, 2014 10:32 PM
To: PSMTestimony
Cc: shannonkona@gmail.com
Subject: Submitted testimony for HB2139 on Mar 11, 2014 14:50PM

HB2139

Submitted on: 3/10/2014

Testimony for PSM on Mar 11, 2014 14:50PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Shannon Rudolph	Individual	Oppose	No

Comments: Strongly Oppose

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LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 10, 2014 7:53 PM
To: PSMTestimony
Cc: kahiwal@cs.com
Subject: Submitted testimony for HB2139 on Mar 11, 2014 14:50PM

HB2139

Submitted on: 3/10/2014

Testimony for PSM on Mar 11, 2014 14:50PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Clarence Ching	Individual	Oppose	No

Comments: If it's not broken - please don't fix it!

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