

OFFICE OF INFORMATION PRACTICES

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To: Senate Committee on Judiciary and Labor

From: Cheryl Kakazu Park, Director

Date: February 21, 2017, 9:00 a.m.
State Capitol, Conference Room 016

Re: Testimony on S.B. No. 1209
Relating to the Sunshine Law

Thank you for the opportunity to submit testimony on this bill. The **Office of Information Practices (“OIP”)** takes no position on this bill, which would eliminate the current limitation of leadership discussions outside a meeting to less than a quorum of a board’s members and allow the full board to discuss selection of officers, because OIP believes the question of whether leadership discussions may be done privately is a policy call for the Legislature to make.

OIP sees the main arguments to support making this change to the law as follows: **in the case of elected boards, the voters elect the members to the board, not who will be the board chair or committee chairs as those decisions are organizational decisions left to the board’s discretion. With both elected and appointed boards, leadership discussions are unlike most of a board’s business in that the issue being discussed is purely internal to the board, and does not directly affect the public policy matters a board is authorized to deal with.** They may have more to do with individual members’ personalities and relationships with one another than they do with those members’ views on public policy matters. As such, OIP does not see the public interest in

leadership discussions as being comparable to the public interest in the formation and conduct of public policy that the Sunshine Law, part I of chapter 92, HRS, is intended to protect.

OIP sees the main argument against this change to the law as this: **in some cases, a change in a board's leadership has the secondary effect of changing the direction of the board on issues that are public policy matters in which there is a high public interest**, when a new chair and committee chairs with different policy views choose differently from the previous leadership in deciding what issues to put on the agenda and to refer from a committee to the full board. In such cases, leadership decisions do affect the formation of public policy.

In summary, OIP recognizes that **there are arguments on both sides** of the question of whether there should be a limit on the number of board members who may discuss leadership privately, and OIP believes **this decision is a policy call for the Legislature** to make.

Thank you for the opportunity to testify.

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: *Submitted testimony for SB1209 on Feb 21, 2017 09:00AM*
Date: Wednesday, February 15, 2017 6:12:56 PM

SB1209

Submitted on: 2/15/2017

Testimony for JDL on Feb 21, 2017 09:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Cathy Goeggel	Animal Rights Hawai'i	Oppose	No

Comments:

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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Feb. 21, 2017

Sen. Gil Keith-Agaran
Senate Judiciary Committee
State Capitol
Honolulu, HI 96813

Re: Senate Bill 1209

Chairman Keith-Agaran and Committee Members:

We ask you to shelve this bill.

State law allows less than a quorum of a board to meet in secret concerning the selection of the board's officers. This provision has been in place for years without any major problems.

The makeup of a board's leadership is important to the public because it shows the direction the body will go.

But SB 1209 would allow the whole board to meet in secret in such matters. That is a major change without presenting sufficient reasons other than stating "the integrity of the current sunshine law will remain intact."

The county councils have been chiseling away at 92-2.5 for many years. We believe it is time to say enough is enough because this bill would affect the integrity of the Sunshine Law.

Thank you for your time and attention.

Stirling Morita
President, Hawaii Chapter SPJ

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: *Submitted testimony for SB1209 on Feb 21, 2017 09:00AM*
Date: Thursday, February 16, 2017 7:04:17 AM

SB1209

Submitted on: 2/16/2017

Testimony for JDL on Feb 21, 2017 09:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Barry	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for SB1209 on Feb 21, 2017 09:00AM
Date: Thursday, February 16, 2017 1:54:45 PM

SB1209

Submitted on: 2/16/2017

Testimony for JDL on Feb 21, 2017 09:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Bryn Villers	Individual	Oppose	No

Comments: This would completely violate the function of this part of the Sunshine Law. The whole point of which is transparency in the government. This essentially allows for closed door meetings, the opposite of transparency. I strongly oppose this measure.

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From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for SB1209 on Feb 21, 2017 09:00AM
Date: Saturday, February 18, 2017 7:32:19 PM

SB1209

Submitted on: 2/18/2017

Testimony for JDL on Feb 21, 2017 09:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Mather	Individual	Oppose	No

Comments: Aloha, My name is Jennifer Mather and I live in Lahaina in West Maui. I oppose the changes in the Sunshine Law because I feel this is an attempt to further erode the transparency and accountability of our elected officials. No matter how innocuous, I believe all interactions should be documented and up for review. By allowing our elected officials to meet in unlimited numbers opens the doors to abuse and misuse. I humbly ask you to make no changes to the Sunshine Law and to ensure that our elected state and county officials abide by that law at all times. Mahalo for your time and consideration. I believe you have the peoples' best interest at heart and that you will make the best decision in opposing this alteration. Sincerely, Jennifer Mather 441 Dickenson Street Lahaina, HI 96761

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From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: *Submitted testimony for SB1209 on Feb 21, 2017 09:00AM*
Date: Wednesday, February 15, 2017 3:39:28 PM

SB1209

Submitted on: 2/15/2017

Testimony for JDL on Feb 21, 2017 09:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Victor K. Ramos	Individual	Support	No

Comments:

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