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To: House Committee on Judiciary & Hawaiian Affairs

From: Cheryl Kakazu Park, Director

Date: March 22, 2023, 2:00 p.m.
State Capitol, Conference Room 325

Re: Testimony on S.B. No. 1513
Relating to Public Agency Meetings

Thank you for the opportunity to submit testimony on this bill, which would require a government board holding a closed executive meeting to report its discussion and any final action when the board reconvenes the public portion of the meeting, in a way that is consistent with the executive meeting's purpose. The Office of Information Practices (OIP) **supports** this measure, which OIP believes would promote public access without undermining boards' ability to use executive sessions when authorized to do so.

The Sunshine Law, part I of chapter 92, HRS, allows government boards to go into a closed executive session for a limited list of purposes, but the minutes of an executive session can only be withheld to the extent necessary to protect the purpose of the executive session. Even in the limited circumstances in which a board properly voted in executive session, such as to protect the privacy of a board employee whose termination was being considered, any action taken by the board must be disclosed in response to a request for minutes or other records. *E.g.*, OIP Opinion Letter Number F22-03 at 11-12. The Sunshine Law itself, though, does not require a board to summarize its discussions for the public, report actions

taken, or indeed say anything about what happened in its executive session when it reconvenes in public. OIP's understanding is that some boards do routinely summarize for the public what happened during an executive session, while many others do not.

Since this proposal allows the information reported in a board's summary of its executive session to be limited to preserve the purpose of the executive session, **OIP does not believe the proposal would undermine boards' ability to use executive sessions as authorized in the Sunshine Law, and it clearly serves the Sunshine Law's purpose of increasing public access** to the discussions, deliberations, decisions, and action of government boards. **The effect would be that rather than having to make a request for a redacted copy of the minutes to learn the gist of what happened in an executive session, the public would be informed as soon as the board reconvened in public session. OIP therefore supports** this proposal and recommends this Committee pass it out.

Thank you for considering OIP's testimony.