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**Senate Committee on Government Operations  
Tuesday, February 13, 2024 4:00 P.M.**

**Testimony by:**

**Yvonne Lau, Executive Administrator and Secretary of the Board of Regents**

**S.B. No. 2199 – RELATING TO PUBLIC AGENCY MEETINGS.**

Chair McKelvey, Vice Chair Gabbard, and members of the Committee.

These comments on S.B. No. 2199 are offered in my capacity as the Executive Administrator and Secretary of the Board of Regents.

The Board of Regents of the University of Hawai'i (Board) has not yet had the opportunity to discuss this measure. Discussion is expected to occur at the Board's next meeting on February 16, 2024.

Thank you for the opportunity to offer comments on S.B. No. 2199.

# OFFICE OF INFORMATION PRACTICES

STATE OF HAWAII  
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250 SOUTH HOTEL STREET, SUITE 107  
HONOLULU, HAWAII 96813  
TELEPHONE: 808-586-1400 FAX: 808-586-1412  
EMAIL: oip@hawaii.gov

To: Senate Committee on Government Operations

From: Cheryl Kakazu Park, Director

Date: February 13, 2024, 4:00 p.m.  
State Capitol, Conference Room 225

Re: Testimony on S.B. No. 2199  
Relating to Public Agency Meetings

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Thank you for the opportunity to submit testimony on this bill, which would add an executive purpose to the Sunshine Law allowing boards to hold a closed executive session to train new and current board members. The Office of Information Practices (OIP) offers comments.

The Sunshine Law applies when board members are discussing board business, *i.e.*, matters within the board's authority that are currently pending or reasonably likely to come before the board in the foreseeable future, but it does not apply when board members are talking about things other than their board business. **Currently, therefore, unless the training will involve discussion of board business, a training session for new or current board members is not required to be done as a meeting subject to the Sunshine Law or to be authorized by one of the Sunshine Law's permitted interactions.** For example, if a training is limited to laws relevant to the board, the history of the board, major issues the board dealt with in the past that are not current board business, and similar background information, that training would not be expected to involve board business and so as long as the trainers and the members keep in

mind that current board business cannot be brought up during the training, it could safely be done without following the Sunshine Law's open meeting requirements.

The proposed new executive session would, to the contrary, imply that a training session of new or current board members should be done as a Sunshine Law meeting, but that meeting could be an executive session closed to the public. **This bill's effect would be that a board could discuss in closed session not only general background information but also its current board business, including its biggest issues, so long as it was described as "training." At the same time, the board would have to file a timely notice and list the topics to be discussed on its meeting agenda, take public testimony on those topics, keep minutes, and otherwise follow the Sunshine Law's meeting requirements.**

It is not clear to OIP why this new executive session purpose was proposed, and **OIP questions** whether requiring boards to hold Sunshine Law meetings for trainings while at the same time allowing those trainings to be in closed executive session serves either the boards' or the public's interest. However, **OIP would be happy to work with the bill's proponents to better understand what the measure is intended to achieve and arrive at a better approach.**

Thank you for considering OIP's testimony.



Feb. 13, 2024

Angus McKelvey  
Senate Government Operations Committee  
State Capitol  
Honolulu, HI 96813

Re: Senate Bill 2199

Chairman McKelvey and Committee Members:

We see little need for this bill.

Why would a board or commission need to close a meeting to teach board members how to be board members who are required to meet in the open with little exception? We believe there are enough exemptions already.

We ask you to spike this measure.

Thank you,

Stirling Morita  
President  
Hawaii Chapter SPJ

TO: Members of the Committee on Government Operations

FROM: Natalie Iwasa  
808-395-3233

HEARING: 4 p.m. Tuesday, February 13, 2024

SUBJECT: SB2199 Relating to Public Agency Meetings, Trainings - **OPPOSED**

Aloha Chair McKelvey and Committee Members,

Thank you for allowing the opportunity to provide testimony on SB2199, which would allow trainings for members to be held behind closed doors.

When meetings are held in the open, it allows the public the ability to hold elected and appointed officials accountable. When they are behind closed doors, we have no way of knowing what is going on.

Whatever reason the counties believe that they should be allowed trainings behind closed doors, it should not trump the public's ability to watch and make sure that those trainings are adequate.

**Please vote "no" on SB2199.**

Council Chair  
Alice L. Lee

Vice-Chair  
Yuki Lei K. Sugimura

Presiding Officer Pro Tempore  
Tasha Kama

Councilmembers  
Tom Cook  
Gabe Johnson  
Tamara Paltin  
Keani N.W. Rawlins-Fernandez  
Shane M. Sinenci  
Nohelani U'u-Hodgins



Director of Council Services  
David M. Raatz, Jr., Esq.

Deputy Director of Council Services  
Richelle K. Kawasaki, Esq.

**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
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February 12, 2024

TO: The Honorable Senator Angus L.K. McKelvey, Chair, and  
Members of the Senate Committee on Government Operations

FROM: Alice L. Lee  
Council Chair 

SUBJECT: **HEARING OF FEBRUARY 13, 2024; TESTIMONY IN SUPPORT OF SB2199, RELATING TO PUBLIC AGENCY MEETINGS**

I **support** this measure to allow boards subject to state open meeting laws to hold a closed meeting for the purpose of providing training to new and current board members.

I am providing this testimony in my capacity as an individual member of the Maui County Council.

I support this measure for the following reasons:

1. It would allow board members to be trained on confidential or sensitive information.
2. Training with existing board members on processes would reduce procedural errors and promote meeting efficiency.
3. It would enhance engagement by creating space where board members and commissioners can actively participate in the training content.

Thank you for your consideration.

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