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To: Senate Committee on Government Operations

From: Cheryl Kakazu Park, Director

Date: January 30, 2024, 3:00 p.m.
State Capitol, Conference Room 225

Re: Testimony on S.B. No. 2637
Relating to Public Agency Meetings

Thank you for the opportunity to submit testimony on this bill, which would require at least six days between the board meeting at which a permitted interaction group set up by a Sunshine Law board makes its report, and the subsequent meeting at which the full board discusses and potentially takes action on the report. The Office of Information Practices (OIP) **supports** this bill.

Subsection 92-2.5(b)(1) of the Sunshine Law allows a government board to set up what is commonly called a permitted interaction group, or PIG, of less than a quorum of members to work together outside the context of a board meeting to investigate an issue. This provision requires three separate board meetings: the first to assign the PIG members and set the scope of their investigation and authority, the second to hear their report without discussion (at which point the PIG is effectively dissolved), and the third for the full board to discuss and perhaps take action on the issue the PIG investigated.

Since an investigatory PIG of this type can conduct its work without public meetings or testimony, OIP has long interpreted this provision to require a board to provide sufficient time between the second and third meetings for the public to

digest the PIG's report and then testify on it before the full board's discussion and possible action on the issue at the next meeting. Otherwise, the statutory requirement for a third meeting would be pointless and the public could be fully shut out of the process. **While a full six days as proposed by this bill may not always be necessary to allow the public to respond to a PIG's report, a meeting on the same day or the day after the report is made (as boards have occasionally proposed) is clearly insufficient time to allow the public to respond. This proposal would set a clear standard for how much time must elapse** between the meeting where a PIG reports and the one at which the board discusses and acts on the report, so as to prevent efforts to circumvent the current law's requirement. OIP therefore recommends this Committee pass out the bill.

Thank you for considering OIP's testimony.



Senate Committee on Government Operations
Chair Angus L.K. McKelvey, Vice Chair Mike Gabbard

Tuesday, January 30, 2024 3 PM Public Hearing in Conference Room 225 on
SB 2637, RELATING TO PUBLIC AGENCY MEETINGS

TESTIMONY

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

Chair McKelvey, Vice Chair Gabbard, and Committee Members:

The League of Women Voters of Hawaii supports SB 2637. However, the League would not oppose a Section 92-2.5(b)(1)(C) proviso which allows boards to expedite deliberations about testimony for legislative hearings - - but not about other board business.

Thank you for the opportunity to submit testimony.

SB-2637

Submitted on: 1/28/2024 11:20:57 AM

Testimony for GVO on 1/30/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
lynne matusow	Individual	Support	Written Testimony Only

Comments:

I am in full support. Far too often I have watched the city council circumvent the sunshine law as they reinterpret it to suit their needs, which clearly includes reducing time spent listening to the public.

Last week Mayor Blangiardi criticize the Honolulu Police Department for writing their own rules and acting as a law unto themselves regarding lack of information/communication to the public on January 1 during a day long island wide chase and search for an armed man. He was then not informed that two innocent civilians were beaten and detained and learned that days later when they filed suit.

The council only changes its ways when the legislature or courts intervene. The council needs to stop this nonsense. I applaud Senator Ihara for introducing this bill and urge you to move it forward.



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**Senate Committee on Government Operations
Tuesday, January 30, 2024 3:00 P.M.**

Testimony by:

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

S.B. No. 2637 – RELATING TO PUBLIC AGENCY MEETINGS.

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

These comments on S.B. No. 2637 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. 2637.



Senate Committee on Government Operations
Honorable Angus L.K. McKelvey, Chair
Honorable Mike Gabbard, Vice Chair

RE: Comments on S.B. 2637, Relating to Public Agency Meetings
Hearing: January 30, 2024 at 3:00 p.m.

Dear Chair and Members of the Committee:

My name is Ben Creps. I am a staff attorney at the Public First Law Center, a nonprofit organization that promotes government transparency.

Thank you for the opportunity to submit testimony **in strong support** of S.B. 2637. This measure amends HRS § 92-2.5 to clarify that six calendar days is the minimum time required between the public disclosure of the PIG's report and any subsequent board action on the report.

For decades, the Sunshine Law has had an exception to the open meetings requirement to permit a limited number of board members (permitted interaction group or "PIG") to investigate an issue, without complying with the Sunshine Law, and report back to the board before a discussion occurs. The statute requires *three* different meetings: (1) to identify the members and scope of the investigative group; (2) for the group to report its findings; and (3) to discuss and act on the report. HRS § 92-2.5.

On multiple occasions over the years, boards have tried to circumvent the legislative intent that the public (and the board) have an opportunity to digest the report before any substantive discussion by scheduling back-to-back second and third meetings. Last year, for example, the City Council attempted to schedule a meeting for a group to report back on its investigation into real property tax bills with a "separate" meeting scheduled 30 minutes later to discuss and act on the report. S.B. 2637 would clarify that the third meeting must occur at least 6 days after meeting second meeting.

This measure will promote public access and informed decision-making, while preserving boards' ability to conduct board business through PIGs. Simply clarifying the original legislative intent, this measure ensures the public's right to understand what happened during these closed-door investigations *before* a board discusses and acts on the information.

Thank you again for the opportunity to testify in support of S.B. 2637.

