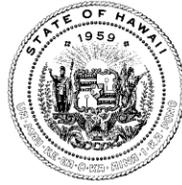


HB640,HD1

Testimony



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CATHY L. TAKASE
ACTING DIRECTOR

To: Senate Committee on Judiciary and Labor

From: Cathy L. Takase, Acting Director

Hearing: March 15, 2011, 9:30 a.m.
State Capitol, Room 016

Re: Testimony on H.B. 640, H.D. 1
Relating to Public Agency Meetings

Thank you for the opportunity to submit testimony on H.B. No. 640, H.D. 1.

This bill would require boards subject to the Sunshine Law to publicly report any action taken in an executive meeting after reconvening in an open meeting.

The Sunshine Law does allow a board to vote in a closed meeting, aka an executive session, when necessary to avoid frustrating the purpose for which the meeting was closed to the public, but if the board does end up voting to take an action that vote will ultimately be of public record. OIP believes that this requirement would benefit the public's interest in access by immediately informing those attending the meeting of actions taken by a board, without harming the board's ability to keep confidential the substance of its closed session discussions or the fact that it may have considered some actions that it ultimately chose not to take.

Thank you for the opportunity to testify.

Proposed amendments to HB640 HD1
Submitted to the Senate Committee on Judiciary and Labor
by Americans for Democratic Action/Hawaii
Barbara Polk, Legislative Chair
March 12, 2011

We assume that the statute refers to both boards and commissions. If not, we ask that you make appropriate amendments to include commissions.

We also request that you amend the bill to add the words “and recorded in the minutes of the meeting” as follows:

Any action taken by a board in an executive meeting shall be recorded in the minutes of the meeting and reported to the public when the meeting reconvenes in the open meeting at which the executive meeting was held.



HAWAII

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MAILING ADDRESS

PO. Box 617
Honolulu,
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Karin Gill (Alt)

March 12, 2011

TO: Chair Clayton Hee, Vice Chair Maile Shimabukuro
Members of the Senate Committee on Judiciary and Labor

FROM: Americans for Democratic Action/Hawaii
Barbara Polk, Legislative Chair

TESTIMONY IN SUPPORT OF HB 640 RELATED TO PUBLIC AGENCY MEETINGS

Americans for Democratic Action/Hawaii are in support of requiring that actions taken by public boards in executive (closed) meetings be reported to the public. It is very frustrating to sit in a meeting, have the group go into executive session, then come out with no comment whatsoever! In the name of transparency, the public has the right to know of decisions made, even when aspects of the discussion may be appropriately hidden.

We assume that this statute refers to both boards and commissions. If not, we ask that you make appropriate amendments to include commissions.

We also request that you amend the bill to add the words "and recorded in the minutes of the meeting" as follows:

Any action taken by a board in an executive meeting shall be recorded in the minutes of the meeting and reported to the public when the meeting reconvenes in the open meeting at which the executive meeting was held.

With these changes, we ask you to support HB 640.

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: swartzg001@hawaii.rr.com
Subject: Testimony for HB640 on 3/15/2011 9:30:00 AM
Date: Sunday, March 13, 2011 1:17:13 PM

Testimony for JDL 3/15/2011 9:30:00 AM HB640

Conference room: 016
Testifier position: oppose
Testifier will be present: No
Submitted by: gregory swartz
Organization: Individual
Address:
Phone:
E-mail: swartzg001@hawaii.rr.com
Submitted on: 3/13/2011

Comments:

As written, the bill is too simple and unworkable. I agree with the testimony of the City that the bill as written could defeat the purpose of Executive Sessions. For example, when discussing legal matters, there are often directions given to counsel that can't be made public. On the other hand, the hiring of outside counsel for a case or other matter should be made public as well as their compensation. The same goes for other matters discussed in executive session. The bill as written will simply lead to legal interpretation issues and possibly litigation. It needs to be sent back to drawing (drafting) board.