

THE CIVIL BEAT
LAW CENTER FOR THE PUBLIC INTEREST

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Senate Committee on Judiciary
Honorable Karl Rhoads, Chair
Honorable Glenn Wakai, Vice Chair

RE: Testimony Commenting on S.B. 748, Relating to Board Members
Hearing: February 21, 2019 at 10:00 a.m.

Dear Chair and Members of the Committee:

My name is Brian Black. I am the Executive Director of the Civil Beat Law Center for the Public Interest, a nonprofit organization whose primary mission concerns solutions that promote governmental transparency. Thank you for the opportunity to submit **comments on S.B. 748**. This bill should be deferred or clarified.

The Sunshine Law regulates “meetings”. In other words, it imposes requirements when *board members are discussing board-related business*. On its face, this bill does not address board members discussing board business; it only concerns board members attending an event at which others (mayor, governor, or chief justice) will speak. The permitted interactions specified in HRS § 92-2.5 broadly concern permission for discussions *amongst board members*, not mere attendance at events.

The Law Center is not aware of OIP guidance that would prohibit board members from simply attending an event at which no board member will be speaking. The Sunshine Law currently does not prevent board members from being in proximity to each other outside a duly noticed meeting. If the Legislature starts to regulate what events board members may “attend”, then the Sunshine Law will need significant amendment.

If the intent of this measure is to permit board members to discuss board business at the specified events, then it must be amended to make that intent clear. In addition, protections – *e.g.*, the limitations in HRS § 92-2.5(e) – should be added to protect the public interest.

Thank you again for the opportunity to testify.