

THE CIVIL BEAT
LAW CENTER FOR THE PUBLIC INTEREST

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Senate Committee on Higher Education
Honorable Donna Mercado Kim, Chair
Honorable Michelle N. Kidani, Vice Chair

RE: Testimony Commenting on S.R. 134 Proposed S.D. 1

Hearing: April 15, 2019 at 2:00 p.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 testimony **with comments on S.R. 134 Proposed S.D. 1**.

In addition to the concerns raised in the Proposed S.D. 1, the Law Center recently identified two other Sunshine Law compliance issues with the University of Hawai'i Board of Regents.

First, the Board's agenda notices imply that individuals must pre-register to testify.¹ At best, the Board's language has a chilling effect on the right of "all interested persons" to testify on matters before the Board. HRS § 92-3. At worst, if the Board denies anyone who has not registered the right to testify, it violates the Sunshine Law. OIP Op. No. 02-02 at 3-6 ("the OIP is of the opinion that to disallow testimony from anyone who has not signed up by a specific time would be contrary to a basic policy of the Sunshine Law.").

Second, the Board has been delinquent in posting some form of meeting minutes on the Internet within 40 days. HRS § 92-9(b). As two current examples among several, no minutes have been posted for the November 27, 2018 meeting of the Research and Innovation Committee or the December 19, 2018 meeting of the Independent Audit Committee of the Board. <http://www.hawaii.edu/offices/bor/archive/>. The Board may post draft minutes or notes from the meeting, but it cannot let months pass without posting some public record of what happened at a meeting.

Thank you again for the opportunity to testify concerning S.R. 134 Proposed S.D. 1.

¹ The agendas read: "Registration for oral testimony on agenda items will be provided at the meeting location 15 minutes prior to the meeting and closed once the meeting begins."