



House Committee on Education
Honorable Justin Woodson, Chair
Honorable Trish La Chica, Vice Chair

RE: Testimony in Opposition to H.B. 329, Relating to the School Facilities Authority

Hearing: January 28, 2025 at 2:00 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 opposition to H.B. 329**. We specifically oppose the secrecy provision of this bill, which is unexplained and contrary to the spirit of the Sunshine Law.

As written, the bill would allow as a practical matter *all* substantive policy work of the School Facilities Authority Board (Board) to occur in secret, without any guardrails for public accountability. Such a sweeping exemption is antithetical to the principles of transparency that Hawai'i has embraced for decades.

When the Legislature originally enacted the language that would become 302A-1704(e), the Office of Information Practices recommended deletion of the language exempting the Board's subgroups from the Sunshine Law. [2/27/2020 Testimony](#) at 12. Other members of the community, including our organization, echoed that recommendation. *E.g., id.* at 31, 32. It was unclear then, and remains unclear, why the Board's subgroups need to operate in complete secrecy and cannot comply with existing law. *E.g.,* [6/29/2020 Testimony](#) at 35-36.

Existing law already provides flexibility to consult with experts and make recommendations without the full limitations of the Sunshine Law through permitted interaction groups – commonly known as “PIGs” – under HRS § 92-2.5(b)(1). To protect the public interest, however, a PIG must publicly report its findings and recommendations and all board deliberation and decision-making must occur at a properly noticed meeting that is subject to the full Sunshine Law requirements.

H.B. 329, by contrast, does not impose any requirements on the Board's work groups and subcommittees. These subgroups would be permitted to deliberate toward decision and make voting commitments – on matters clearly involving the public fisc –



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outside the public eye without notice and without receiving any community testimony. Nothing about these meetings would be publicly reported.

Because this bill proposes to expand the scope and purpose of the Board, it is all the more important that the Sunshine Law apply to provide public accountability. If HRS § 302A-1704 requires amendment at all, subsection (e) should be removed in its entirety. No exception from the Sunshine Law is necessary for this Board to consult with experts, and it certainly should not have an open-ended exception for all policy work as proposed in H.B. 329.

Thank you again for the opportunity to testify in opposition to H.B. 329.