

Hawai`i State Association of Counties (HSAC)

Counties of Kaua`i, Maui, Hawai`i and City & County of Honolulu

200 S. High Street, Wailuku, Hawaii 96793 (808) 270-7665

www.hicounties.com



April 3, 2017

TO: The Honorable Gilbert S.C. Keith-Agaran, Chair
Senate Committee on Judiciary and Labor

FROM: Stacy Crivello
HSAC President

SUBJECT: **HEARING OF APRIL 4, 2017; TESTIMONY PROVING COMMENTS
ON HB 308, HD 1, SD 1 RELATING TO PUBLIC AGENCY MEETINGS**

Thank you for the opportunity to testify on behalf of the Hawaii State Association of Counties providing comments on this measure. The purpose of this measure is to allow board members to transmit government records to other board members under specified conditions.

This measure is in the 2017 Hawaii State Association of Counties Legislative Package. Therefore, I submit this testimony on HSAC's behalf.

We support most recent amendments made to the bill to strengthen government transparency as they are in line with the original intent of the measure. However, we express concerns with the following provisions:

“(h) A member of a county council may provide other members of the council any government record open to public inspection under chapter 92F, provided that:

(1) The government record was created by a person other than an officer or employee of the county council;”

HSAC provides the following comments:

1. The current amendment would will not allow county councils to provide members with **proposed legislation**, research material and other supporting documents, which are created by council officers and employees. This amendment contradicts the original intent of the measure to help receive materials in advance of a meeting.
2. The intent of this measure was also to put county councilmembers on equal footing with executive branch officials and special-interest groups, who under current law can freely disseminate information and documents to



councilmembers and the public. If government records distributed are accessible in the designated council office, provided online and publicly available, then members and the public can be better equipped with information to provide sound testimonies and practice diligent decision-making.

3. The amendment could also hamper the administrative work of a council, as members would no longer be able to transmit government documents created by staff or a member, since the new provision covers any government record. This would now include procedural memos not related to pending legislation such as policy or procedures for travel or purchases.

I would suggest reverting back to the language as proposed in the original version of HB 308 instead of creating unintentional burdens for the councils. Mahalo for your consideration.

HSAC:FY2017:17Testimony:HB308_hd1_sd1_mkz