

Top News

In Legislature, bills for open government prevailing

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Ceremonies marked the beginning of the 28th Hawaii Legislature on Wednesday.

Hawaii is known for its sunshine and warmth. But within the Legislature and other public bodies, it's not easy to find out what's happening behind closed doors.

On the other hand, members of public boards on Hawaii's neighbor islands sometimes feel they can't attend community meetings. If there are other board members there, they might be accused of violating the Sunshine Law, which prevents board members from meeting to discuss business without advance notice to the public.

The debate over which deliberations and discussions should be open to the public has been playing out in the Hawaii Legislature this session, and so far those that want to shine a light on public boards are winning.

"There's a greater openness to transparency than I've seen in a long time," Sen. Les Ihara said. "It's refreshing to see that. It's mainly because of the two chairs of Judiciary" in the legislature.

One of Ihara's bills in the Senate would shed light on the executive sessions where board members meet in private. It would require boards of public agencies to report any discussions or final actions taken during those executive sessions, where members might discuss a personnel matter or sensitive votes.

But that law wouldn't apply to the Legislature, which is not covered by the Sunshine Act. Ihara has been trying for about a decade to change that, by introducing a bill every year to apply some of the fundamental principles of the Sunshine Act to the Legislature, but it's never had a hearing, he said.

This year, lawmakers have killed or watered down two proposals that would have made it easier for board members to conceal what's going on.

One would have allowed documents that would have been subject to open records laws to be withheld from the public if the release could result in physical harm, embarrassment, inconvenience or unfairness to the member. That bill was sought by the state Judiciary Branch in an attempt to keep judges safe from physical harm and identity theft, and there was no intention to hide information from the public, a spokeswoman for the branch said.

But the proposal was weakened in the House Judiciary Committee after facing strong opposition from good government groups that said the exemptions were so broad that they would defeat the purpose of open records laws: to let the public know about embarrassing acts such as a candidate misusing campaign funds or a restaurant failing to address health violations.

"You don't want to put judges in danger by revealing private information, but on the other hand, they should be open to criticism by the public, if people disagree with the decisions they make or question them," said Rep. Karl Rhoads, chairman of the House Judiciary Committee. "I thought the embarrassment part was, I mean, should that really be a consideration whether you keep something private or not? ... Inconvenience, that seemed a little far too."

Another proposal pushed by Maui County Council members and introduced by lawmakers from the same island would have allowed more than two members of public boards to meet and discuss issues before the council. That bill died in the Senate Judiciary Committee.

