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CATHY L. TAKASE
ACTING DIRECTOR

To: Senate Committee on Tourism
From: Cathy L. Takase, Acting Director
Hearing: Tuesday, February 2, 2010, 2:45 p.m.
State Capitol, Room 229
Re: Testimony on S.B. No. 2187
Relating to the Hawaii Tourism Authority

The Office of Information Practices (OIP) takes no position on this bill, but has concerns about the breadth of certain language at section 2 of this bill and recommends amendment as described below.

OIP administers the Sunshine Law, which is part I of Chapter 92, HRS. Section 2 of this bill would allow the Hawaii Tourism Authority (HTA) to enter into an executive meeting closed to the public in order to receive “[i]nformation that is necessary to protect Hawaii’s competitive advantage as a visitor destination.”

OIP is concerned about the breadth of the current proposed language. OIP understands that HTA seeks to meet in executive session to protect the confidentiality of information such as detailed marketing plans, market intelligence and research studies, and specific marketing opportunities. OIP believes that, if the Legislature finds an exception to be appropriate, the exception provided should be more narrowly worded (or the intent of the Legislature should be made clear) to reflect that it is this specific type of information that may be discussed in a closed meeting in order to protect Hawaii’s competitive advantage.

In addition, OIP believes that the bill should be amended to make clear that HTA must follow the same procedures required for executive meetings under the Sunshine Law in order to protect the public’s participation on agenda items that would be discussed under the proposed exception to open meetings. Specifically, OIP suggests that the language in this bill for section 201B-4, HRS, be amended by adding language on page 3, line 10, as follows:

the board may enter into an executive meeting that is closed to the public[.] in accordance with the procedures provided for holding an executive meeting under part I of Chapter 92, HRS.

Thank you for the opportunity to testify.