

OFFICE OF INFORMATION PRACTICES

STATE OF HAWAII
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EMAIL: oip@hawaii.gov

To: Senate Committee on Judiciary

From: Carlotta Amerino, Director

Date: February 20, 2025, 10:01 a.m.
State Capitol, Conference Room 016

Re: Testimony on S.B. No. 1651, S.D. 1
Relating to Public Meetings

Thank you for the opportunity to submit testimony on this bill, which would amend the deadlines under the Sunshine Law, part I of chapter 92, for a board to make its board packet available for public review in its office and to notify persons on its mailing list of the packet's availability. The Office of Information Practices (OIP) offers **comments**.

The Sunshine Law's board packet law at section 92-7.5, HRS, currently sets a deadline of two business days before a meeting (or when a board packet is distributed to members, if distribution to members is earlier) for a board to make its board packet available for public inspection in its office. A board must also notify persons on its mailing list that the packet is available for public inspection, but the required time by which a board must send that notification was disputed and was the subject of a recent Sunshine Law appeal to OIP. In its recent opinion on that appeal, OIP concluded that the notification requirement is not subject to the same two business day deadline set for making the packet available for inspection. OIP further concluded that no specific deadline applies to the notification requirement, but for a notification to be effective and thus meet the statutory notification

requirement it must be sent early enough to allow those receiving it to obtain and review a board packet prior to the meeting.

This bill would amend the board packet law to set both the notification deadline and the deadline for making the packet available for public inspection at 7:45 a.m. on the third business day before a meeting (or when the packet is distributed to the members if that is earlier). OIP has no objection to this proposed amendment. The language of the S.D. 1 version of the bill will make it clear when a board that plans to distribute a board packet prior to the meeting must do so, including notifying and making the board packet available to the public. OIP notes that some boards may find the earlier deadline challenging. Nonetheless, a board is not required to distribute a board packet prior to a meeting in the first place, and if a board does not distribute a board packet prior to the meeting its members do still have the option of reviewing materials passed out at the meeting itself. Thus, the effect of the earlier deadline is that if a board wishes to distribute materials to its members before the meeting, it cannot do so any later than the stated deadline to meet the statutory public notification and access requirements.

Thank you for considering OIP's testimony.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



HAKIM OUANSAFI
EXECUTIVE DIRECTOR

BARBARA E. ARASHIRO
EXECUTIVE ASSISTANT

STATE OF HAWAII
KA MOKU'ĀINA O HAWAI'I
HAWAII PUBLIC HOUSING AUTHORITY
1002 NORTH SCHOOL STREET
POST OFFICE BOX 17907
HONOLULU, HAWAII 96817

IN REPLY PLEASE REFER TO:

25:OED

Statement of
Hakim Ouansafi
Hawaii Public Housing Authority
Before the
SENATE COMMITTEE ON JUDICIARY
Thursday, February 20, 2025
10:01 AM
Conference Room 016, Hawaii State Capitol

In consideration of
SB 1651, SD1

Honorable Chair Rhoads and Members of the Committee on Judiciary, thank you for the opportunity to provide comments on Senate Bill (SB) 1651, SD1. This measure will require board packets to be posted no later than 7:45 a.m. on the third business day before a public meeting. Requires boards to provide notice to persons requesting notification of meetings at the time the board packet is made available for public inspection.

We understand that this bill looks to ensure that the public is notified of board meetings and given two full business days to review board packets before a public meeting. The HPHA would like to recommend to the Committee that the time be changed to noon to account for staff to come into the office and post the packets.

Otherwise, agencies that have meetings on Thursdays will have to approve staff to work OT during the weekend or on a Monday morning in order to post the packets by 7:45 am. Additionally, the 7:45 a.m. deadline does not provide a grace period for other unforeseen circumstances like network outages, staff illness, etc. Moving the time back will allow agencies to adjust and meet the posting deadline.

Mahalo for your time and consideration.



JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



RYAN I. YAMANE
DIRECTOR
KA LUNA HO'OKELE

JOSEPH CAMPOS II
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

STATE OF HAWAII
KA MOKU'ĀINA O HAWAI'I
DEPARTMENT OF HUMAN SERVICES
KA 'OIHANA MĀLAMA LAWELAWE KANAKA
Office of the Director
P. O. Box 339
Honolulu, Hawaii 96809-0339

TRISTA SPEER
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

February 19, 2025

LATE

TO: The Honorable Karl Rhoads, Chair
Senate Committee on Judiciary

FROM: Ryan I. Yamane, Director

SUBJECT: **SB 1651 SD1 – RELATING TO PUBLIC MEETINGS.**

Hearing: February 20, 2025, 10:01 a.m.
Conference Room 016 & Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the intent of this measure, defers to the Commission on the Fatherhood and the Lesbian, Gay, Bisexual, Transgender, Queer Plus Commission, and provides comments. DHS requests consideration of the practical aspects of compliance by advocacy commissions that are led by dedicated volunteer commissioners who may not have the necessary resources available to meet additional requirements. DHS recognizes that the public may want exact time frames to access board packets of boards and commissions whose work is more transactional in nature.

PURPOSE: Requires board packets to be posted three no later than 7:45 a.m. on the third business day before a public meeting. Requires boards to provide notice to persons requesting notification of meetings at the time the board packet is made available for public inspection. Effective 1/1/2491. (SD1)

The Committee on Government Operations amended the measure by:

- (1) Requiring board packets to be made available for public inspection no later than 7:45 a.m. on the third business day before, rather than two full business days before, a public meeting;

- (2) Requiring the board to provide notice to persons requesting notification of meetings at the time the board packet is made available for public inspection, rather than at the time the packet is distributed to board members and at least two full business days before the meeting;
- (3) Inserting an effective date of January 1, 2491, to encourage further discussion;
- (4) Amending section 1 to reflect its amended purpose; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Thank you for the opportunity to provide comments on this measure.



HAWAII STATE - COMMISSION ON FATHERHOOD (HS-COF)

*The Hawaii State Commission on Fatherhood (HS-COF) serves
In an advisory capacity to state agencies and makes
recommendations on programs, services, contracts,
policies and laws relating to children and families.
fatherhoodcommission.hi@gmail.com*



Date: February 20, 2025 - Hearing at 10:01 AM
To: Chair Rhoads and Members of the Committee:
From: Jeff Esmond, Chair, Hawaii State Commission on Fatherhood (HS-COF)
Subject: **SB1651 SD1 - Relating to Public Meetings**

Chair's Position: HS-COF offers comments on SB1651 SD1

The Hawaii State Commission on Fatherhood (HS-COF) supports the Sunshine Law and, as Chair, I would like to submit some comments on SB1651 SD1, strictly about Section 2 'Board packet; filing; public inspection; notice''

Though SB1651 SD1 is focused on the timing of posting board packets, this testimony is focused on the real world means of posting and accessing board packets.

As Chair, I prepare all agendas and board packets. HS-COF does not have editing control of our Commission website. If I want or need to request an edit to the website, I need to email the staff at the Department of Human Services (DHS) to make the request and then wait for them to complete the request.

It is not uncommon for a board packet not to be ready until the last minute. This bill would put one of the Sunshine Law requirements completely out of a Board or Commission's control, because, though the DHS staff has been supportive of my requests, there is no guarantee the website will be updated timely with the board packet.

Furthermore, I believe that having meeting materials such as the agenda, posted on the State Calendar website, whereas the board packet is posted on the Board or Commission website, meaning each is publicly available at different online locations, makes it confusing and burdensome for the general public, which is contrary to the objectives of SB1651 SD1.

As such, I would offer the following suggestions:

- Add a board packet link to State Calendar meeting announcements to allow a Board or Commission to append the meeting announcement with the board packet at a later date, but prior to the deadline. Note that currently a calendar item cannot be edited within 6 days of an announced meeting.
- As an alternative option to requiring the board packet on the website, allow Boards and Commissions to post a link to the State Calendar so that the public can find all meeting and board packet information in one location.



Hawai'i State Lesbian, Gay, Bisexual, Transgender, Queer Plus Commission



Advocating for the Hawai'i LGBTQIA+ Community

Mailing Address: LGBTQ+ Commission, c/o The Department of Human Services,
P.O. Box 339, Honolulu, Hawai'i 96809-0339

Email: hawaiistatelgbtqpluscommission@gmail.com
Web: <https://humanservices.hawaii.gov/lgbtq-commission/>

February 19, 2025

Senate Committee on Judiciary
Hawai'i State Capitol
415 South Beretania Street
Honolulu, HI 96813

Hearing: Thursday, February 20, 2025, at 10:01 AM

RE: Comments for Senate Bill 1651 SD 1 with Requested Amendments

Aloha Chair Rhoads, Vice Chair Gabbard, and committee members,

I am writing to provide comments and a requested amendment for Senate Bill 1651, SD 1 on behalf of the Hawai'i State Lesbian, Gay, Bisexual, Transgender, Queer Plus (LGBTQ+) Commission, which was established by the 2022 Hawai'i State Legislature with the following purpose:

“...to improve the State's interface with members of the lesbian, gay, bisexual, transgender, queer, plus community; identify the short- and long-range needs of its members; and ensure that there is an effective means of researching, planning, and advocating for the equity of this population in all aspects of state government.”

As the volunteer Commissioner responsible for overseeing the assembly and distribution of the Hawai'i State LGBTQ+ Commission's meeting Board Packet, I have a unique firsthand perspective on this issue.

The current statute treats all Boards and Commissions the same, but we are not all the same. While none of these entities serve identical purposes or have the same powers, we also do not have the same resources or access to update our websites. This statute should be amended to address these differences; however, this bill may not be the appropriate vehicle for that change. A task force may be needed to review the statute and propose amendments to address these inequities.

We respectfully request that this bill be amended to restore the original language requiring materials to be available “two full business days before a public meeting.” This additional 24-hour period is critical for volunteers to gather reports and data necessary to fully address agenda items. Reducing this timeframe does a

Proudly established pursuant to Hawai'i Revised Statutes Chapter 369, as enacted through Act 41, Session Laws of Hawai'i 2022

HI State LGBTQ+ Commission Testimony in Strong Support of SB 1651 SD 1

disservice not only to the volunteers who dedicate their time to these Boards and Commissions but also to the communities we serve and the issues we strive to address.

Using the Hawai'i State LGBTQ+ Commission as an example, the public already has access to our Board Packet for more than just the two business days—it also includes Saturday and Sunday, since we meet on Mondays. If this bill moves forward as written, commissioners would have less than 48 hours to submit necessary information for agenda items, making it even more challenging to fulfill our responsibilities effectively.

We urge you to consider these concerns and restore the additional 24-hour period to support the work of volunteer board members and commissioners.

If you or a member of your staff has any questions regarding my testimony you can reach me at hawaiistatelgbtqpluscommission@gmail.com.

Mahalo nui loa for your time and consideration,

Michael Golojuch, Jr. (he/him)
Vice Chair
[Hawai'i State LGBTQ+ Commission](#)

PUBLIC FIRST
LAW CENTER

Senate Committee on Judiciary
Honorable Karl Rhoads, Chair
Honorable Mike Gabbard, Vice Chair

RE: Testimony in support of S.B. 1651 S.D. 1, Relating to Public Meetings
Hearing: February 20, 2025 at 10:01 a.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 **support** of S.B. 1651 S.D. 1.

This measure is necessary to carry out the intent of the Legislature in passing H.B. 1598, enacted as Act 11 (2024). Act 11 was intended to afford the public and board members *more* time to review meeting materials than the then-existing 48-hour deadline, by giving them at least two full business days to review the materials. *E.g.*, H. Stand. Comm. Rep. No. 672-24 at 1 (Bill intended to “give the general public and the government agencies ample time to review materials prior to the meeting in situations where the meeting may take place following a weekend or holiday.”).

Despite this clear intent, the Office of Information Practices (OIP) has interpreted the law to provide the public and board members *less* time to review materials. OIP’s interpretation creates situations in which board members have only one business day to review board packet materials. OIP has also taken the position that there is no deadline for boards to notify the public about the availability of a board packet. That means a board could provide notice that its board packet is available for inspection *after* the meeting to which it pertains. This bill addresses both of these concerns.

To simplify the deadline and increase operational flexibility, we recommend the following amendment at page 2, lines 4 - 6 (changes in bold):

“At the time the board packet is distributed to the board members, but no later than [~~two~~] **three** [~~7:45 a.m. on the~~ **third**] business days [~~day~~] before the meeting. . . .”

Thank you again for the opportunity to testify in support of S.B. 1651 S.D. 1.





JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LIEUTENANT GOVERNOR

STATE OF HAWAII
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
201 MERCHANT STREET, SUITE 1700
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BOARD OF TRUSTEES
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ADMINISTRATOR
DEREK M. MIZUNO

ASSISTANT ADMINISTRATOR
DONNA A. TONAKI

TESTIMONY BY DEREK MIZUNO
ADMINISTRATOR, HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
DEPARTMENT OF BUDGET AND FINANCE
STATE OF HAWAII
TO THE SENATE COMMITTEE ON JUDICIARY
ON SENATE BILL NO. 1651 SD1

February 20, 2025
10:01 a.m.
Conference Room 016 & Videoconference

WRITTEN ONLY

RELATING TO PUBLIC MEETINGS

Chair Rhoads, Vice Chair Gabbard, and Members of the Committee:

The Hawaii Employer-Union Health Benefits Trust Fund (EUTF) Board of Trustees has not taken a position on this bill. EUTF staff would like to provide comments.

EUTF Board and Committee meetings typically occur at 9:00 a.m. on Tuesdays with board meeting materials being posted on our website and made available in our office by the end of day Thursday of the prior week (Wednesday if Monday or Friday is a holiday). This provides the public with two full days, Friday and Monday, to review the meeting materials. The bill as amended would require EUTF to make the meeting materials available by 7:45 a.m. on Thursday, providing the public with three days to review the materials. It is already difficult to have all the meeting materials available two full business days prior to the meeting but understand the importance of transparency. This additional business day requirement will cause hardship for our staff and vendors. It is unclear why the bill was amended to add

EUTF's Mission: We care for the health and well being of our beneficiaries by striving to provide quality benefit plans that are affordable, reliable, and meet their changing needs. We provide informed service that is excellent, courteous, and compassionate.

another business for review rather adhere to the original intent of the bill to clarify that the public must have two business days to review the meeting materials.

Thank you for the opportunity to testify.

TO: Members of the Committee on Judiciary

FROM: Natalie Iwasa
808-395-3233

HEARING: 10:01 a.m. Thursday, February 20, 2025

SUBJECT: SB1651, SD1, Public Meetings, Board Packets - **SUPPORT**

Aloha Chair Rhoads and Committee Members,

Thank you for this opportunity to provide testimony on SB1651 SD1, which would require boards to provide notice to the public about board packet availability no later than 7:45 a.m. on the third business day prior to a public meeting.

I support this.

I have seen board packets posted as late as the evening before a meeting. This is not nearly enough time to go through the information let alone provide worthwhile testimony. I would actually prefer to see packets posted the same day as agendas.

Please vote "yes" on SB1651, SD1.

SB-1651-SD-1

Submitted on: 2/19/2025 8:11:22 AM

Testimony for JDC on 2/20/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Jan K Baldado	Individual	Support	Written Testimony Only

Comments:

Aloha,

I SUPPORT SB 1651.

Mahalo nui.