

# OFFICE OF INFORMATION PRACTICES

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To: House Committee on Judiciary & Hawaiian Affairs

From: Carlotta Amerino, Director

Date: March 14, 2025, 2:00 p.m.  
State Capitol, Conference Room 325

Re: Testimony on S.B. No. 405, S.D. 1  
Relating to Neighborhood Board Meetings

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Thank you for the opportunity to submit testimony on this bill, which would expand a partial Sunshine Law exception for neighborhood boards to allow them to discuss topics not on their meeting agenda but raised in a government official's presentation, in addition to the exemption's current authorization to discuss topics not on the agenda but raised in public comments. The Office of Information Practices (OIP) offers **comments**.

OIP has jurisdiction over the Sunshine Law, found at part I of chapter 92, Hawaii Revised Statutes (HRS). Section 92-81, HRS, which this bill amends, is not part of the Sunshine Law as it is found in part VII of chapter 92 which applies to neighborhood boards exclusively. However, section 92-81, HRS, comes before OIP from time to time because it is a partial Sunshine Law exception and relevant to Sunshine Law disputes involving neighborhood boards.

Sunshine Law boards generally are required to list on their meeting agendas every topic they will consider at their meetings in sufficient detail to allow the public to understand what they will be talking about well enough to decide whether to attend and testify. Under the partial exception in section 92-81, HRS,

neighborhood board members can currently talk about issues raised in public comments even though those topics were not listed on the agenda, so long as they refrain from making any decision until a later meeting where the topic is on the agenda. For scheduled presentations by government officials, though, neighborhood boards still need to ask those officials in advance for their planned topics, and list them on the agenda, for members to be able to ask detailed questions about and otherwise discuss those topics without violating the Sunshine Law's public notice requirement. If a board does not list a topic on its agenda, the fact that it was raised by a government presenter does not currently justify the board in discussing it, since doing so would violate the Sunshine Law's requirement to list all topics considered at a meeting on the meeting agenda.

OIP is aware that rather than asking government officials and other presenters in advance what topics they will speak on and listing those topics on the meeting agenda (thus notifying the public), neighborhood boards prefer to wait until the meeting to hear what issues government officials raise and then ask them questions. While this amendment provides neighborhood boards with greater flexibility to respond to new issues raised at a meeting and makes it unnecessary for them to do the advance work of asking presenters for topics, it has the downside of leaving the public with no notice of the topics discussed by the board during much of the meeting. Given the unique role played by the neighborhood boards, OIP believes it is a policy matter for the Legislature to decide whether it is worth sacrificing the usual requirement for advance public notice of topics to allow neighborhood boards more flexibility to act as an open forum during which government officials can spontaneously raise issues that the neighborhood board members can thoroughly discuss, including asking substantive questions of the presenter. Thank you for considering OIP's testimony.

**SB-405-SD-1**

Submitted on: 3/14/2025 9:01:39 AM

Testimony for JHA on 3/14/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jillian Anderson	Waikiki Neighborhood Board	Support	Written Testimony Only

Comments:

**WAIKIKI NEIGHBORHOOD BOARD**

*LEGISLATIVE PERMITTED INTERACTION GROUP*

The Waikiki Neighborhood Board stands in **support** of SB405 SD1.

At their core, neighborhood board meetings serve as a forum for the public and board members alike to receive timely and valuable information, with this in large part coming from government officials. This measure allows for this goal to be more greatly achieved by permitting reports to be made by government officials despite the lack of inclusion on a publicly noticed agenda. In the interest of balancing practicality with transparency, the Waikiki Neighborhood Board supports maintaining that decisions on matters raised by these reports be made at a later meeting where an agenda provides for public notice on the matter.

**SB-405-SD-1**

Submitted on: 3/12/2025 9:55:16 PM

Testimony for JHA on 3/14/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Gregory Misakian	Individual	Oppose	Remotely Via Zoom

Comments:

**I do not support SB405 SD1 or any bill that will weaken the rights of the residents of Hawaii.**

I currently serve on the Waikiki Neighborhood Board where rules are often seen broken, and the public is not provided the proper opportunity to speak on agenda items even listed on the agenda, as many meetings end without them ever being discussed.

The Neighborhood Boards should never be a place for rules to be broken, and the Sunshine Law has been in place for a very long time. Our legislators should also respect the Sunshine Law, but as they exclude themselves from it, the shining light that the public needs is not present.

Backdoor deals and campaign contributions seem to be the norm in Hawaii to assist in decision making, and this too needs to end.

I respectfully ask our legislators to please stop weakening laws, and please start strengthening them, and start with your own house first, at the State Capitol.

Gregory Misakian

**SB-405-SD-1**

Submitted on: 3/12/2025 9:55:37 PM

Testimony for JHA on 3/14/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jacob Wiencek	Individual	Support	Written Testimony Only

Comments:

Aloha Committee Members,

I am glad to see this bill continue to advance through our legislative process. As a former member of a neighborhood board here in Honolulu, I am glad to see we are attempting a return to common sense. Several recent opinions from OIP concerning the proper application of the Sunshine Law have created needless complications and headaches for these largely volunteer organizations. The public is intelligent and we do not need over explained agendas that treat us like children.

To restore common sense, I urge the Committee to SUPPORT this bill!

TO: Members of the Committee on Judiciary & Hawaiian Affairs

FROM: Natalie Iwasa  
808-395-3233 (Do not redact)

HEARING: 2 p.m. Thursday, March 14, 2025

SUBJECT: SB405, SD1, Neighborhood Board Meetings - **OPPOSED**

Aloha Chair Tarnas and Committee Members,

Thank you for this opportunity to provide testimony on SB405, SD1, which would allow neighborhood boards to discuss issues raised in third-party reports by government officials without detailing those issues on the agenda.

As a former chair of the Hawaii Kai Neighborhood Board, I know that it takes time to put the agenda together and prepare for meetings.

As someone who often testifies at various other public meetings, I also know and understand the value of having advance notice of topics to be raised at meetings. **Allowing neighborhood boards to discuss matters without providing public notice is simply not fair to the communities they serve.**

We should not be weakening the Sunshine Law but rather work to strengthen it.

**Please vote “no” on SB405, SD1.**