

HAWAI‘I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 • PHONE: 586-8636 • FAX: 586-8655 • TDD: 568-8692

February 4, 2020
Rm. 414, 2:50 p.m.

To: The Honorable Jarrett Keohokalole, Chair
The Honorable J. Kalani English, Vice Chair
Members of the Senate Committee on Technology

From: Liann Ebesugawa, Chair
and Commissioners of the Hawai‘i Civil Rights Commission

Re: S.B. No. 2243

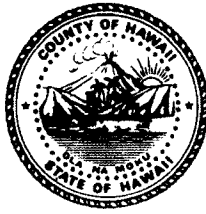
The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state funded services (on the basis of disability). The HCRC carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5.

HCRC offers comments on S.B. No. 2243.

S.B. No. 2243, if enacted, will require the Legislature to allow remote testimony, via telephone, at its legislative committee public hearings.

HCRC recognizes the difficulty involved for those with disabilities to travel to the Capitol, as well as the hardship for those on neighbor islands and even some O‘ahu residents. This bill addresses those barriers by using current technology alternatives to in-person appearance to testify at legislative hearings. The legislature should be applauded for considering and moving forward on this initiative to expand participation in the democratic process.

Harry Kim
Mayor



Roy Takemoto
Managing Director

Barbara J. Kossow
Deputy Managing Director

County of Hawai'i Office of the Mayor

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January 31, 2020

Kenekoa/Senator Jarrett Keohokalole, Luna Ho'omaluku/Chair
Kenekoa/Senator J. Kalani English, Hope Luna Ho'omaluku/Vice Chair
Committee on Technology

Dear Chair Keohokalole, Vice Chair English, and Committee Members:

RE: SB 2243, Relating to Legislative Testimony

I am an advocate for open government, and recognize that rural Oahu and neighbor island citizens, as well as persons with disabilities, are at a considerable disadvantage when it comes to the right to effectively petition their government.

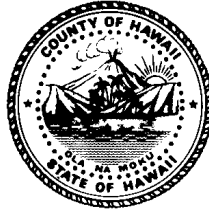
However, I would be concerned that a blanket authorization to testify by phone at public hearings could lead to considerable mischief. Anyone, calling from anywhere in the world, could presumably participate, with no mechanism in place for verification of identity or accountability for comments. It would be akin to the anonymous Twitter feeds that are already plaguing social media.

A year ago, I testified on HB 1153, and a copy of my testimony follows. If that bill cannot be revived (it is presently in WAM), perhaps some of the safeguards from HB 1153 could be incorporated into SB 2243. As written, SB 2243 seems too open-ended.

Respectfully Submitted,


Harry Kim
MAYOR

Harry Kim
Mayor



Wil Okabe
Managing Director

Barbara J. Kossow
Deputy Managing Director

County of Hawai'i Office of the Mayor

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March 11, 2019

Senator Laura H. Thielen, Chair
Senator Lorraine R. Inouye, Vice Chair
Committee on Government Operations

Dear Chair Thielen, Vice Chair Inouye, and Committee Members:

RE: HB 1153, HD1 Relating to Remote Testimony in Legislative Hearings

Article I, Section 1, of the Constitution of the State of Hawai'i provides that "All political power of this State is inherent in the people and the responsibility for the exercise thereof rests with the people." In that spirit, and over the course of its history, the Hawai'i State Legislature has been dedicated to assuring citizen participation in its activities, and has often been at the forefront of innovations that enhance that participation and make it more effective.

Technology has now reached the point where persons with disabilities, residents of rural Oahu, and neighbor island residents, can be enabled to more fully participate in the legislative process without experiencing inconvenient, expensive and/or time-consuming travel to the Capitol. Exactly how that should be done, without jeopardizing the need for an expeditious legislative process, may require further thought and deliberations, and that is exactly what HB 1153, HD1 would allow. HB 1153, HD1 does not presuppose a method, but neither is it just another "study." Truly action oriented, it mandates the outcome that remote testimony shall be allowed, and then leaves it to each house to figure out the details. That is the kind of balance that this Legislature is known for and can be proud of.

An earlier generation of Hawai'i leaders recognized that all residents of the State deserve equal educational opportunities, regardless of where they live. Now today's generation of leaders is better assuring that all have equal access to their government. Thank you for taking this next step.

I hope you will approve HB 1153, HD1.

Respectfully Submitted,

Harry Kim
MAYOR



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Thirtieth Legislature, State of Hawaii
The Senate
Committee on Technology

Testimony by
Hawaii Government Employees Association

February 4, 2020

S.B. 2243 – RELATING TO LEGISLATIVE TESTIMONY

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO supports the purpose and intent of S.B. 2243 which requires the House of Representatives and the Senate to permit remote testimony via telephone call at public hearings.

We strongly supported prior measures to establish a Remote Legislative Access Program and video teleconferencing technology to connect neighbor island residents to legislative hearings. We understand that there may be logistical and financial barriers to offering that level of connectivity at this time and view this measure as a temporary, intermediate solution. Due to the fast-paced legislative timetable, it is often a severe financial hardship for neighbor island residents to actively participate in our democratic process. For example, when the Legislature was considering the privatization of the Maui Region of the Hawaii Health Systems Corporation, employees had to take time off work, purchase airline tickets – often with only 48-hours' notice, and arrange ground transportation to attend and testify in committee hearings. Many of our members chose to expend their valuable time and money to share their expertise and ensure their voices were heard, but we firmly believe many more would have taken advantage of remote testimony technology.

We are confident that this same situation is all too familiar for too many neighbor island residents, regardless of the issue at hand. Allowing remote testimony via telephone call ensures equal access to committee hearings no matter where a Hawai'i resident resides.

Thank you for the opportunity to testify in support of S.B. 2243.

Respectfully submitted,

Randy Perreira
Executive Director

Statement Before The
SENATE COMMITTEE ON TECHNOLOGYTuesday, February 4, 2020
2:50 PM
State Capitol, Conference Room 414in consideration of
SB 2243
RELATING TO LEGISLATIVE TESTIMONY.

Chair KEOHOKALOLE, Vice Chair ENGLISH, and Members of the Senate Technology Committee

Common Cause Hawaii supports SB 2243, which requires the House and Senate to permit remote testimony, via telephone, at public hearings in all committee rooms.

Common Cause Hawaii is a nonpartisan, nonprofit, grassroots organization focused on upholding the core values of American democracy through increasing civic engagement and breaking down the barriers to participation in our government. SB 2243 will assist with increasing civic engagement and breaking down the barriers to participation in our government by permitting people who live outside of the Oahu urban core, live on neighbor islands, experience access obstacles due to disabilities, are homebound, etc. to participate more easily in the State legislative process.

Several states have pioneered remote committee hearings – Alaska and Nevada. Michigan and the Virginia Senate also hold occasional remote hearings by request of a committee chair and for issues especially relevant to residents outside the capital city. Colorado conducted a pilot remote testimony project, which started in 2016. The Nebraska Legislature partnered with Nebraska Educational TV in 2015 to offer videoconferencing at more than a dozen sites that use the technology for distance learning. Even the Hawaii State Legislature has provided remote testimony as a pilot project in certain committees.

According to the 2018 State of Hawaii Data Book, Hawaii has a total population of just over 1.4 million people. City and County of Honolulu has a population of slightly over 990,000. Hawaii County has a population of under 200,000 people. Maui County has a population of over 164,000. Kauai County has a population of over 71,000. Thus, approximately 435,000 people live in Hawaii, Maui, and Kauai Counties, which is about one-third (1/3) of the State.

Testifying before the State Legislature is a particularly effective form of advocacy. However, for people living in Hawaii, Maui, and Kauai Counties, this may be cost prohibitive and logistically impossible with arranging time off from work and/or for childcare / family-care to fly to Oahu for a hearing on very short notice. Thus, one-third (1/3) of our population, our citizenry living with disabilities, and people fighting Oahu's traffic are shutout and should not be shutout of the Hawaii legislative process.

Further, air travel to and from Oahu is particularly detrimental to our environment, given greenhouse gas emissions associated with the aviation industry. Thus, remote testimony should be encouraged and promoted, lest we forget that Hawaii has a carbon neutral goal by 2045, pursuant to HRS § 225P-5 (2018).

When people know what their government is doing and can observe their government in action, then this is a functioning democracy. When people are able to communicate with their elected officials to make their voices heard, then this is a representative democracy. As Abraham Lincoln said, “[G]overnment of the people, by the people, for the people, shall not perish from the earth.”

SB 2243 will allow individuals to provide testimony via telephone during the committee hearing process with respect to measures scheduled for public hearing. Common Cause Hawaii urges this Committee to pass this bill.

Very respectfully yours,

Sandy Ma
Executive Director, Common Cause Hawaii



Chair Jarrett Keohokalole
Vice Chair Kalani English

Senate Committee on Technology

Tuesday, February 4, 2020
2:50 PM

TESTIMONY IN SUPPORT OF SB2243 RELATING TO LEGISLATIVE TESTIMONY

Aloha Chair Keohokalole, Vice Chair English, Members of the Senate Committee on Technology,

Young Progressives Demanding Action (YPDA) advocates for public policies that reflect the values of young people throughout the State of Hawai‘i. One of those values is that an open democracy is a necessary component to ensuring a healthy society that is free of oppression. YPDA is in **support** of **SB2243**, Relating to Legislative Testimony.

We appreciate that our state already has in place the Public Access Room, as well as the Capitol website to submit testimony. These resources help guide advocates, both young and old of various levels of experience through the process, and make participating in our democracy a lot more easier. However there is always room to build on our successes in making the system more accountable and easy to approach.

As the measure acknowledges, there are still many groups that face a hard time meaningfully participating in policy making. From neighbor islanders that have to worry about the cost of flying over to O‘ahu and literally putting their lives on hold for hearings that may take longer than expected to start/finish, to those in the disabled community, and to those who live outside of town or O‘ahu’s urban core. There are many issues that come up every session that affect these communities and submitting written comments are very important, but committee meetings are a time when you can go into depth, expand on your testimony, and tell your story. It has the power to change minds.

Telephones are tools that already exist in conference rooms at the legislature, and is a good starting point to increase participation. But more can be done, some ideas include expanding the role of the County’s

remote testimony sites to include legislative hearings and putting some remote testimony sites on college and university campuses.

If we are serious when we say that we value democracy, then let us show that we are willing to take action to live up to are values. Let us demonstrate that we mean what we say when we insist that a healthy democracy is the only practical defense against tyranny. To live up to that value, we must make sure that we provide access to democracy for groups who struggle to find time to engage with the process. We lose out as a society when potential solutions to our problems are not heard. We lose out as a society when apathy keeps people from participating. Young Progressives Demanding Action is in **support** of **SB2243**.

Thank you for the opportunity to testify,

Jun Shin,
Officer, Executive Committee
Young Progressives Demanding Action (YPDA)
P.O. Box 11105
Honolulu, HI 96828
Cell: 808-255-6663
Email: junshinbusiness729@gmail.com
CC: action@ypdahawaii.org



**Testimony to the Senate Committee on Technology
Senator Jarrett Keohokalole, Chair
Senator J. Kalani English, Vice Chair
Tuesday, February 4, 2020 at 2:50 p.m.
Conference Room 414
SB 2243, Relating to Legislative Testimony**

Dear Chair Keohokalole, Vice Chair English, and members of the TEC committee:

On behalf of the Hawai'i Alliance of Nonprofit Organizations, I would like to offer our comments in support of **SB 2243**, which provides greater access to and transparency of the legislative process.

Hawai'i Alliance of Nonprofit Organizations (HANO) is a statewide, sector-wide professional association of nonprofits. Our mission is to unite and strengthen the nonprofit sector as a collective force to improve the quality of life in Hawai'i. Our member organizations provide essential services to every community in the state.

As a statewide organization, HANO believes it is important to engage nonprofit organizations and their communities on all islands throughout the state. Legislative modernizations like remote live testimony via teleconferencing will make the legislative process more accessible to those who live and work on the neighbor islands, and/or who are homebound, and cannot come to the State Capitol in person. We support this effort to improve statewide public participation in our policymaking process.

Thank you for the opportunity to submit this written testimony.

Mahalo,

Lisa Maruyama
President and CEO



Tuesday, February 4, 2020

Senate Bill 2243
Testifying in Strong Support

Aloha Chair Keohokalole, Vice Chair English, and Members of the Committee on Technology,

The Democratic Party of Hawai'i (The Party) **stands in strong support** of SB2243 Relating to the Legislature, which allows for testimony via telephone.

The Party understands that in order to have a more engaged public, we must ensure that everyone has access to the legislative process. While it is true that any member of the public can theoretically submit testimony in writing, that is not always the case. It requires computer and internet access, the capacity to follow directions, the ability to read and write, and various other supports. We also know that oftentimes the most compelling testimony is that which is given in person, sitting across from their Representatives and Senators.

Beyond just the written testimony, the ability for members of the public to testify face to face and voice to voice should be the guiding principle for public hearings. Yet for too long this has not been the case. Individuals living on islands other than Oahu face steep time and financial challenges to make their cases heard. This, on top of potentially having to take time off from work, those separated by an ocean from their state elected officials presents immense challenges to fair and equal access.

And those with disabilities face more daunting impediments to equal access to provide in-person testimony.

According to the Americans with Disabilities Act (ADA), a “qualified individual with a disability” means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.”

Also from the ADA; “subject to the provisions of this subchapter, no qualified individual with a disability shall, by reason or such disability, be excluded from participation in or be denied the benefits of services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.”

Persons with disabilities are guaranteed the right against discrimination.

Insurance companies in Hawai'i, including MedQuest, recognize that when a neighbor island resident is required to fly for treatment to an island on which they don't reside, that it can be stressful. This is why the insurance companies pay for a companion or caregiver plane ticket so that the person has support during the process.

It is an undue hardship for many residents of Hawai'i to attend Public Hearings in person. This is why creating and funding a Remote Legislative Access Program is a priority for the Party. Allowing for telephonic testimony is a good and necessary first step. It is time to truly create access for all.

When it comes to discerning the best ways to spend our State's limited finances, we hope that creating equal access for all people to participate in their democracy, is high in the priority list.

For these reasons we urge to vote favorably on this bill.

Mahalo for the opportunity to testify,



Josh Frost
Co-Chair, Legislation Committee
Democratic Party of Hawai'i



Zahava Zaidoff
Co-Chair, Legislation Committee
Democratic Party of Hawai'i

SB-2243

Submitted on: 2/3/2020 1:38:16 PM

Testimony for TEC on 2/4/2020 2:50:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Shimei	Testifying for Indivisible Hawaii	Support	No

Comments:

In SUPPORT, on behalf of Indivisible Hawaii which supports members and colleague organizations across Hawaii

Hawaii, like many states, faces challenges in making state government accessible and responsive to all its residents. We need to use every tool available to facilitate communications with those whom government is created to serve. Feeling excluded or ignored drives the public to discount the government or refuse to participate altogether.

It is essential to restore confidence in government by boosting participation and transparency. Telephone is not ideal but is a good start. Then we can continue to work on improving internet and video access via every means possible to make our government truly a government of all the people.

Thank you for your consideration.

Barbara Shimei

SB-2243

Submitted on: 1/29/2020 5:19:39 PM

Testimony for TEC on 2/4/2020 2:50:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
William Caron	Individual	Support	No

Comments:

Aloha Senators,

The public's right to access the civic processes that govern us all is of the utmost importance. In an island state, the cost for residents living outside Honolulu County is extremely prohibitive. Additionally, as hearings are always held during work hours, and the majority of your constituents work one, two, sometimes three jobs, participation can be impossible even for O'ahu-bound residents. The fact that we still do not have a working system for delivering remote testimony during a hearing, in the 21st century, is shameful, and I applaud the legislature for taking up a bill that allows for at least some kind of remote testimony delivery system. Ideally, this would include the option for a live video feed, but starting with an audio telecommunication ability is better than nothing. Please support the bill.

Mahalo!

SB-2243

Submitted on: 2/3/2020 7:10:01 PM

Testimony for TEC on 2/4/2020 2:50:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Cynthia Reves	Individual	Support	No

Comments:

LATE

SB-2243

Submitted on: 2/4/2020 2:40:56 PM

Testimony for TEC on 2/4/2020 2:50:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Carmie Spellman	Individual	Support	No

Comments:

Dear Honorable Legislators:

My name is Carmie Spellman and I live in Maui. I support SB2243. I lived in Alaska for 30 years. In the mid70's I worked for Legislative Affairs in Alaska while living in a remote Eskimo Village of 3000 people. I also wrote a "how-to" booklet for the Department of Administration in the 80's (largest division) for State of Alaska. Mind you Alaska is huge 1/5th the size of the entire United States. The only way we could communicate was via the Statewide Telecommunications System. It is imparative that the State Hawaii figure out someway to allow more residents access to our Legislative Process. It is too expensive for most o fly from outer islands. I apologize for the lateness of this testimony I just found out about SB 2243 I support wholeheartedly not only for people with Disabilities but all residents. Please do not let this bill die but find more avenues for all people to testify

Sincerely,

Carmie Spellman

224 Kenui Circle, Lahaina, HI 96761