

OFFICE OF INFORMATION PRACTICES

STATE OF HAWAII
NO. 1 CAPITOL DISTRICT BUILDING
250 SOUTH HOTEL STREET, SUITE 107
HONOLULU, HAWAII 96813
TELEPHONE: 808-586-1400 FAX: 808-586-1412
EMAIL: oip@hawaii.gov

To: Senate Committee on Judiciary

From: Carlotta Amerino, Acting Director

Date: April 2, 2024, 10:05 a.m.
State Capitol, Conference Room 016

Re: Testimony on H.B. No. 2482, H.D. 1, S.D. 1
Relating to Meeting Notices

Thank you for the opportunity to submit testimony on this bill, which would replace the Sunshine Law requirement for the Lieutenant Governor (LG) or appropriate County Clerk to post meeting notices in a central location in a public building with a requirement that they “ensure access” to those notices. The Office of Information Practices (OIP) offers **comments and a suggested amendment**.

Under current law, a board must provide a copy of its notice to the LG or Clerk, who must then post a paper or electronic copy in a central location in a public building. The LG has historically met the posting requirement by posting paper copies in the Capitol basement and the Clerks have historically posted paper copies in a prominent county office building. However, the current law does not require either those specific locations or the posting of paper copies. The LG, for example, could meet this requirement by posting on an electronic monitor, if one was installed, that would scroll through meeting notices at a location where the public can enter the State building without going through security.

Even after the primary method of posting notice became electronic posting on an electronic calendar in 2014, the requirement for boards to provide meeting

notices for the LG and Clerks to post in a public location remained in the Sunshine Law because at that time the Legislature wanted to ensure that people who were accustomed to looking at meeting notices posted in a central location by the LG or Clerk could still do so. Because the LG or Clerk posting requirement had become supplementary to the Sunshine Law's new primary method of public notice (a board's electronic posting on the State or county online calendar), though, the Legislature also provided that a board's failure to file notice with the LG or Clerk or the LG's or Clerk's failure to post copies in a central location would not require the board to cancel its meeting. Ten years later, this bill's proposed change would not require any sort of affirmative posting of notices by the LG or Clerk, but instead would just require that the LG or Clerk make paper or electronic copies of meeting notices available to the public. Since the same information is already available on the electronic calendars maintained by the State and the counties, the requirement for the LG or Clerk to provide notices on request does not add much in the way of additional public outreach.

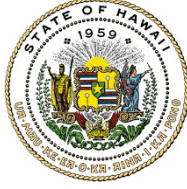
Because of the limited utility of having the LG or Clerk provide notices on request as a supplement to the electronic calendars, the H.D. 1 version of this bill instead deleted the entire requirement for boards to file an additional notice with the LG or Clerk. However, the S.D. 1 version of the bill restored that requirement, and added back in the new requirement for the LG or Clerk to "ensure access" while deleting the current requirement to post notices in a central location at bill page 1 lines 12 and 13-14. The S.D. 1 version of the bill eliminates more than the notice posting requirement, though: it also deletes the statutory language that follows immediately after, which provides that a board's failure to file the additional notice with the LG or Clerk, or the LG's or Clerk's failure to post a notice (or, in the new version, to "ensure access"), does not require the meeting to be cancelled. This was

apparently an inadvertent over-deletion, but the effect would be to change the current law such that a board will be required to cancel a meeting if it has not filed the required additional notice with the LG or Clerk, or if the LG or Clerk fails to ensure access to those notices.

OIP therefore recommends that this Committee restore the current statutory language, at **page 1 lines 14-17**, that provides that a failure by the board, LG, or Clerk does not require cancellation of the meeting. **Those lines should read as follows:**

~~[in a central location in a public building]~~; provided that a failure to do so by the board, the office of the lieutenant governor, or the appropriate county clerk's office shall not require cancellation of the meeting.

Thank you for considering OIP's testimony.



SYLVIA LUKE
LIEUTENANT GOVERNOR
Ke Ke'ena O Ka Hope Kia'āina

32nd Legislature, State of Hawaii
Senate Committee on Judiciary
April 2, 2024

Testimony on
H.B. 2482 – RELATING TO MEETING NOTICES

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

Thank you for the opportunity to provide testimony in **support of H.B. 2482 with proposed amendments to revert to the original H.B. 2482 language**. H.B. 2482, H.D. 1, S.D. 1 repeals the requirement that a board file a copy of its meeting notice with the Office of the Lieutenant Governor or appropriate county clerk's office, removes the obligation to post paper copies in a central location within a public building, and repeals statutory language regarding the cancellation of a meeting.

We support inclusion of the original proviso language in Ch. 92-7(b), Hawaii Revised Statutes and respectfully request the reinstatement of deleted language on page 1, lines 14-17 which reads:

"... provided that a failure to do so by the board, the office of the lieutenant governor, or the appropriate county clerk's office shall not require cancellation of the meeting."

Deletion of this language means that a failure by the Office of the Lieutenant Governor or County Clerk to "ensure access" to notices, or the failure of a board to provide a copy of the notice to the Office of the Lieutenant Governor or County Clerk, will result in the cancellation of the meeting, potentially impacting all board and commission meetings.

Chapter 92-7, HRS, ensures that residents and interested parties have a variety of methods to view board and commission notices and agendas: they are electronically available on an online calendar, physically posted at the board's office and the meeting site when feasible, and distributed via email or physical mail. The original language in H.B. 2482 will increase efficiency and reduce paper usage across state departments and agencies, all while ensuring that public access to notices is maintained.

Thank you for the opportunity to submit testimony in support of H.B. 2482 with proposed amendments.



All Hawaii News * P.O. Box 612 * Hilo, HI 96721 * www.allhawaiinews.com

March 31, 2024

From: Nancy Cook Lauer, publisher, All Hawaii News
www.allhawaiinews.com * publisher@allhawaiinews.com * 808.781.7945

OPPOSITION TO HB2482 HD1 SD1, Relating to Meeting Notices

Senate Judiciary Committee

To the Honorable Chairman Karl Rhoads and Vice Chairman Mike Gabbard and the Committee:

All Hawaii News, a state government and political news aggregate and commentary blog covering Hawaii since 2008, at this time opposes HB2482 HD1 SD1, Relating to Meeting Notices.

This bill was greatly improved by the Senate Committee on Government Operations, but it remains premature as it offers no guarantees that paper copies of meeting notices will be posted at state and county buildings to notify the public.

There will come a time when universal internet is indeed universal. Unfortunately, that time is not now.

As the COVID pandemic dramatically illustrated, there are still swaths of rural Hawaii, particularly in areas of low socioeconomic population, that internet just does not reach. Thus people must stand on their road casting about for a signal or find a location with open wifi to reach out and gather information about their government. Until this issue is resolved, eliminating paper documents is a social justice issue.

In 2021, an estimated 5.9% of Hawaii households had no internet access of any kind. The percentage of households without an internet subscription burgeons to 23.9% of households with incomes between \$10,000 and \$19,999; 19.4% of households with less than \$10,000 income and 16.8% of households between \$20,000 and \$34,999. It's not until household incomes hit \$75,000 or more that

households achieve the state average. (Department of Business, Economic Development & Tourism; Hawaii State Databook Table 16.10)

"Those with unfettered access to broadband internet and computers have advantages over those who lack adequate internet connectivity, which can lead to far-reaching negative consequences for the latter," notes an IEEE whitepaper in its "Connecting the Unconnected" program.

We must give all Hawaii citizens equal access to its government. This bill does not promote that.

Mahalo nui for considering delaying this bill for another year or so.

HB-2482-SD-1

Submitted on: 4/1/2024 3:45:07 AM

Testimony for JDC on 4/2/2024 10:05:00 AM

Submitted By	Organization	Testifier Position	Testify
PL Fritz	Individual	Support	Written Testimony Only

Comments:

I am in support this bill. Many individuals with disabilities such as benign tremors, Parkinson's disease or other disabilities cannot access the state calendar and need an alternate method accessing notice information. This bill provides an alternate method of obtaining this meeting information that should meet the requirements of the Americans with Disabilities Act.