



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

32nd Legislature, State of Hawaii
Senate Committee on Government Operations
March 14, 2024

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

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

Thank you for the opportunity to provide testimony in **strong support of H.B. 2482** which 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, as well as the obligation to post paper copies in a central location within a public building. We have been in discussion with the Office of Information Practices and both of our offices agree that the proposed language in H.B. 2482, H.D. 1, which eliminates the additional meeting posting requirements, is clearer and reduces confusion.

Board meeting notices are statutorily required to be posted on the electronic calendars maintained by the State and the counties. In addition, each board or commission must maintain a list of names and postal or electronic mail addresses of persons who request notification of meetings. My office currently receives facsimile or hand-delivered physical copies of meeting notices which are posted daily in the chamber level of the State Capitol for the public to view. However, Hawai'i is a state of islands with significant geographical barriers and it is impractical for those who live on the neighbor islands to fly to Oahu or for those who live on the windward or leeward of Oahu to drive to the Capitol solely to view these notices. Additionally, the heightened security measures at the State Capitol and other government buildings make it unreasonable to expect residents and interested parties to physically enter these facilities to view posted notices.

Chapter 92-7, Hawaii Revised Statutes, already 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 proposed amendments 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 strong support of H.B. 2482.

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 Government Operations

From: Cheryl Kakazu Park, Director

Date: March 14, 2024, 3:00 p.m.
State Capitol, Conference Room 225

Re: Testimony on H.B. No. 2482, H.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 a board to provide a copy of its meeting notice to the Lieutenant Governor (LG) or appropriate County Clerk to post in a central location in a public building. The Office of Information Practices (OIP) offers comments.

Under current law, the primary method of posting notice for Sunshine Law meetings is by posting the electronic meeting notice to the State or appropriate county's online calendar. However, a board must also 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 this 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 with an electronic monitor, if one was installed, that would scroll through meeting notices at a location where the public can enter the State Capitol 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. **If this Committee believes that after 10 years the public has fully adapted to electronic posting and it is no longer necessary for meeting notices to also be posted in a central location, then this proposal to eliminate the requirement for boards to file a copy of their notices with the LG or Clerk is an appropriate step to relieve boards, the LG, and the county clerks from unnecessary extra work.**

Thank you for considering OIP's testimony.



Big Island Press Club

Since 1967, protecting the public's right to know

Big Island Press Club
P.O. Box 1920
Hilo, Hawaii 96721

CONTACT:
jburnett@hawaiitribune-herald.com

March 11, 2024

To: Senate Committee on Government Operations

From: John Burnett, Immediate Past President, Big Island Press Club

Testimony in opposition to HB 2482 HD 1 relating to Sunshine Law, Public Meetings and Public Notice

Dear Chair McKelvey, Vice Chair Gabbard and honorable committee members:

The Big Island Press Club, Hawaii's oldest press club, stands in opposition to HB 2482 HD 1 relating to the Sunshine Law, Public Meetings and Public Notice.

We find it troubling that this bill would delete a significant and important portion of the so-called Sunshine Law, amending Section 92-7 of Hawaii Revised Statutes, by repealing the requirement that a board or committee be required to file a copy of the notice of any regular, special, emergency, rescheduled meeting, or any executive meeting when anticipated in advance, with the Office of the Lieutenant Governor or appropriate county clerk's office. In addition, it would repeal the requirement that the Office of the Lieutenant Governor or appropriate county clerk's office timely post paper or electronic copies in a central location in a public building.

While the requirement to post notice no less than six calendar days prior on an electronic calendar on a website maintained by the State or the appropriate county and post a notice in the board's office for public inspection remains in place, even in 2024, not everyone is computer or Internet savvy. Hawaii County, in particular, is home to a large percentage of senior citizens. According to the latest U.S. Census data available, 23.5% of the Big Island population is age 65 or older. This demographic is one with a strong percentage of voters without technological savvy and many are best served by bulletin board-type notices.

We find it particularly troubling that this bill, and a companion measure, SB 3171, have been passed by their introducing chambers over to the other chamber for consideration and that this bill has already been scheduled for a hearing on Thursday, March 14 by your committee.

Additionally troubling to us is that these companion measures are part of the Governor's Legislative package.

We do understand that these bills are intended to cut down on the amount of paperwork by boards and commissions. But, if passed, this legislation would strike a significant blow to open meetings, open government and the public's right to know. We don't think the requirement to post meeting notices in a timely manner in a central location is an undue imposition on the board or commission's secretaries.

We urge the Senate Committee on Government Operations to shelve HB 2482 HD 1 and to continue government's commitment to keep the public informed however and whenever possible.

We thank you for the opportunity to testify on this important matter.

Sincerely,

John Burnett
Immediate Past President, Big Island Press Club



Senate Committee on Government Operations
Honorable Angus L.K. McKelvey, Chair
Honorable Mike Gabbard, Vice Chair

RE: Testimony in Opposition to H.B. 2482 H.D. 1, Relating Meeting Notices
Hearing: March 14, 2024 at 3:00 p.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 opposition to H.B. 2482 H.D.1.**

We ask that this measure be reverted to its original form. We have no objection to the original intent of removing an unnecessary physical posting requirement.

As written, however, H.B. 2482 H.D.1 removes an important and purposeful requirement – the requirement that boards file meeting notices with the Office of the Lieutenant Governor or appropriate clerk’s office. This requirement creates the official record.

In the past, Public First has requested (and advised others to request) a copy of the official agenda filed with the Lieutenant Governor when there are disputes about whether the agenda posted on the Internet is complete, was posted on time, or has been changed after posting. The official agenda quickly resolves these issues. The filing requirement for public meeting notices creates a reliable public record of (1) what public notice was provided, (2) when it was provided, and (3) the substance of the notice.

Neither the Office of the Lieutenant Governor nor any clerks have identified the filing requirement as an undue burden on their respective offices, nor did they propose the deletion of this requirement.

Removing the filing requirement, as proposed under H.B. 2482 H.D. 1, would eliminate the official record of public meeting notices. That will only make it easier for boards to disregard statutory notice requirements – to the detriment of public participation. We respectfully urge the Committee preserve a critical guardrail on the adequacy of public meeting notices and to restore the filing requirement for meeting notices.

Thank you again for the opportunity to testify in opposition to H.B. 2482 H.D.1.





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

March 13, 2024

Senate Committee on Government Operations

From: Nancy Cook Lauer, publisher, All Hawaii News

www.allhawaiinews.com * publisher@allhawaiinews.com * 808.781.7945

In OPPOSITION TO HB2482 HD1, Relating to Meeting Notices

To the Honorable Chairman Angus L.K McKelvey 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, Relating to Meeting Notices.

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 this important bill.

HB-2482-HD-1

Submitted on: 3/12/2024 8:43:19 AM

Testimony for GVO on 3/14/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
ROBERT DUERR	Testifying for Albatross News	Oppose	Written Testimony Only

Comments:

STRONGLY OPPOSE HB2482: "Repeals the requirement that a board file a copy of meeting notices...". This legislation is an insult to the Sunshine Law and the public's right to know with transparency and accountability. Ask who gains with this legislation? Who loses?

PETER L. FRITZ
Attorney at Law
EMAIL: PLFLEGIS@FRITZHQ.COM

Senate Committee on Government Operations
Honorable Angus L.K. McKelvey, Chair
Honorable Mike Gabbard, Vice Chair

RE: **Testimony in Support of an Amended HB 2481**
Hearing: March 14, 2024 at 3:00 p.m.

Dear Chair, Vice Chair and Members of the Committee:

My name is Peter Fritz. I am an individual with a disability, an attorney and an advocate for individuals with disabilities that has filed ADA complaints against the State. I am a former chair of the Disability and Communication Access Board (DCAB) and the Rehabilitation Advisory Council. **I am testifying in support of and recommending amending HB 2481 HD1 because I am concerned that some provisions in HD1 will violate the Americans with Disabilities Act (ADA).** I have included a revised paragraph after my testimony to address this concern.

House Draft 1 would remove the requirement to file a copy of a notice for a meeting with the Lieutenant Governor. As currently drafted, HB 2482 HD1 may violate the ADA. The ADA and the Rehabilitation Act of 1973 require that State and local governments provide qualified individuals with disabilities equal access to their programs, services, or activities. Some people with disabilities cannot access information on the Internet and the Lieutenant Governor serves as an alternate way for individuals to get access to this information when they cannot access the State Calendar. This alternate service should comply with the ADA.

About 10 years ago, a bill was introduced to allow agencies to file their agendas on the State Calendar. At that hearing, I testified about the need to continue to file agendas with the Lieutenant Governor to prevent disability discrimination. The committee recognized the need to provide alternate methods of access for the disabled and did not delete the requirement to file the notices with the Lieutenant Governor.

The Committee may wish to consider designating a party other than the Lieutenant Governor, such as the Office of Information Practices (OIP), as the agency for filing notices for meetings. Designating OIP as the agency for filing notices would allow OIP to review agency compliance with the Sunshine Law. As was reported in Civil Beat, many notices posted on the State Calendar by agencies omitted information required by the Sunshine Law. Reviewing the filed notices would help OIP identify problems and develop training programs to improve agency compliance with Chapter 92, HRS. At this time, OIP does not review the agendas filed on the State Calendar.

Thank you for the opportunity to testify.

The following is a proposed amendment to House Draft 1.

SECTION 1. Section 92-7, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) No less than six calendar days prior to the meeting, the board shall post the notice on an electronic calendar on a website maintained by the State or the appropriate county and post a notice in the board's office for public inspection. The notice shall also be posted at the site of the meeting whenever feasible. The board shall file a copy of the notice with the office of the lieutenant governor or the appropriate county clerk's office and retain a copy of proof of filing the notice, and the office of the lieutenant governor or the appropriate clerk's office shall [~~timely post~~] ensure access to paper or electronic copies of all meeting notices. [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.~~ The copy of the notice to be provided to the office of the lieutenant governor or the appropriate county clerk's office may be provided via electronic mail to an electronic mail address designated by the office of the lieutenant governor or the appropriate county clerk's office, as applicable."