

## LATE TESTIMONY

Chair Hee, Vice Chair Shimabukuro, and members of the Committee:

The Office of the Governor strongly supports S.B. No. 2859. The purposes of the bill are, among other things, to allow members of a board or commission to attend and participate in informational meetings, legislative hearings, conventions, and seminars and to have discussions with other board members so long as less than a quorum is involved, and provided that no commitments are made relating to a vote on the matter and a report is made to the board at its next duly noticed meeting as to the matters presented and discussed. Oftentimes members of a board wish to attend seminars and informational meetings in order to educate themselves on matters that pertain to their board or commission duties, but under present law they are precluded from attending these kinds of functions with another board member.

The bill also requires the electronic posting of meeting notices on the State's electronic calendar maintained on the State's Internet website. This amendment will provide easy access to the notice over the Internet at a single site and will improve accessibility to and availability of meeting notices and agendas for boards and commissions, thereby facilitating public participation.

We believe that these amendments encourage board and commission members to participate in public forums and gain useful information to better perform their official duties and foster public participation in government.

Thank you for allowing us to present this testimony in support of this bill.



LATE TESTIMONY

**SB2859**  
**RELATING TO OPEN GOVERNMENT**  
Senate Committee on Judiciary and Labor

February 2, 2012

9:30 a.m.

Room: 016

The Office of Hawaiian Affairs (OHA) offers the following **COMMENTS** on SB2859:

OHA supports the intent of this bill to give members of boards greater flexibility in their external interactions, in their ability to hear testimony even when a board meeting has been terminated for such reasons as lack of a quorum, and in their ability to discuss board business through social media.

However, we encourage your committee to carefully consider the appropriateness of the bill's requirement that upon request, boards and commissions must provide a list of all board members using social media and their social media addresses and identifications. Such a requirement raises privacy concerns and could have a chilling effect on board members' use of social media.

Mahalo for the opportunity to testify on this measure.

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII

LORETTA FUDDY, ACSW, MPH  
DIRECTOR OF HEALTH



**LATE TESTIMONY**

WESLEY LUM, PhD, MPH  
DIRECTOR

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STATE OF HAWAII  
EXECUTIVE OFFICE ON AGING  
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250 SOUTH HOTEL STREET, SUITE 406  
HONOLULU, HAWAII 96813-2831

**Committee on Judiciary and Labor**

**SB2859, RELATING TO OPEN GOVERNMENT**

**Testimony of Wes Lum  
Director, Executive Office on Aging  
Attached Agency to Department of Health**

**Thursday, February 2, 2012; Conference Room 016**

**9:30 a.m.**

1 **Department's Position:** The Executive Office on Aging (EOA) strongly supports this measure.  
2 SB2859 is part of Governor Abercrombie's Administrative Bill Package.  
3 **Fiscal Implications:** None.  
4 **Purpose and Justification:** This proposal would require official meeting notices of state boards to  
5 electronically file on the State's electronic calendar, accommodate the public by allowing receipt of  
6 testimonies and presentations even if meetings are cancelled, permit interaction to attend meetings  
7 of other boards, conferences, and community groups even if there is less than a quorum, and also  
8 permit participation in social media discussions by board members with less than a quorum. These  
9 changes would enhance efficiency, effectiveness, openness, and public participation in government,  
10 particularly for our Policy Advisory Board for Elder Affairs. Thank you for the opportunity to  
11 testify.



HAWAII COMMUNITY  
DEVELOPMENT AUTHORITY



KAKA'IKO  
KALAELOA

Neil Abercrombie  
Governor

Joseph L. Dwight, IV  
Chairperson

Anthony J. H. Ching  
Executive Director

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## LATE TESTIMONY

### STATEMENT OF

ANTHONY J. H. CHING, EXECUTIVE DIRECTOR  
HAWAII COMMUNITY DEVELOPMENT AUTHORITY

BEFORE THE

SENATE COMMITTEE ON JUDICIARY AND LABOR

Thursday, February 2, 2012

9:30 A.M.

State Capitol, Conference Room 016

in consideration of

### **S. B. 2859 – RELATING TO OPEN GOVERNMENT.**

The Hawaii Community Development Authority supports this bill as allows board members the following:

- To hear testimony for a meeting cancelled due to lack of quorum.
- To allow less than a quorum of members of a board attend informational meetings or presentations on matters relating to official board business, provided that the meeting is not specifically organized for board members and that board members report on the meeting at its next board meeting.
- To allow less than a quorum of members to discuss board business via social media.
- Provides for electronic meeting notices.

It is our opinion that the proposed amendments will provide greater opportunities for board members to interact with the community and the public and possibly gain a fuller understanding of various perspectives and opinions. The

NEIL ABERCROMBIE  
GOVERNOR



**LATE TESTIMONY**

GLENN M. OKIMOTO  
DIRECTOR

Deputy Directors  
JADE T. BUTAY  
FORD N. FUCHIGAMI  
RANDY GRUNE  
JADINE URASAKI

**STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097**

IN REPLY REFER TO:

February 2, 2012

**SB 2859  
RELATING TO OPEN GOVERNMENT**

**SENATE COMMITTEE ON JUDICIARY AND LABOR**

The Department of Transportation supports SB 2859 which will help to modernize the Sunshine Law by allowing for electronically transmitted meeting notices and the use of social media to enhance public participation and government transparency. Given the economic difficulties that the government as well as members of the public face, the bill will allow boards to conduct their business more efficiently and cost-effectively, and it will also save time and money for the people who show up at public meetings by allowing the board to consider their testimony and presentations at a cancelled meeting rather than requiring them to come back for a subsequent meeting. Moreover, by giving board members greater freedom to attend and participate in meetings other than their own board meetings and by allowing them to communicate with the public through social media, the proposal will increase the public's ability to engage with board members on matters of public concern. Board members can now go to the public, and not simply wait for the public to come to their board meetings.

The bill benefits both boards and the public. While allowing for better board efficiency and government cost savings, it provides adequate safeguards for the public through quorum and reporting requirements and gives the public increased access to information about a board's current business as well as a greater ability to interact and express their views with board members. Therefore, we urge this Committee to act favorably on S.B. 2859.

Thank you for the opportunity to submit testimony.



NEIL ABERCROMBIE  
GOVERNOR

BRIAN SCHATZ  
LT. GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF TAXATION**  
P. O. BOX 259  
HONOLULU, HAWAII 96809  
PHONE NO: (808) 587-1540  
FAX NO: (808) 587-1560

FREDERICK D. PABLO  
DIRECTOR OF TAXATION

RANDOLF L. M. BALDEMOR  
DEPUTY DIRECTOR

**LATE TESTIMONY**

To: The Honorable Clayton Hee, Chair  
and Members of the Senate Committee on Judiciary and Labor

Date: Tuesday, February 2, 2012  
Time: 9:30a.m.  
Place: Conference Room 016, State Capitol

From: Frederick D. Pablo, Director  
Department of Taxation

Re: S. B. 2859, Relating to Open Government

The Department of Taxation (Department) supports the adoption of S.B. 2858.

S.B. 2858 proposes to permit board members to: hear testimony for a meeting that has been canceled due to lack of quorum, attend informational meetings, discuss board business via social media, and utilize electronic means for filing meeting notices.

The Department supports all of these proposed amendments because not only do they allow the Department to address changes in the way the public receives and accesses information, it also provides board members with the ability to attend other open public meetings without the fear of violating the Sunshine law by virtue of their attendance. These changes will enable boards to be more efficient in both time and cost.

Thank you for the opportunity to provide comments.

NEIL ABERCROMBIE  
GOVERNOR  
STATE OF HAWAII



LATE TESTIMONY

ALBERT "A"  
HAWAIIAN  
MICHEL  
DEPUTY  
M. WALF  
EXECUTIVE

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS  
P. O. BOX 1879  
HONOLULU, HAWAII 96805

TESTIMONY OF ALAPAKI NAHALE-A, CHAIRMAN  
HAWAIIAN HOMES COMMISSION  
BEFORE THE SENATE COMMITTEE ON THE JUDICIARY AND LABOR  
IN SUPPORT OF  
SB 2859 RELATING TO OPEN GOVERNMENT

February 2, 2012

Aloha Chair Hee, Vice-Chair Shimabukuro and Members of the  
Committee:

The Department of Hawaiian Home Lands supports this measure,  
specifically the provisions amending the Sunshine Law to allow members  
of a board or commission to attend informational meetings or  
presentations relating to official board business, and to engage with  
each other and the public using social media.

The Hawaiian Homes Commission, as well as the Hawaiian Home Lands  
trust, has recently begun to explore the use of social media and other  
technology to better engage with the native Hawaiian communities we  
serve. Our programmatic successes are contingent on a good working  
relationship with our communities and, with these amendments, our  
commissioners would be better able to interface with more our  
applicants or lessees (especially younger generations) to understand  
how to better meet our mission and address their unmet needs.

Mahalo for the opportunity to testify on this measure.



LATE TESTIMONY

## 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 and Labor

From: Cheryl Kakazu Park, Director

Date: February 2, 2012, 9:30 a.m.  
State Capitol, Room 016

Re: Testimony on S.B. No. 2859  
Relating to Open Government

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Thank you for the opportunity to submit testimony on S.B. No. 2859.

OIP strongly supports this bill, which would require the official meeting notice to be electronically filed and would create three new permitted interactions regarding cancelled meetings, attendance at informational and other meetings, and use of social media. Specifically, this bill would:

(1) allow members of a board or commission to hear public testimony and presentations on items listed on a filed agenda at the time and place stated in the notice where the meeting, as noticed, is canceled as a matter of law due to a lack of quorum;

(2) allow less than a quorum of members of a board or commission to attend informational meetings or presentations on matters relating to official board business, provided that the meeting is not specifically organized for board members and that the members report back at the next board meeting;

(3) allow less than a quorum of members of a board or commission to discuss board or commission business via social media, provided that the discussion is continuously accessible for public viewing and participation; and

(4) require state boards to electronically file their meeting notices under part I of chapter 92, Hawaii Revised Statutes (HRS) (Sunshine Law), on the State's electronic calendar, and allow counties to electronically file such notices on the State's calendar or their official calendars; clarify that meeting notices required to be filed under part I of chapter 92, HRS, need not be published in a newspaper of general circulation; and provide housekeeping changes related to untimely filed notice.

The Sunshine Law was originally enacted in 1975, long before the widespread use of the Internet and electronic devices. The intent of this bill is to modernize the Sunshine Law, while enhancing public participation and government transparency.

#### Meeting Notices to be Electronically Filed

Currently, the Sunshine Law requires public meeting notices to be physically filed with the Office of the Lieutenant Governor, and copies are posted on the bulletin board in the Capitol Chambers. By Executive Order, Governor Abercrombie and the previous administration also required state boards to electronically post their notices on the state calendar.

This bill will require the official meeting notices of state boards to be electronically filed on the State's electronic calendar. The bill will also give counties the option to electronically file board notices on the state's website or on official county websites. The bill further clarifies that the proper electronic filing location for other types of state agency notices is the electronic calendar. The emergency meeting provisions have also been amended to require electronic posting of the emergency meeting agendas and findings justifying the emergency meeting, so as to prevent any confusion that could result from inconsistent filing methods.

The electronic filing provisions of this bill will make it easier for the public to be notified of state and county board meetings as well as emergency meeting notices and findings because all the notices will be centrally located on the state calendar (or the county's official website) where they are easily accessible and searchable over the Internet. For those members of the public who do not have access to the Internet, the proposed bill will continue to provide individuals with the option of receiving notice through mail, or they can use the public library internet facilities. Additionally, for members of the public with internet access, the proposed bill will add the option of receiving notice through electronic transmission.

In addition to cost savings resulting from the near elimination of paper, copying, and delivery costs, use of electronic posting will promote government efficiency by reducing staff resources and duplication of effort spent to maintain and physically post the notices with the Office of the Lieutenant Governor, in the Chambers, and on the state calendar.

There is a built-in safeguard to ensure that only timely filed notices are electronically posted, as the state calendar will automatically reject a notice that is posted with less than six days' advance notice. The board can print out an electronically time-stamped agenda to retain proof that it timely filed the meeting notice.

#### Permitted Interaction Regarding Cancelled Meetings

OIP has advised boards that the current Sunshine Law does not allow board members to hear testimony or presentations on items on the agenda of a cancelled meeting because the board members would be doing so outside a meeting, even though a notice and agenda had been filed and members of the public may not want to have to return for a rescheduled meeting. This proposed amendment to the law

is intended to accommodate the public by allowing the receipt of testimony and presentations, even though a meeting must be cancelled.

The bill would create a new permitted interaction to allow board members to hear public testimony and presentations on agenda items when the meeting is cancelled as a matter of law due to the lack of a quorum or videoconference equipment failure. Despite the cancellation of a meeting in such cases, the board members present will be able to receive public testimony or presentations so that people will not have to spend more time and incur additional travel costs in order to give their testimony or presentations at a subsequent meeting. The public can choose to attend the subsequent meeting before a duly constituted board in lieu of, or in addition to, testifying at the cancelled meeting. The reporting requirement – that the board members at the cancelled meeting must report on the testimony and presentations to the full board at its next meeting – will generally ensure that the entire board has access to the information received at the cancelled meeting. A board's deliberation and decisionmaking must still occur at a subsequent duly noticed board meeting.

#### Permitted Interaction to Attend Other Meetings

The Sunshine Law prohibits members from discussing official board business outside of a meeting of their board, except as specifically permitted. One aspect that has been a source of much frustration for board members is that the Sunshine Law does not generally allow more than two members to discuss board business in the course of attending another board's meeting, a presentation, a legislative hearing, or a seminar, even though that other board's meeting may be open to the public either as a Sunshine Law meeting or for other reasons. Thus, for example, three of seven City Council members who represent districts overlapping with one neighborhood board district cannot all attend and participate in that neighborhood

board's public meeting relating to Council matters, or in a community meeting regarding a proposed development, or in a legislative hearing on a bill of interest to that community. Although the law allows a board to set up a permitted interaction group ("PIG") of less than a quorum to attend such meetings, there often is not sufficient lead time before the other bodies' meetings for the board to hold its own meeting to establish such a PIG.

Consequently, OIP believes that the Sunshine Law, as currently written, deters board members from attending presentations or other meetings, discourages board members from testifying or participating in discussions that are a part of those presentations, lessens the public's ability to interact with board members, makes it difficult for board members to be fully informed of all sides of an issue, and reduces communication and cooperation between various boards on issues of mutual concern. To correct this, the Sunshine bill proposes to create a second new permitted interaction that would allow less than a quorum of board members to attend meetings of other boards, conferences, or community groups.

OIP's proposal is based on the 2008 law creating special provisions for Neighborhood Boards (Part VII of Chapter 92), one of which allows those board members to participate in informational meetings and presentations before other entities. OIP proposes to have a similar provision apply to all Sunshine boards and would allow less than a quorum of board members to participate in other boards' meetings, legislative hearings, seminars, presentations, community meetings, and similar events to enhance board members' knowledge and performance of their duties, increase the public's input into the board's deliberations, and promote cooperation between various boards on matters of common concern.

The proposed amendment is intended to improve the performance of the board members and their boards by allowing for a more thorough gathering of information and a fuller understanding of various perspectives, which would

promote better discussion and deliberation before the full board. So long as there is no quorum to make decisions, board members would be able to attend other entities' meetings (e.g., legislative hearings) on short notice and they will no longer have to leave or refrain from participating in the discussions held as part of the presentations. The proposal is also intended to foster better and more effective communication and coordination between boards and other entities on issues of common concern.

By giving board members greater freedom to attend and participate in meetings other than their own board meetings, the proposal will also increase the public's ability to engage with board members on matters of public concern. Board members can now go to the public, and not simply wait for the public to come to their board meetings. Thus, the proposal will give the public increased access to information about a board's current business and greater ability to interact and express their views with board members.

The bill contains safeguards for the public by limiting the number of board members who may participate to less than a quorum, allowing discussion only during and as part of the presentation, and requiring subsequent reporting by the board members at a duly noticed open meeting. The reporting requirement protects the public's interest, as the report by the minority of members to the full board will need to be sufficiently detailed if they wish to influence any decision on issues discussed under this permitted interaction.

#### Permitted Interaction to use Social Media

The Sunshine Law prohibits board members from discussing official board business outside of a meeting of their board, except as specifically permitted. Presently, there is no permitted interaction that would allow more than two board members to participate in a social media discussion, even though board members'

intent in doing so is typically to make current policy discussions more accessible to more people. This prohibition could apply to board members who, for instance, directed "tweets" about board business to one another via Twitter or even "followed" one another's Twitter accounts, or who used Facebook to comment on each other's posts about board business or to post on each other's "walls" about board business, even if the discussion was open to anyone with internet access. Depending on the specific situation, even board members' status as Facebook "friends" could be considered participation in a serial discussion if the members were writing posts about board business and those posts automatically showed up in the other members' news feeds as posts by "friends."

The proposed amendment would create a new permitted interaction that would allow less than a quorum of board members to openly participate in a social media discussion, while ensuring public access to those discussions and retaining OIP's ability to examine specific cases to determine whether the spirit and intent of the Sunshine Law has been violated through surreptitious means of utilizing social media. Limiting participation to less than a quorum of a board's membership ensures that the social media discussion will not result in a board decision being essentially made online, as a majority of the board will not be part of the discussion and, thus, would not be part of any consensus reached in the course of the discussion.

As an additional safeguard, any social media discussions taking place must be accessible for review and participation by the public-at-large, and the discussions must be in a written, continuously accessible form that allows members of the public to review what has been said and to add their comments according to their own schedule. In other words, Twitter, Facebook, or similar accounts used to discuss board business must be set as public, and the discussions of board business must be left online and available, to meet the terms of the permitted interaction. To

ensure that the public can readily find and access the social media sites being used by board members, the proposed bill further requires the board to provide a list of all board members using social media and their social media addresses or identifications.

Unlike more private means of communicating via personal meetings, letters, e-mails, or telephone calls, the social media discussions permitted by this proposal would provide greater transparency and enhance OIP's ability to determine the content and context of board members' communications, because all social media comments can be viewed and examined. For example, in contrast to a conversation in the hallway or a phone call, a written record of tweets or postings could be downloaded by a member of the public who believed board members' discussions violated the Sunshine Law. Given the inherently open and transparent nature of the social media discussions being permitted by this amendment, it would be foolish for someone to intentionally violate the Sunshine Law using this method of communication.

Instead, the proposed bill should be viewed as a means for board members to engage in more effective communication with the public and to enhance public participation in the decisionmaking process. OIP recognizes that a significant segment of the public enjoys communicating through social media or may have difficulty participating in the board's decisionmaking process through the traditional means of personally attending and testifying at board meetings. For example, people of all ages and economic backgrounds may have work, school, or family obligations that conflict with typical meeting times, and many people find it difficult to attend meetings due to distance, disability, or other responsibilities. Social media encourages public participation in governance by providing members of the public with additional and more convenient access to and interaction with board members regarding board business. In addition to allowing board members to



communicate with their constituents, social media also provides a means for the public to read and respond to different views and perspectives from other people's comments on various board issues. All of the social media communication can take place according to individuals' preferred schedules throughout the day or week, rather than being limited to the time, date, and place set by a board. Thus, OIP views social media as a means to greatly enhance openness, transparency, and public participation in government.

OIP strongly recommends that boards adopt their own social media policies that will address important constitutional, legal, or practical concerns, and notes that the state Office of Information Management and Technology and the Attorney General's Office have been developing a model social media policy for the state. By proposing this amendment, OIP is not setting out a policy on how board members should best use social media, but simply intends to ensure that the Sunshine Law does not present an impediment to social media usage while still providing safeguards to protect against Sunshine Law abuse.

In conclusion, OIP requests this Committee's support of S.B. 2859, which we believe reasonably enhances government efficiency and cost savings while effectively protecting the public's right to openness and transparency and increasing public participation in government.

Thank you for considering our proposed legislation.

NEIL ABERCROMBIE  
GOVERNOR



LATE TESTIMONY

SANJEEV "SONNY"  
BHAGOWALIA  
CHIEF INFORMATION  
OFFICER

STATE OF HAWAII  
OFFICE OF INFORMATION MANAGEMENT & TECHNOLOGY  
P.O. BOX 119, HONOLULU, HAWAII 96810-0119

TESTIMONY OF  
SANJEEV "SONNY" BHAGOWALIA, CHIEF INFORMATION OFFICER  
TO THE SENATE COMMITTEE ON  
JUDICIARY AND LABOR  
February 2, 2012

S.B. 2859

RELATING TO OPEN GOVERNMENT

Chair Hee, Vice Chair Shimabukuro, and members of the committee, thank you for the opportunity to testify on S.B. 2859

The Office of Information Management and Technology strongly supports and recommends passage of S.B. 2859.

The proposed bill would require the official meeting notice to be electronically filed and would create three new permitted interactions regarding cancelled meetings, attendance at informational and other meetings, and use of social media. Social media has become an accepted way for business to be conducted and encourage citizen engagement and participation.

The intent of the bill clearly aligns with the chief information officer's strategic vision for the state's information technology (IT). Modernizing the Sunshine Law to allow electronically transmitted meeting notices and the use of social media will enhance public participation and government transparency.

The bill further allows boards to conduct their business more efficiently and cost-effectively by using new technologies and provide opportunities for the public to submit testimony and presentations electronically so that public meetings need not be cancelled. By giving board members greater freedom to attend and participate in other meetings in addition to their own and allowing them to communicate with the public through social media, the proposal will also increase the public's ability to engage with board members on matters of public concern.

The bill benefits both boards and the public. While allowing for better board efficiency and government cost savings, it provides adequate safeguards for the public through quorum and reporting requirements and will give the public increased access to information about a board's current business as well as a greater ability to interact and express their views with board members.

Thank you for the opportunity to testify on this matter.

NEIL ABERCROMBIE  
GOVERNOR



HAKIM OUANSAFI  
EXECUTIVE DIRECTOR

**LATE TESTIMONY**

**STATE OF HAWAII**  
DEPARTMENT OF HUMAN SERVICES  
HAWAII PUBLIC HOUSING AUTHORITY  
1002 NORTH SCHOOL STREET  
Honolulu, Hawaii 96817

BARBARA E. ARASHIRO  
EXECUTIVE ASSISTANT

Statement of  
**David J. Gierlach**  
Hawaii Public Housing Authority  
Before the

**SENATE COMMITTEE ON JUDICIARY AND LABOR**

February 2, 2012 9:30 A.M.  
Room 016, Hawaii State Capitol

In consideration of  
**Senate Bill 2859**  
**Relating to Open Government**

Honorable Chair and Members of the Senate Committee on Judiciary and Labor, thank you for the opportunity to provide you with comments regarding Senate Bill 2859, relating to Open Government.

The Hawaii Public Housing Authority (HPHA) strongly **supports** this bill, which would require the official meeting notice to be electronically filed and would create three new permitted interactions regarding cancelled meetings, attendance at informational and other meetings, and use of social media.

This bill will help to modernize the Sunshine Law by allowing for electronically transmitted meeting notices and the use of social media, while enhancing public participation and government transparency. Given the economic difficulties that the government as well as members of the public face, the bill will further allow boards to conduct their business more efficiently and cost-effectively, and it would also save time and money for the people who show up at public meetings by allowing the board to consider their testimony and presentations at a cancelled meeting rather than requiring them to come back for a subsequent meeting. Moreover, by giving board members greater freedom to attend and participate in meetings other than their own board meetings and by allowing them to communicate with the public through social media, the proposal will also increase the public's ability to engage with board members on matters of public concern. Board members can now go to the public, and not simply wait for the public to come to their board meetings.

The bill benefits both boards and the public. While allowing for better board efficiency and government cost savings, it provides adequate safeguards for the public

Hawaii Public Housing Authority  
February 1, 2012  
Page 2

through quorum and reporting requirements and will give the public increased access to information about a board's current business as well as a greater ability to interact and express their views with board members.

The HPHA appreciates the opportunity to provide the Senate Committee on Judiciary and Labor with the agency's position regarding S.B. 2859. We respectfully request this Committee to act favorably upon this bill.

NEIL ABERCROMBIE  
GOVERNOR



HAKIM OUANSAFI  
EXECUTIVE DIRECTOR

STATE OF HAWAII  
DEPARTMENT OF HUMAN SERVICES  
HAWAII PUBLIC HOUSING AUTHORITY  
1002 North School Street  
Honolulu, Hawaii 96817

BARBARA E. ARASHIRO  
EXECUTIVE ASSISTANT

IN REPLY REFER TO:

TO Senator Maile S.L. Shimabukuro, Vice Chair  
Senate Committee on Judiciary and Labor  
State Capitol Room 223  
RE Testimony re: Senate Bill 2859

DATE February 1, 2012  
ATTENTION Committee Clerk

WE ARE SENDING YOU

Attached

Under separate cover via \_\_\_\_\_ the following items:

COPIES	DATE	NO.	DESCRIPTION
1	2/1/2012		Hawaii Public Housing Authority Testimonial Submission

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FOR BIDS DUE \_\_\_\_\_ 20\_\_

PRINTS RETURNED AFTER LOAN TO US

REMARKS Hawaii Public Housing Authority (HPHA) is providing the Senate Committee on Judiciary and Labor with written testimony for Senate Bill 2859, scheduled for public hearing on February 2, 2012 at 9:30 A.M

IF THERE ARE ANY QUESTIONS PLEASE CONTACT: Nicholas Birck, Chief Planner, 832-4673

SIGNED:

COPY TO \_\_\_\_\_

NEIL ABERCROMBIE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
919 Ala Moana Boulevard, 4th Floor  
Honolulu, Hawaii 96814

JODIE F. MAESAKA-HIRATA  
DIRECTOR

Martha Torney  
Deputy Director  
Administration

Joe W. Booker, Jr.  
Deputy Director  
Corrections

Keith Kamita  
Deputy Director  
Law Enforcement

LATE TESTIMONY

TESTIMONY ON SENATE BILL 2859  
RELATING TO OPEN GOVERNMENT

by

Jodie F. Maesaka-Hirata, Director  
Department of Public Safety

Senate Committee on Judiciary and Labor  
Senator Clayton Hee, Chair  
Senator Maile S.L. Shimabukuro, Vice Chair

Thursday, February 2, 2012; 9:30 A.M.  
State Capitol, Room 016

Chair Hee, Vice Chair Shimabukuro, and Members of the Committee:

The Department of Public Safety (PSD) supports Senate Bill (SB) 2859 because it improves government efficiency through the use of technology. The measure will facilitate Meeting Notices to be more readily available to the public and simplifies the filing process for State Boards and Commissions. The use of electronic filings on the State's electronic calendar will support a "green initiative" by eliminating paper copies, while also improving the transparency of government. The ultimate goal is achieved by rebuilding public confidence in government through this measure.

Thank you for the opportunity to present this testimony.

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



LATE TESTIMONY

WILLIAM J. AILA, JR.  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI  
FIRST DEPUTY

WILLIAM M. TAM  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAOHOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
WILLIAM J. AILA, JR  
Chairperson**

**Before the Senate Committee on  
JUDICIARY AND LABOR**

**Thursday, February 2, 2012  
9:30 AM  
State Capitol, Conference Room 016**

**In consideration of  
SENATE BILL 2859  
RELATING TO OPEN GOVERNMENT.**

Senate Bill 2859 allows members of a board or commission to hear public testimony and presentations on items listed on an agenda if the meeting is canceled due to lack of quorum, allows less than a quorum of members of a board or commission to attend informational meetings and presentations, allows less than a quorum of members of a board or commission to discuss board or commission business via social media, and also requires state boards and commissions to electronically file their meeting notices, under part I of chapter 92, Hawaii Revised Statutes, on the State's electronic calendar. The Department of Land and Natural Resources (Department) strongly supports this Administration bill.

Senate Bill 2859 will allow agencies to accommodate public who have come to a canceled meeting to provide testimony or a presentation, and requires those members present to report back to the board on such, ensuring the full board has access to the public input. This bill will also result in more effective communication and coordination between boards by enabling board members to attend and participate in other events that would be beneficial to their board. Senate Bill 2859 will result in more effective public interaction with boards by allowing board members to use social media to reach out to their constituents regarding issues before the board. This bill will also clarify and simplify the filing process by requiring notice on the State's electronic calendar in lieu of the present requirement to file notices in the Office of the Lieutenant Governor, thus reducing staff resources spent physically posting notices.

The Department administers numerous boards and commissions, and supports Senate Bill 2859 for the aforementioned reasons.



NEIL ABERCROMIE  
GOVERNOR



DWIGHT TAKAMINE  
DIRECTOR

AUDREY HIDANO  
DEPUTY DIRECTOR

SERAFIN P. COLMENARES JR.  
EXECUTIVE DIRECTOR

LATE TESTIMONY

STATE OF HAWAII  
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS  
OFFICE OF LANGUAGE ACCESS

830 PUNCHBOWL STREET, ROOM 322  
HONOLULU, HAWAII 96813  
www.hawaii.gov/labor/ola  
Phone: (808) 586-8730 / Fax: (808) 586-8733  
Email: dli.ola@hawaii.gov

To: Senate Committee on Judiciary and Labor

From: Serafin Colmenares Jr.  
Executive Director, Office of Language Access

Date: February 2, 2012, 9:30 a.m.  
State Capitol, Room 016

Re: Testimony on S.B. No. 2859  
Relating to Open Government

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Thank you for the opportunity to submit testimony on S.B. No. 2859.

The Office of Language Access strongly supports this bill, which would require the official meeting notice to be electronically filed and would create three new permitted interactions regarding cancelled meetings, attendance at informational and other meetings, and use of social media.

This bill will help to modernize the Sunshine Law by allowing for electronically transmitted meeting notices and the use of social media, while enhancing public participation and government transparency. Given the economic difficulties that the government as well as members of the public face, the bill will further allow boards to conduct their business more efficiently and cost-effectively, and it would also save time and money for the people who show up at public meetings by allowing the board to consider their testimony and presentations at a cancelled meeting rather than requiring them to come back for a subsequent meeting. Moreover, by giving board members greater freedom to attend and participate in meetings other than their own board meetings and by allowing them to communicate with the public through social media, the proposal will also increase the public's ability to engage with board members on matters of public concern. Board members can now go to the public, and not simply wait for the public to come to their board meetings.

The bill benefits both boards and the public. While allowing for better board efficiency and government cost savings, it provides adequate safeguards for the public through quorum and reporting requirements and will give the public increased access to information about a board's current business as well as a greater ability to interact and express their views with board members. Therefore, we urge this Committee to act favorably on S.B. 2859.



**DEPARTMENT OF BUSINESS,  
ECONOMIC DEVELOPMENT & TOURISM**

No. 1 Capitol District Building, 250 South Hotel Street, 5th Floor, Honolulu, Hawaii 96813  
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804  
Web site: [www.hawaii.gov/dbedt](http://www.hawaii.gov/dbedt)

NEIL ABERCROMBIE  
GOVERNOR

RICHARD C. LIM  
DIRECTOR

MARY ALICE EVANS  
DEPUTY DIRECTOR

Telephone: (808) 586-2355  
Fax: (808) 586-2377

Statement of  
**RICHARD C. LIM**  
Director

Department of Business, Economic Development, and Tourism  
before the

**SENATE COMMITTEE ON JUDICIARY AND LABOR**

Thursday, February 2, 2012

9:30 AM

State Capitol, Conference Room 016

In consideration of  
**SB 2859**

**RELATING TO OPEN GOVERNMENT**

Chair Hee, Vice Chair Shimabukuro and Members of the Senate Committee on  
Judiciary and Labor.

The Department of Business, Economic Development, and Tourism  
(DBEDT) supports SB2859, Relating to Open Government. The purpose of this  
measure is to allow board members to hear testimony during a meeting that has been  
canceled due to lack of quorum, to attend informational meetings, and to discuss board  
business via social media. The measure also provides for electronic meeting notices.

DBEDT believes this bill will assist in improving government efficiency and  
reduce costs while protecting the public's right to openness and transparency.

Thank you for the opportunity to testify in support of this important measure.

LATE TESTIMONY

Council Chair  
Danny A. Mateo

Vice-Chair  
Joseph Pontanilla

Council Members  
Gladys C. Baisa  
Robert Carroll  
Elle Cochran  
Donald G. Couch, Jr.  
G. Riki Hokama  
Michael P. Victorino  
Mike White



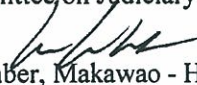
Director of Council Services  
Ken Fukuoka

**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.mauicounty.gov/council](http://www.mauicounty.gov/council)

LATE TESTIMONY

February 1, 2012

TO: The Honorable Clayton Hee, Chair  
Senate Committee, on Judiciary and Labor

FROM: Mike White   
Council Member, Makawao - Ha'ikū - Pā'ia

SUBJECT: **HEARING OF FEBRUARY 2, 2012; TESTIMONY IN SUPPORT & COMMENTS OF SB 2859, RELATING TO OPEN GOVERNMENT**

Thank you for the opportunity to testify in **support** of this measure. The Maui County Council has not had the opportunity to take a formal position on this matter and therefore, I am providing this testimony in my capacity as an individual member the Council.

I support allowing testimony and presentations on agenda items at meetings cancelled due to a lack of quorum, as it honors the time and presence of individuals who attend scheduled meetings. I also support the interaction between members through discussions on social media sites. Online tools have the power to provide a meaningful dialogue and can assist members in receiving feedback from constituents. Finally, I believe most individuals already rely upon online notices to learn about upcoming meetings. This bill simply formalizes and standardizes the online notice process.

I would however, like to **offer comments** on the section relating to **permitted interactions of members**. The proposed language allows two or more members, but fewer than a quorum to attend informational meetings or presentations on matters relating to official board business, including a meeting of another entity, legislative hearing, convention, seminar or community meeting. Although the proposed language broadens permitted interactions, it **continues to restrict members from attending many events and educating themselves on pending issues**.

I believe this language should be **amended to allow all members of a board to attend any informational meetings or presentations** on matters relating to official business "as long as no commitment to vote is made or sought." This change will allow board members to educate themselves on a broad range of issues and interact with constituents, which is very important in Maui County where members are technically at-large.

I also support the improvements to the measure suggested by Council Chair Danny Mateo, which include (a) exempting County councils from the Sunshine Law, as proposed by HB 2742, relating to public agency meetings and records; (b) explicitly allowing for attendance by all County Council members at governmental conferences and meetings; and (c) deleting the requirement that members attending informational meetings report on their attendance and matters presented and discussed at the next duly noticed meeting of the board.

Council Chair  
Danny A. Mateo

Vice-Chair  
Joseph Pontanilla

Council Members  
Gladys C. Baisa  
Robert Carroll  
Elle Cochran  
Donald G. Couch, Jr.  
G. Riki Hokama  
Michael P. Victorino  
Mike White



Director of Council Services  
Ken Fukuoka

**COUNTY COUNCIL**  
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**LATE TESTIMONY**

February 1, 2012

The Honorable Clayton Hee, Chair  
Senate Committee on Judiciary and Labor  
State Capitol, Room 407  
Honolulu, Hawaii 96813

Dear Chair Hee:

**SUBJECT: HEARING OF FEBRUARY 2, 2012; TESTIMONY IN SUPPORT  
TO SB 2859 RELATING TO OPEN GOVERNMENT**

As the Lanai representative on the Maui County Council, I would like to offer testimony in support of the subject bill. The purposes of this measure are to allow board members to hear testimony for a meeting canceled for lack of quorum, to attend informational meetings on matters relating to board business, and to discuss board business via social media. The measure also provides for electronic meeting notices.

I support the measure, because it would provide the County council with the necessary flexibility to receive testimony from the public with no action taken until a quorum is present at a subsequent meeting, thus encouraging rather than frustrating public participation. Also, allowing public officials to participate in public gatherings, community events, conferences, etc. is an important part of public service and being informed and educated on matters of interest to the community.

I understand that Maui County Council Chair Danny A. Mateo has also submitted testimony in support of this measure and offered other suggestions on how to improve this measure. I concur with Chair Mateo's position on this measure.

Thank you for the opportunity to offer testimony in support.

Sincerely,

A handwritten signature in black ink, appearing to read "Riki Hokama".

RIKI HOKAMA  
Council Member-Lanai seat

cc: Council Chair Danny A. Mateo

**BRITTANY SMART**  
Councilmember  
Hawai'i County Council  
District 6  
Upper Puna, Ka'u, South Kona



Phone: (808) 961-8263  
Fax: (808) 961-8912  
bsmart@co.hawaii.hi.us

**Hawai'i County Council**  
**County of Hawai'i**  
25 Aupuni Street  
Hilo, Hawai'i 96720

**LATE TESTIMONY**

February 1, 2012

To: Senator Clayton Hee, Chair  
And Members of the Senate Judiciary and Labor Committee

RE: Testimony in **SUPPORT** of **SB2859**, RELATING TO OPEN GOVERNMENT

Aloha Senator Hee and Members of the Senate Judiciary and Labor Committee,

Please support the passage of SB2859, the OIP Legislative Proposal #2 regarding the Sunshine Bill. It is imperative that the Sunshine Law be updated in order to take into consideration today's most widely used means of communication. Over the past few years, social media has taken over as the main platform where public communication is taking place. In order to promote transparency, the Sunshine Law needs to be brought up to date so as to not to hinder County's legislators ability to communicate with constituents.

As the Hawaii County Councilmember for the largest council district in the state, by land size, I ask for your support of SB2859. District 6 is a mostly rural area and many of my constituents reside in remote areas, making communication difficult. While home internet access for many residents is limited, modern cell phone technology has allowed me to further reach my constituency through the use of social media.

While SB2859 does not address all of the issues regarding transparency and permitted interactions regarding the use of social media, it is a good start. I am pleased that OIP is submitting these changes and is understanding of the need to update this law to address today's communication environment.

Lastly, I support OIP's efforts to revise allowable permitted interactions to be more realistic and reasonable.

Thank you for your time and consideration of the testimony before you. If you would like to discuss this further, please contact me at [hccdistrict6@gmail.com](mailto:hccdistrict6@gmail.com) or (808) 961-8536.

Many mahalos for your time and attention to this matter,

A handwritten signature in black ink that reads "Brittany Smart".

BRITTANY SMART

Council Chair  
Danny A. Mateo

Vice-Chair  
Joseph Pontanilla

Council Members  
Gladys C. Baisa  
Robert Carroll  
Elle Cochran  
Donald G. Couch, Jr.  
G. Riki Hokama  
Michael P. Victorino  
Mike White



Director of Council Services  
Ken Fukuoka

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**LATE TESTIMONY**

February 1, 2012

MEMO TO: The Honorable Clayton Hee, Chair  
Senate Committee on Judiciary and Labor

F R O M: Elle Cochran  
Council Member

*Elle Cochran*

SUBJECT: TESTIMONY IN SUPPORT OF SB 2859, RELATING TO OPEN  
GOVERNMENT

Thank you for the opportunity to testify in support of this important measure. I offer my support for this bill as an individual member of the Maui County Council. I concur with the testimony submitted by Maui County Council Chair, Danny A. Mateo.

I would respectfully add that I encourage improving this law, which as currently written, deters members from attending many important public meetings, presentations and gatherings that would otherwise be of significant value in our role as policy makers.

It is a common complaint from the public that they are unable to attend regularly scheduled Committee and Council meetings to testify, due to conflicting work schedules. Allowing board members the opportunity to attend public meetings that occur after normal working hours, without worry of violating the Sunshine Law, would help effectuate the job that we intend to do.

The amendments to this legislation would better assist us in our capacity as elected officials to do our due diligence in fact gathering and reaching out to the community for their input and various perspectives.

I strongly support the intent of this bill and respectfully urge the committee to pass SB 2859.

Mahalo for the opportunity to testify.



HAWAII  
STRATEGIC  
DEVELOPMENT  
CORPORATION



Written Statement of

**KARL FOOKS**  
**President**

Hawaii Strategic Development Corporation  
and

**Yuka Nagashima**  
**Executive Director and CEO**

High Technology Development Corporation

**LATE TESTIMONY**

before the  
**SENATE COMMITTEE ON JUDICIARY AND LABOR**

February 2, 2012

9:30 AM

State Capitol, Conference Room 016

In consideration of  
**SB 2859 RELATING TO OPEN GOVERNMENT.**

Chair Hee, Vice Chair Shimabukuro, and Members of the Committee on Judiciary and Labor:

The Hawaii Strategic Development Corporation (HSDC) and the High Technology Development Corporation (HTDC) support SB 2859, legislation to provide greater public access to board proceedings and to improve the performance of board members.

HSDC and HTDC defer to the Office of Information Practices on the public impact of this bill.

We would like to recommend that the legislation clarify who decides whether a board meeting canceled due to lack of quorum or terminated pursuant to section 92-3.5(c) may still receive testimony and presentations. The proposed legislation does not require the board to receive testimony and presentations, but the convening board lacks a quorum for the board to decide to receive testimony or not.

We also recommend the proposed requirement to post the notice at the site of the meeting be six calendar days before the meeting be dropped in favor of the previous requirement to post the notice at the site of the meeting whenever feasible. Often meetings are held at locations where the board has no control over posted notices during the six calendar day period required by the proposed legislation.

Thank you for the opportunity to submit testimony on this bill

# HEMIC

Hawaii Employers' Mutual Insurance Company, Inc.

1100 Alakea Street  
Suite 1400  
Honolulu, HI 96813  
Telephone: 808•524•3642, ext. 240  
Facsimile: 808•524•0421  
pnaso@hemlc.com

## Written Testimony Only

February 1, 2012

LATE TESTIMONY

The Honorable Clayton Hee,  
Chair, Senate Committee on Judiciary and Labor

The Honorable Maile Shimabukuro  
Vice Chair, Senate Committee on Judiciary and Labor

Re: SB 2859 - Relating to Open Government

Dear Chairman Hee, Vice Chairman Shimabukuro, and Members of the JDL Committee

My name is Paul Naso. I am the General Counsel of the Hawaii Employers' Mutual Insurance Company, Inc. ("HEMIC"). I am submitting written testimony in support of SB 2859.

HEMIC strongly shares the value of transparency and openness to the public. This bill appears to assist and enhance that process by providing greater public access. As long as the safeguards that have been included to balance the needs of the Board and the Public apply in practice, we are in support of the bill.

Sincerely,



Paul Naso, General Counsel  
Hawaii Employers' Mutual Insurance Company, Inc.

PN:rm



# LATE TESTIMONY

**Larry Geller**  
Honolulu, HI 96817

Committee on the Judiciary  
Senator Clayton Hee, Chair  
Senator Maile S.L. Shimabukuro, Vice Chair

SB2859  
JDL  
Thursday, February 2, 2012  
9:30 a.m.  
Room 016

February 2, 2012

**Re: SB2859—Relating to Open Government**

## **In Opposition**

Dear Senator Hee, Senator Shimabukuro, and members of the Committee:

I oppose this bill based on experience. It's clear to me that many boards and commissions feel constrained by the open meetings law, or do not understand it, or feel that it does not apply to them. Perhaps this is a matter of education, but it is also a matter of abuse of power.

I think SB2859 is badly troubled and should not become law.

The OIP proposes that testimony may be taken even if a board does not have a quorum. This is an invitation for abuse, and abuse has already occurred even under current law.

Of course, it is sometimes difficult to arrange a meeting and ensure a quorum. But the protection is there for a purpose, and that purpose is to prevent power plays and abuse of authority.

Struggling to achieve a quorum in order to include all board members, regardless of their perceived position on matters that come before the board, is absolutely necessary. This bill means that a board could (for example) hold a meeting without rail opponents present, without Lingle appointees present, etc., however the Chair wishes to organize it, and later "report" on the testimony. Those not present would have no idea of the discussion, questions or conclusions reached based on that testimony. It's a path to entrench cronyism. While decisions or voting are not permitted, the bill does not restrict "winks" or "high-fives" which I have seen at Neighborhood Board meetings.

Example: The Procurement Policy Board had before it the issue of whether public access television contracts should go out to bid. Just assume for the moment that the Chair was inclined to push that through. Here's what happened. They scheduled a public meeting at some obscure meeting room under Aloha Stadium, frustrating many who had trouble finding the place. They took testimony without a quorum, recording minimal information (name of testifier, etc.). They then met at a subsequent meeting in executive session for 2 1/2 hours and voted immediately afterwards. Were these actions actually contemplated to frustrate public participation? I can speculate, but under the proposed changes, these games would become routine.

It took legislation this past session to override the board's decision and clarify that the public access contracts were not going out to bid.

With regard to the use of posting notices, social media, and remote media, this bill presents obvious accessibility issues and so discriminates against those with disabilities or who do not have or cannot use computers.

Hawaii's citizens do not all participate in social media, nor is information transmitted by that form of communication freely accessible to those with disabilities or who are economically challenged or just don't understand computers because of age, etc. Regardless of whether the communications "remain visible" on the social media website or not, members of the public are excluded. There is no reason to entangle Facebook in government, and many reasons to bar any portion of the public's business from being conducted on restricted and uncontrollable means of communication of any kind.

As an example, I am president of Kokua Council. My board does not tweet and none of them use Facebook. I understand also that use of social media is greatly reduced in populations of those with disabilities. If this population is discriminated against in government operations, lawsuits are likely to result.

The bill also requires that "Upon request by any person, the board shall provide a list of all board members using social media and their social media addresses or identifications." This is unworkable. The board may not know what social media its members are using, and there are privacy and first amendment concerns. Also, the list is of little use to someone not themselves a user of the same social media platform.

Unless the Legislature is prepared to substantially increase the OIP budget, it's not clear how allowing board members to "friend" each other and communicate amid a flock of posted messages can be effectively policed. For example, the bill requires that anything posted "Remains available for public viewing for a reasonable period of time on the social media website." This is not only vague, but it is unenforceable and demonstrates a lack of understanding of social media. Whether or not something "remains" is out of OIP's control. The entire account might be cancelled, for example. In any case, no one can check all the Facebook accounts to see that postings "remain."

OIP also recommends that boards develop their own social media policies. This is an invitation to anarchy and the exclusion of substantial numbers of the public to participate as equals in public process.

While many boards act responsibly, others seek any loophole they can to conduct business according to their own relaxed standards. I have an old video someplace of a Kauai neighborhood board actually debating, while the camera rolled, whether they were going to follow the Sunshine Law or not. This bill would aid and abet attempts to bypass the open meetings law.

Why open new temptations for these folks?

The bill has some additional loopholes in allowing a notice to be "posted or filed" which might be interpreted as relieving the requirement to post a notice. Even "posting" has been warped by some commissions, who post the notice inside their offices rather than at an outside location. When the office is closed, or if a person is not admitted, the notice can't be seen.

In conclusion, I need to take a stand for "no new loopholes" to hide government business from the public.

Larry Geller



Senate JDL Committee  
Chair Clayton Hee, Vice Chair Maile Shimabukuro

LATE TESTIMONY

Thursday 2/2/12 at 9:30AM in Room 016  
SB 2859 – Open Government

TESTIMONY

Nikki Love, Executive Director, Common Cause Hawaii

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Chair Hee, Vice Chair Shimabukuro, and Committee Members:

Common Cause Hawaii would like to offer the following **comments** regarding SB 2859, regarding the sunshine law.

BOARD MEMBERS ATTENDING OTHER MEETINGS

We understand the value of having board members participate in other events, especially so that they may hear from the public and learn about relevant topics. However, more clarity is needed to ensure this does not become a major loophole for our sunshine law. We are concerned that the board members could end up getting into substantial discussion about matters that should be discussed in a properly noticed public meeting. Perhaps additional limitations should be added, e.g., there should be no direct discussions between board members on board business.

SOCIAL MEDIA

We recognize that social media provides new opportunities for engaging the public, especially for individuals who may not be able to attend public meetings in person. Particularly among young generations, social media represents an opportunity for education and engagement in our civic dialogue.

If we are considering social media discussions as something analogous to a meeting or town hall, then we should think carefully about how we can make this truly accessible for all. It must be accessible to those who do not wish to open an account on that particular social media site; it should be accessible to people with disabilities; there should also be some way to include those who are not comfortable on computers.

(continued on next page...)

Furthermore, the proceedings of a traditional in-person meeting are captured in meeting minutes. Something similar should be done to archive these social media discussions. The bill's language, "*Remains available for public viewing for a reasonable period of time on the social media website*" is not enough to ensure a proper record for the public.

#### ELECTRONIC POSTING OF MEETING NOTICES

This bill proposes that all meeting notices be posted online, and deletes the requirement that notices also be posted at the Lieutenant Governor's or county clerk office. We support online posting of these notices as a good step for public access.

However, we are concerned about the changes regarding posting of hard-copy notices. For those without internet access, posting the notice at the board's office may not be enough, especially if the office is not in an easily accessible location.

Mahalo for the opportunity to provide comments.