

DAVID Y. IGE  
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**CARTY S. CHANG**  
INTERIM CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**DANIEL S. QUINN**  
INTERIM FIRST DEPUTY

**W. ROY HARDY**  
ACTING 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  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**Testimony of  
CARTY CHANG  
Interim Chairperson**

**Before the House Committee on  
FINANCE**

**Thursday, April 9, 2015  
2:00 pm  
State Capitol, Conference Room 308**

**In Opposition to  
SENATE BILL 475, SENATE DRAFT 1, HOUSE DRAFT 1  
RELATING TO OPEN GOVERNMENT**

Senate Bill 475, Senate Draft 1, House Draft 1, proposes to change the processes for noticing meetings in an effort to make government more open and accessible to the people of Hawaii. **The Department of Land and Natural Resources (Department) acknowledges the intent to make government more open, but opposes the bill because of the increased cost of mailing a complete packet of board items to persons who request it. The Department believes making items available on their website should suffice.**

The Department has 17 boards and commissions attached to it. For the purposes of illustrating the increased costs, we will use the Board of Land and Natural Resources, which meets twice a month. The land board has a list of 47 people who have requested mailed agendas. Based on an average board submittal of 250 pages, it would cost the Department \$129,250 per year to meet the copying requirements of this measure. In addition, based on an average cost of \$6 for a priority mail small flat rate box, the annual cost of postage would be \$6,204.

Pages	Packets	Meetings	Copy costs	Postage costs	Total cost
250	47	22	0.5		\$ 129,250.00
	47	22		6	\$ 6,204.00
<b>Total</b>					<b>\$ 135,454.00</b>

While other boards and commissions do not meet so frequently, Island Burials Councils (5) and the Commission on Water Resource Management meet monthly, have complicated agendas, and would incur similar increased costs.

The Department believes it would be much more cost effective, more fair to the public in general, and allow for more efficient use of staff time to simply post the complete agenda on our web site and allow the public electronic access to the full board packet, rather than requiring departments to mail full packets upon request.

In addition, electronic posting of agendas and testimony allows the public much faster access to documents, than posting by mail.

For these reasons the Department opposes Senate Bill 475 as currently drafted.



49 South Hotel Street, Room 314 | Honolulu, HI 96813  
[www.lww-hawaii.com](http://www.lww-hawaii.com) | 808.531.7448 | [voters@lwwhawaii.com](mailto:voters@lwwhawaii.com)

HOUSE COMMITTEE ON FINANCE  
Hearing Scheduled 2 pm Thursday, April 9, 2015, House Conference Room 308  
SB 475, SD 1, HD1 RELATING TO OPEN GOVERNMENT  
TESTIMONY  
Janet Mason, Legislative Committee, League of Women Voters of Hawaii

Chair Luke, Vice-Chair Nishimoto, and Committee Members:

**The League of Women Voters of Hawaii supports SB 475, SD 1, HD1.** The bill allows electronic mailing of board meeting notices, requires timely posting of board meeting notices on the appropriate state or county electronic calendar, and requires public notice of emergency board meetings. All of these proposals will improve implementation of Hawaii's Sunshine Law.

We urge you to pass this measure and thank you for the opportunity to submit testimony.



# **NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY**

*An Authority of the State of Hawaii attached to the Department of Business, Economic Development & Tourism*

Statement of  
**Gregory P. Barbour**  
**Executive Director**  
Natural Energy Laboratory of Hawaii Authority  
before the

## **COMMITTEE ON FINANCE**

Thursday, April 9, 2015  
2:00 pm  
State Capitol, Conference Room 308

in consideration of  
**SB 475 SD1 HD1**  
**RELATING TO OPEN GOVERNMENT.**

The Natural Energy Laboratory of Hawaii Authority (NELHA) opposes S.B. 475 SD1 HD1, the provisions of this bill that require board packets to be sent in advance of the meeting we believe that this is onerous and burdensome.

Thank you for the opportunity to offer these comments.

From: mailinglist@capitol.hawaii.gov  
Sent: Thursday, April 09, 2015 1:06 PM  
To: FINTestimony  
Cc: ryanozawa@gmail.com  
Subject: Submitted testimony for SB475 on Apr 9, 2015 14:00PM

**SB475**

Submitted on: 4/9/2015

Testimony for FIN on Apr 9, 2015 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ryan	Individual	Support	No

Comments: Dear House Committee on Finance Chair Rep. Sylvia Luke and Vice Rep. Scott Nishimoto, and members of the committee: I was considering finding a way to send this message as a telegram to make a point, but I'm pretty sure you prefer electronic messages. Please pass SB475 and SB652, both needed upgrades to Hawaii's critically important "Sunshine Law," for your committee. It has been carefully considered and passed out of the Senate and one House committee, with no strenuous objections, and I think that's because the bills make simple sense. We can already get email notifications of committee meetings at the Capitol. This should be supported for boards as well. If material is prepared for a meeting and provided to board members at the meeting, they should similarly be made available to the public at that time (rather than weeks later). Thank you for your consideration!

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

# 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: House Committee on Finance

From: Cheryl Kakazu Park, Director

Date: April 9, 2015, 2:00 p.m.  
State Capitol, Conference Room 308

Re: Testimony on S.B. No.475, S.D. 1, H.D. 1  
Relating to Open Government

---

---

Thank you for the opportunity to submit testimony on this bill. The Office of Information Practices (“OIP”) supports the original intent of this bill, which would provide for electronic posting of meeting notices under the Sunshine Law, part I of chapter 92, HRS, as well as e-mail notice to persons on a board’s mailing list. OIP, however, has serious reservations about the agencies’ ability to meet the provision added to H.D. 1, which requires board packets to be mailed or e-mailed to persons on the board’s mailing or e-mail list for notices.

The Sunshine Law’s notice scheme is still essentially the same as it was when the law was first passed in 1975; it does not reference or take advantage of newer technologies such as the internet or e-mail. Pursuant to Governor Abercrombie’s Executive Memo 11-11, however, state agencies have been posting their meeting agendas on the State Calendar, which can be found at <http://calendar.ehawaii.gov/calendar/html/event>.

This bill would amend the Sunshine Law to add electronic notice as a requirement for giving notice of a board meeting, without taking away any of the forms of notice that currently exist. In other words, boards would still be required

to file or post notice in all the ways they presently do, but would also be required to post electronic notice on the appropriate state or county online calendar. The bill does not set technical standards for the file format in which an online notice is posted, thus appropriately leaving that issue to the state or county website administrators to provide for, based on the most current technical standards.

This bill would also add e-mail notice as an additional option for those people who ask to receive e-mailed copies of a board's notices and agendas, without taking away the option of receiving notices and agenda by postal mail, which is the only option the current law provides.

Additionally, this bill includes provisions clarifying how the question of whether notice was timely posted online may be resolved in the event of a dispute, and adds electronic posting and notice into the notice provisions for holding an emergency meeting.

While OIP supports these proposed changes, the additional requirement to provide board packets could create a substantial administrative burden to scan into ADA accessible format what could be hundreds of pages of board materials, including some provided by third parties. Boards may not have the staff to do the work, especially with limited time before the meeting, and they also may not have the financial resources to mail packets to people on its mailing list. If boards fail to meet their new obligations, the failure may become the basis for substantial litigation seeking to overturn action taken at the meeting.

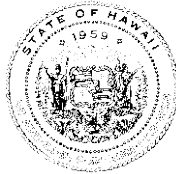
Because the board packet disclosure requirement was only recently added to HD 1 and the 48-hour notice for this committee's hearing was waived, boards affected by the new requirement have not had the opportunity to testify as to how it would affect them. **Therefore, OIP strongly recommends that the board packet disclosure provisions be deleted at this time.**

**DAVID Y. IGE**  
Governor

**SHAN S. TSUTSUI**  
Lieutenant Governor

**LUIS P. SALAVERIA**  
Director

**MARY ALICE EVANS**  
Acting Deputy Director



**LAND USE COMMISSION**  
Department of Business, Economic Development & Tourism  
State of Hawai'i

**DANIEL ORODENKER**  
Executive Officer

**Bert K. Saruwatari**  
Planner  
**SCOTT A.K. DERRICKSON AICP**  
Planner

**RILEY K. HAKODA**  
Chief Clerk/Planner

**FRED A. TALON**  
Drafting Technician

---

Statement of  
**Daniel E. Orodener**  
**Executive Officer**  
Land Use Commission

Before the  
**House Committee on Finance**

April 9, 2015  
2:00 PM  
State Capitol, Conference Room 308

In consideration of  
**SB 475 SD1 HD1**  
**RELATING TO OPEN GOVERNMENT**

Chair Luke, Vice Chair Nishimoto, and members of the House Committee on Finance:

The Land Use Commission generally supports SB475 SD1 HD1 in that it is consistent with actions the Land Use Commission (LUC) has instituted in recent years to quickly and efficiently provide the public with digital access to all documents filed with our office.

However, the LUC is opposed to the recent amendment in HD1 that would require provision of "board packet" materials for public inspection or provide copies to persons requesting notification pursuant to Section 92-7(e), Hawai'i Revised Statutes (HRS). We believe this would impose significant costs and an unnecessary burden on the LUC for the following reasons:

1. The LUC has an expansive list of interested parties requesting meeting notices and currently receive these by mail, any additional mailouts to this extensive list would result in thousands of dollars in additional expenses each year;
2. The LUC often receives late filings in its dockets prior to hearings that would make supplemental mailouts impractical and untimely;
3. All documents filed with the LUC are posted to the LUC's publicly-accessible website within 24-hours of receipt and interested parties may view these documents prior to hearings;
4. The LUC does not provide a "board packet" to its commission members as they access the agenda item documents and other relevant filings from the LUC's public website; and,



5. All documents filed with the LUC are available for public inspection and copying up to and including the days of any hearings, both digitally via the LUC website and as hard copy at its offices.

For those reasons, we would recommend deleting the proposed language identified as Section 92-7(f), HRS.

Thank you for the opportunity to testify on this matter.



HAWAII COMMUNITY  
DEVELOPMENT AUTHORITY



KAKA  
KALAELOA

David Y. Ige  
Governor

John Whalen  
Chairperson

Anthony J. H. Ching  
Executive Director

547 Queen Street  
Honolulu, Hawaii  
96813

Telephone  
(808) 594-0300

Facsimile  
(808) 594-0299

E-Mail  
contact@hcdaweb.org

Web site  
www.hcdaweb.org

STATEMENT OF

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

BEFORE THE

HOUSE COMMITTEE ON FINANCE

In regards to

**S.B. 475 S.D. 1 H.D. 2– RELATING TO OPEN GOVERNMENT.**

**Purpose:** Allow the electronic mailing of meeting notices; requires boards and commissions to provide copies of board packets to persons on notification lists

**Position:** I provide the following comments related to Section 1 (f). I note that this testimony represents my own opinion as the executive director of the Hawaii Community Development Authority, and not that of members themselves, as they have not had an opportunity to meet and discuss this particular bill.

**Staff Burden.** Section 1 (f) of this bill would require board packets to be provided to all persons requesting notification of HCDA public meetings. Currently, the HCDA sends notifications of public hearings to a list of over 400 individuals and 23 Associations of Apartment Owners (AOAO). As board packets for public hearings are often hundreds of pages long and include technical plans and blueprints, passage of this bill as-is would require HCDA staff to devote many hours to compiling hundreds of extra board packets each month. In some months, the HCDA holds over three Authority meetings and/or public hearings per docket/application, which would further increase the staff burden. In order to meet the legislative mandate, staff members would need to prioritize the creation of board packet, given the complexity of these materials.

**No Appropriations Made.** In addition to the increase in staff hours spent compiling extra packets, the HCDA would also need to front the costs of copying hundreds of pages of materials and mailing them to each recipient. There is currently no appropriation in this bill to cover those costs, which could easily run up to thousands of dollars per meeting.

**Proposed Compromise.** In efforts to increase public transparency, the HCDA proposes maintaining a public copy of each board packet at its office headquarters located at the American Brewery Building at 547 Queen Street in Kakaako. This packet will be made available for viewing during regular office hours. The HCDA can also upload an electronic copy of the board packet and corresponding materials to its website, [www.hcdaweb.com](http://www.hcdaweb.com), to provide 24/7 access. In this way, the public can still view the meeting materials without compromising staff productivity or HCDA resources.

Thank you for the opportunity to provide our comments on this measure.