



DAVID Y. IGE
GOVERNOR
SHAN S. TSUTSUI
LT. GOVERNOR

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DEPUTY DIRECTOR

**PRESENTATION OF THE
PROFESSIONAL AND VOCATIONAL LICENSING DIVISION**

TO THE SENATE COMMITTEE ON GOVERNMENT OPERATIONS

TWENTY-NINTH STATE LEGISLATURE
Regular Session of 2017

Thursday, February 9, 2017
3:05 p.m.

TESTIMONY ON SENATE BILL NO. 244, RELATING TO OPEN GOVERNMENT.

TO THE HONORABLE DONNA MERCADO KIM, CHAIR,
AND MEMBERS OF THE COMMITTEE:

The Professional and Vocational Licensing Division (“PVLD”) of the Department and Consumer Affairs (“Department”) appreciates the opportunity to testify on Senate Bill No. 224, Relating to Open Government. My name is Celia Suzuki, Licensing Administrator of the PVLD/DCCA. The PVLD offers the following comments in opposition to Senate Bill No. 224.

The purpose of the bill is to: 1) require board packets to be filed in the board’s office for public inspection and provide access to either an electronic or a hard copy to persons requesting notification; 2) afford interested persons an opportunity to view

either electronically or in hard copy any documents, reports, and proposals under consideration at the time the board packet is made available to the board members; and 3) require posting of the agenda notice on the State's internet website or the appropriate county's internet website and clarifies that the final adjudication of any dispute to determine timeliness of an agenda notice shall be the printout of the electronic time-stamped agenda.

The PVLD opposes this measure for the following reasons:

- The requirements of providing board packets to interested persons in addition to board members is a major fiscal burden as it appears the PVLD is unable to assess recipients for copying and postage fees.
- There are 25 boards and commissions administratively attached to the Division which equates to more than 200 members. In addition, there are currently 380 interested persons on various board lists to whom board packets would be sent if this measure is passed which would add many thousands of dollars in material and shipping costs annually to the Division's expenses. These costs are in addition to the diversion of equally important and scarce staff time that would be required to implement this measure's proposed requirements. PLVD is currently struggling to carry out and keep pace with its large and growing list of responsibilities for managing the 25 boards and commissions and the 25 additional licensing programs that come

- under the Division. Thus, the Division is very concerned about the added strain the requirements in the measure would put on Division/staff resources.
- Compliance with Chapter 92F will require board staff to essentially create two separate packets; one for the general public and one for board members. This alone will add to the already taxing workload as public packets will require redaction of confidential information.
 - Most of the information contained in board packets is confidential, and if sensitive information is mailed or posted in error, Boards, the Division/Department and the State are subject to major liability to which they are currently not.
 - The language appears to also create a new deadline by requiring boards to have all written materials it intended to consider in final form at the time of filing the notice. Should boards fail to meet their new obligations, the procedural failures may become the basis for potential liability and substantial litigation seeking to overturn any board action or decision.
 - The language in Section 2 of the bill requires boards to afford all interested persons an opportunity to “view, either electronically or in hard copy, documents, reports, and proposals under consideration at the meeting” at the time the board packet is made available to the board members, regardless of whether those proposals or reports even exist in written form. Hence, these documents, reports, and proposals would presumably need to be reduced to

writing before the notice is filed for the Board to be able to consider them. This is not only burdensome on staff, but this would frustrate the purpose of the current Sunshine Law's executive session provisions.

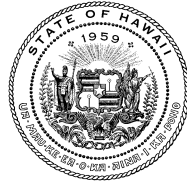
The PVLD acknowledges that the intent of the bill is to encourage public participation in government; however, the associated costs and workload demands on staff without the ability to assess recipients requesting for packets and documents will place a major strain on the Division's fiscal obligations and personnel.

For these reasons, the PVLD respectfully requests that this bill be held in Committee.

Thank you for the opportunity to submit testimony in opposition to Senate Bill No. 244.

DAVID Y. IGE
GOVERNOR

SHAN TSUTSUI
LT. GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TAXATION
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MARIA E. ZIELINSKI
DIRECTOR OF TAXATION

DAMIEN A. ELEFANTE
DEPUTY DIRECTOR

To: The Honorable Donna Mercado Kim, Chair
and Members of the Senate Committee on Government Operations

Date: Thursday, February 9, 2017

Time: 3:05 P.M.

Place: Conference Room 224, State Capitol

From: Maria E. Zielinski, Director
Department of Taxation

Re: S.B. 244, Relating to Open Government

The Department of Taxation (Department) appreciates the intent of S.B. 244 and provides the following comments for your consideration.

Sections 1 and 2 of S.B. 244 requires that at the time any documents are distributed to board members, the documents are also made available to the public via electronic or a hard copy to all persons requesting the information.

Sections 3 and 4 of S.B. 244 requires the meeting notice to be posted on the electronic calendar on the State's internet website maintained by the State (State's electronic calendar) or the appropriate county's internet website maintained by the respective county, in addition to filing a notice with the Office of the Lieutenant Governor or the appropriate county clerk's office, no less than six days before the meeting. Failure to meet both filing requirements of the meeting notice will result in cancellation of the meeting.

Section 5 of S.B. 244 requires the minutes of board meeting be posted on the board's website maintained by the State or appropriate county. It prohibits any board from having a future meeting until the minutes are posted within thirty days of the meeting. The measure is effective on January 1, 2018.

First, the Department notes that it provides administrative support to the Council on Revenues (COR) and the Tax Review Commission (TRC). The Department has concerns regarding the requirement set forth in Sections 3 and 4 that modifies section 92-7(b) and (c), and section 92-8 (a) and (b), Hawaii Revised Statutes, because the State's electronic calendar requires manual entry of the agendas. Manual entry of the agendas has led to non-substantive and typographical errors in the past. It seems that this new requirement to post agendas to the State's master calendar could lead to cancellation of meetings based on an error as small as a typo or a missing word.

The COR and TRC are voluntary boards, which at times has made scheduling and rescheduling meetings challenging. By statute, the COR must meet and report to the Governor and Legislature during six prescribed meeting months. The Department has concerns that a minor error to the posting of the COR's agenda would require a meeting to be cancelled and rescheduled, possibly impacting their ability to meet during a month prescribed by statute. If the Committee wishes to advance this measure, the Department requests that posting the notice to the State's electronic calendar for both the COR and the TRC, be an option, rather than a requirement.

Second, the Department notes that is able to meet the requirements set forth in Sections 1, 2, and 5 of this measure. However, there have been instances when board members brought documents to meetings that were not previously provided to the Department. In these cases, the Department will makes copies for the attendees in a timely manner; if the Department is aware that a board member may bring other documents to the board meeting, the Department has asked that the board member bring enough copies of the materials for all attendees.

Finally, the Department notes that there may be a typo in the meeting minute provision in the posting of the minutes on the board's website set forth in Section 5. The Department suggests the following correction to Section 5, page 9, starting with line 4:

If there is a dispute as to whether minutes were timely posted on [~~an electronic calendar~~] the board's website maintained by the State or appropriate county, a printout of the electronic time-stamped minutes shall be conclusive evidence of the electronic posting date.

Thank you for the opportunity to provide comments.

DAVID Y. IGE
GOVERNOR



THOMAS WILLIAMS
EXECUTIVE DIRECTOR

KANOE MARGOL
DEPUTY EXECUTIVE DIRECTOR

STATE OF HAWAII
EMPLOYEES' RETIREMENT SYSTEM

TESTIMONY BY THOMAS WILLIAMS
EXECUTIVE DIRECTOR, EMPLOYEES' RETIREMENT SYSTEM
STATE OF HAWAII

TO THE SENATE COMMITTEE ON GOVERNMENT OPERATIONS
ON
SENATE BILL NO. 244

FEBRUARY 9, 2017, 3:05 P.M.
ROOM 224

RELATING TO OPEN GOVERNMENT

Chair Kim, Vice Chair Ruderman and Members of the Committee,

S.B. 244 would require that board packets of the board meetings of the Employees' Retirement System (ERS) be provided to persons requesting notification of board meetings either electronically or in hard copy at the time the board packet is distributed to the board members.

The ERS Board of Trustees has not had the opportunity to review S.B. 244 and therefore has not taken a formal position on this proposal; however, the ERS staff has the following comments and concerns:

- ERS does not at present have the capability of producing entirely electronic board packets. The information presented to our board is often voluminous and delivered at, or just prior to, our meetings. The voluminous materials include detailed investment manager reports, consultant observations and recommendations, actuarial evaluations and experience studies sometimes equaling 150 or more pages. In addition, these materials often include confidential information (normally held in executive session) which would have to be redacted or separated by the presenters or ERS staff in order to be released to the public.
- Our board's regular meetings are held the second Monday of each month with investment updates through the end of the prior month. Vendor requirements that



Employees' Retirement System
of the State of Hawaii

investment performance related information be audited prior to its presentation causes in many instances materials to be delivered to the board by presenters at the board meetings. Were we to be required to mail any such materials it would prove costly and time consuming to photocopy or scan.

- Not all public requesters may want hard or electronic copies of all agenda item attachments. They may be interested in one item or another for that month, or none at all. Arbitrary requests for board packets for all meetings may not only be expensive but wasteful as well.
- A large commercial industry has developed around the collection and dissemination of investment and policy decision-making on behalf of public pension funds. The requirement that we maintain a list of all requestors of information and that we automatically mail materials, electronic or otherwise, will impose a substantial burdens and expense on the ERS and further support commercialization of such materials without providing meaningful added benefit to members.
- The linking of our board's ability to notice and/or hold a meeting and any resulting delay rising from unintentional or unavoidable delay in the production and publishing of meeting minutes may result in incalculable risk and financial harm to an entity such as the ERS which depends upon timely decision-making for investment, litigation and other purposes.

On behalf of the Board of Trustees and staff of ERS we wish to thank you for the opportunity to testify.



HAWAII COMMUNITY
DEVELOPMENT AUTHORITY



STATEMENT OF

JESSE K. SOUKI, EXECUTIVE DIRECTOR
HAWAII COMMUNITY DEVELOPMENT AUTHORITY

BEFORE THE

HOUSE COMMITTEE ON GOVERNMENT OPERATIONS

ON

Thursday, February 9, 2017
3:05 P.M.

State Capitol, Conference Room 224

in consideration of

SB244 – RELATING TO OPEN GOVERNMENT

David Y. Ige
Governor

John Whalen
Chairperson

Jesse K. Souki
Executive Director

Chair Kim, Vice Chair Ruderman and members of the committee.

This testimony reflects my view alone. The Hawaii Community Development Authority (HCDA) has not acted on this measure.

In my capacity as the HCDA Executive Director, I respectfully offer **comments** on SB 244.

This bill has the laudable goal of making information on proposed board actions more available to the public, however, I recommend the committee consider the provisions in SB 312.

The HCDA has adopted the practice of posting board packets to its website when it distributes the information to board members; however, the bill ought to allow amendments to the packets up to the time when a meeting is scheduled to commence. This will allow the board to consider the latest information covered by the agenda item. Otherwise, action may have to be delayed while a special meeting is convened, which would require additional resources and add burden to a citizen board.

Section 5 of the bill is punitive and could prevent meetings, because a board might not be caught up with its minutes. Board minutes are currently made available in compliance with the law, and while we continue to strive for more transparency, we respectfully ask for the committee to consider SB 312 instead.

Thank you for the opportunity to provide comments on this bill.

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DAVID Y. IGE
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HAWAII



SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
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

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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the Senate Committee on
GOVERNMENT OPERATIONS**

**Thursday, February 9, 2017
3:05 PM**

State Capitol, Conference Room 224

**In consideration of
SENATE BILL 244
RELATING TO OPEN GOVERNMENT**

Senate Bill 244 proposes to increase transparency in government by including electronic and hard copy access to board packets, clarifying electronic notification requirements and requiring the posting of board minutes within thirty (30) days. **The Department of Land and Natural Resources (Department) opposes two sections of this bill in its current form and offers amendments.**

The Department has sixteen attached boards, commissions and committees. Most meet monthly and several have extensive board packets attached to their meetings. The Department currently posts board packets on its website and keeps copies of materials in the relevant boards' office. Mailing hard copies will increase the operating costs of the Department significantly. Using the Board of Land and Natural Resources (Board) as an example, the Department has calculated that it would cost about \$135,000 annually to copy and mail hard copy packets to the 47 people who currently ask for a hard copy of the Board's agenda.

Pages	Packets	Meetings	Copy costs	Postage costs	Total cost
250	47	22	0.50		\$ 129,250
	47	22		\$6	\$ 6,204
Total					\$ 135,454.

The Department respectfully requests that the language in SECTION 1 be revised to read:

At the time the board packet is distributed to the board members, the board shall file the board packet in the board's office for public inspection and shall post the board packet on its website in a downloadable format.

The Board of Land and Natural Resources has two meetings per month. Often these meetings are complex and the meeting minutes must be carefully vetted. The Board has one secretary who is responsible for all board activities, including minutes. It is often very difficult to finish all of the minutes within 30 days and language of Senate Bill 244 as currently written would severely hamper the ability of the board to do its business. The Department respectfully suggests the following language change in SECTION 5:

*(b) The minutes shall be public records publicly posted on the board's website . . .and a **draft copy** shall be available within thirty days after the meeting.*

*If **draft** minutes are not publicly posted and available within thirty days of the meeting, the board shall be prohibited from meeting again until the minutes are posted and shall post a new meeting notice for any subsequently scheduled meetings . . .*

Draft minutes shall be defined as, at a minimum, a record of the board members in attendance, the motions made during the meeting, by whom and the second, and the vote on the motion or a tape recording of the meeting. Draft minutes shall be marked with a draft watermark or labeled draft.

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

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: February 9, 2017, 3:05 p.m.
State Capitol, Conference Room 224

Re: Testimony on S.B. No. 244
Relating to Open Government

Thank you for the opportunity to submit testimony on this bill. The Office of Information Practices (“OIP”) supports the intent of this bill to provide for electronic mailing and posting of meeting notices, but OIP **opposes** its present form and respectfully suggests that **S.B. 312 sets out a much more practicable starting point for both electronic mailing and posting of notices and the proposed new board packet disclosure and online posting of minutes requirements if additional amendments are made.**

OIP has a number of concerns with S.B. 244 being considered at this time. First, the bill would add language requiring disclosure of board packets in two different places, once in a new section to be added to the Sunshine Law, part I of chapter 92, and then additionally with somewhat different language to be added to the existing section 92-3, which currently sets out the general open meeting requirement of the Sunshine Law, and is thus an awkward place to include a new record disclosure requirement. The new board packet section does not include a definition of “board packet.” The language added to section 92-3 does include a definition of “board packet,” but it is limited to that section, so it apparently would

not apply to the new section. It is not clear in either the new section or the language added to section 92-3 how disclosure is to take place – whether the board must mail material to everyone on its mailing list, post it somewhere, or have it available upon request.

The new requirement to post minutes online applies “regardless of whether the board has formally reviewed or approved the minutes.” Since the Sunshine Law does not currently require a board to formally review or approve minutes, nor does it allow a board to withhold minutes on the basis that they have not been approved or reviewed, this language could confusingly imply that boards are normally required to review or approve minutes under the Sunshine Law. The minutes posting requirement also includes a punitive provision prohibiting a board from meeting until its minutes are posted, which could prevent a board from even holding an emergency meeting until such time as its staff had caught up on all minutes. The minutes language also provides that a board behind on its minutes “shall post a new meeting notice for any subsequently scheduled meeting.” Since boards are currently required to post notice of every meeting, this provision is very confusing and seems to suggest that a board that is not behind on its minutes is not required to post meeting notices, which would be contrary to the intent of the Sunshine Law. Additionally, although this bill requires posting the minutes on a board’s website or other state or county website, it states that in the event of a dispute as to when minutes were posted “on an electronic calendar maintained by the State or appropriate county, a printout of the electronic time-stamped minutes shall be conclusive evidence of the electronic posting date.” Given that the minutes are not supposed to be posted on the state or county calendar in the first place, and the state or county calendars are not designed for the posting of minutes from past meetings, it makes no sense to look to the state or county calendar to determine

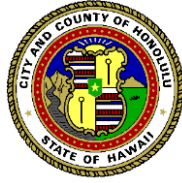
when minutes were posted on the board's website or other state or county website as required by this bill.

Given the many technical and practical flaws in this language, **OIP opposes the present form of this bill and strongly recommends that this Committee use the language from S.B. 312 instead** if it intends to pass out a bill requiring electronic notice, disclosure of board packets, and online posting of meeting minutes. **OIP has provided additional comments on S.B. 312 separately.**

Thank you for considering OIP's concerns and recommendations.

**OFFICE OF THE MAYOR
CITY AND COUNTY OF HONOLULU**

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KIRK CALDWELL
MAYOR

ROY K. AMEMIYA, JR.
MANAGING DIRECTOR

GEORGETTE T. DEEMER
DEPUTY MANAGING DIRECTOR

**CITY AND COUNTY OF HONOLULU
BEFORE THE SENATE COMMITTEE ON GOVERNMENT OPERATIONS**

THURSDAY, FEBRUARY 9, 2017; 3:05 PM

**TO: THE HONORABLE DONNA MERCADO KIM, CHAIR
THE HONORABLE RUSSELL E. RUDERMAN, VICE CHAIR
AND MEMBERS OF THE SENATE COMMITTEE ON GOVERNMENT
OPERATIONS**

**FROM: SHAWN HAMAMOTO, EXECUTIVE SECRETARY
NEIGHBORHOOD COMMISSION OFFICE
CITY AND COUNTY OF HONOLULU**

SUBJECT: COMMENTS ON S.B. 244 RELATING TO OPEN GOVERNMENT

The City and County of Honolulu provides comments on S.B. 244, which allows the electronic mailing and posting of meeting notices; requires the posting of the meeting notice and minutes on the applicable state or county websites; and requires that board packets be made available to the public before the meeting.

The Neighborhood Commission Office (NCO) recognizes the importance of making information publicly available. Currently, Chapter 92, Hawaii Revised Statutes, requires the mailing of meeting notices to those who have signed up to receive these notices. In current practice, neighborhood board meeting notices and minutes are sent out to persons subscribed to the NCO's mail subscription list as well as the email subscription list. Additionally, for at least 15 years, NCO has been posting the agendas online when the paper copies are mailed.

Typically, prior to a meeting, neighborhood board members receive a packet containing the meeting notice and previous month's minutes. This same packet is also made available to the public via mail, email, and online. We are concerned that "board packets" as defined in this measure would put undue responsibility on the NCO to provide access to documents that NCO does not possess. For example, board members may sometimes distribute documents amongst themselves, or they may receive documents mailed to them by outside parties, without NCO's knowledge.

As a practice, NCO usually posts minutes of neighborhood board meetings online prior to the posting of the next meeting, which is typically 21 days after the meeting. While NCO supports making this information available to the public in a timely fashion, we have concerns that requiring the meeting minutes to be posted within 30

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Comments on S.B. 244

Page 2

days of the meeting and prohibiting the occurrence of the next meeting if the minutes are not posted within the 30-day time frame is too strict. There may be unforeseen circumstances which prevent NCO from posting the minutes within the 30-day time frame and it would adversely impact the neighborhood boards' right to meet. It would also not be in the best interest of the public. The law as currently written, which requires NCO to make the minutes available upon request, is more reasonable.

Thank you for your consideration of these comments.

DAVID Y. IGE
GOVERNOR



WESLEY K. MACHIDA
DIRECTOR

LAUREL A. JOHNSTON
DEPUTY DIRECTOR

**STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE**

P.O. BOX 150
HONOLULU, HAWAII 96810-0150

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER

ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

WRITTEN COMMENTS

TESTIMONY BY WESLEY K. MACHIDA
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE SENATE COMMITTEE ON
GOVERNMENT OPERATIONS
ON SENATE BILL NOS. 224 AND 312

February 9, 2017

3:05 p.m.

Room 329

RELATING TO OPEN GOVERNMENT

S.B. 224 would require that all board information provided to board members for board meetings of all state and county government boards be provided to any person requesting such information in either electronic form or in hard copy, at the time the board packet is distributed to the board members. The proposal also requires posting of board meeting minutes within thirty days regardless of review or approval, and prohibits a board from convening subsequent meetings until prior board meeting minutes have been posted.

S.B. 312 would require would require that all board information provided to board members for board meetings of all state and county government boards be provided to any person requesting such information in either electronic form or in hard copy, at the time the

board packet is distributed to the board members. The proposal further requires posting of notices for emergency meetings within six days prior to the meeting.

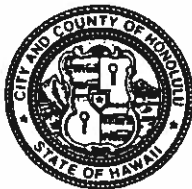
While the department will not opine on the merits of this proposal, we are very concerned about the additional unbudgeted costs to state and county governments in order to comply with such a broad mandate. While some state programs have made improvements in electronically transmitting documents for internal review, the requirement for external posting and transmittal of board documents would require extensive staff training and additional information technology resources that do not presently exist within all state departments.

We suggest that the legislature consider working with a select number of state and county boards that choose to voluntarily participate in a pilot project. The pilot project would allow the development and documentation of a successful workflow, including necessary staff and other resources, to assure compliance before proceeding with enactment of a statewide mandate.

Thank you for your consideration of our comments.

**LIQUOR COMMISSION
CITY AND COUNTY OF HONOLULU**

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CHAIRMAN

NARSI A. GANABAN
CO-VICE CHAIR

MALAMA MINN
CO-VICE CHAIR

DARREN Y T LEE
COMMISSIONER

FRANKLIN DON PACARRO JR
ADMINISTRATOR

ANNA C HIRAI
ASSISTANT ADMINISTRATOR

February 7, 2017

The Honorable Donna Mercado Kim, Chair
The Honorable Russell E. Ruderman, Vice Chair
and Members of the Committee on Government Operations

Hearing: Thursday, February 9, 2017
3:05 PM; Room 224

Position: Oppose as Written SB 244, Relating to Open Government

Dear Chair Kim, Vice Chair Ruderman, and Members:

The Liquor Commission, City and County of Honolulu (Commission), appreciates the opportunity to provide testimony opposing as written Senate Bill 244, Relating to Open Government.

The Commission fully supports and furthers the principles guaranteeing access for members of the public in the conduct of its weekly meetings. That said, there are several elements of Senate Bill 244 that should be clarified or modified so as to ensure that public access will not unduly burden the licensees and license applicants that comprise the Commission's stakeholder base.

1. Request Clarification of Sections 1 and 2.

Previously, the Commission submitted the following testimony for companion bill House Bill 991, to wit:

Sections 1 and 2 propose to amend HRS Chapter 92 and HRS Section 92-3 to require boards to provide either electronic or hard copy of board packet documents to interested persons requesting same. Currently, Commission board packet documents are not maintained or distributed in electronic form, so public access to these materials would be by hard copy. Accordingly, the Commission would request confirmation that provision of hard copy would be subject to appropriate copy and mail charges as authorized by HAR § 2-71-19. While the Commission does not object to providing board packet documents at the time of their distribution to the Commission members, we feel the cost of providing these materials should not be borne by our licensees, whose fees provide the principal budgetary support for Commission operations. All other

UIPA requests fulfilled by the Commission are subject to the search–segregation–review and copying–mailing charges authorized by HAR § 2-71-19, and we request confirmation of the same ability for the proposed requirement.

With this submission, we believe that the only clarification required is that the “access” referred to in SB 244 is limited to making the board packet documents available for review. For any request for hard copy of said documents, we would presume that the copying-mailing charges authorized by HAR § 2-71-19 may be imposed on the requesting party. If, however, “access” is deemed to include provision of electronic or hard copy of the board packet documents to the requesting party, we would request confirmation that provision of either electronic or hard copy would be subject to appropriate copy and mail charges as authorized by HAR § 2-71-19.

2. Oppose Section 5 as written.

Section 5 proposes a requirement that board meeting minutes be publicly posted on the board’s website within 30 days of the meeting. If a board fails to make this posting, the proposed amendment would prohibit the board from meeting again until the minutes are posted. As the Commission currently posts meeting summaries on its website following each weekly hearing, we do not anticipate problems complying with this requirement. However, as the proposed amendment imposes an absolute prohibition if an agency fails to make the posting, the Commission would oppose this requirement as written. Liquor license applicants are required at great expense to post public hearing notices in the Honolulu Star-Advertiser prior to public hearing on the license application. Because these notifications are required by law to be posted twice at least 45 days prior to the public hearing, an *unintentional or unavoidable* late posting by the Commission could have disastrous consequences for a license applicant counting on having its public hearing on a certain date.

The Liquor Commission appreciates the opportunity to provide testimony on Senate Bill 244, Relating to Open Government.

Respectfully submitted,


FRANKLIN DON PACARRO, JR.
Administrator

FDP:ACH

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 8, 2017 10:11 AM
To: GVO Testimony
Cc: smorita1@twc.com
Subject: *Submitted testimony for SB244 on Feb 9, 2017 15:05PM*

SB244

Submitted on: 2/8/2017

Testimony for GVO on Feb 9, 2017 15:05PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Stirling Morita	Hawaii Chapter Society of Professional Journalists	Support	No

Comments:

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.

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Senate Committee on Government Operations
Thursday, February 9, 2017, 3:05 PM, Conference Room 224

SB 244, Relating to Open Government

TESTIMONY

Douglas Meller, Legislative Committee, League of Women Voters of Hawaii

Chair Kim and Committee Members:

The League of Women Voters of Hawaii supports the intent of SB 244 which improves public notice of board meetings, public access to documents to be discussed at board meetings, and public access to board meeting minutes.

We request that you pass SB 312 rather than SB 244. Although both bills have similar wording, we believe most boards will prefer SB 312.

Both SB 312 and SB 244 will help to resolve chronic public complaints about boards which:

1. fail to provide timely electronic notice of board meetings.
2. require the public to present testimony on all agenda items before the public has opportunity to review board submittals to be discussed.
3. delay public disclosure of board submittals until after completion of board meetings at which the submittals are discussed.
4. procrastinate preparation and/or disclosure of board minutes beyond 30 days.

Thank you for the opportunity to submit testimony.

THE CIVIL BEAT
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Senate Committee on Government Operations
Honorable Donna Mercado Kim, Chair
Honorable Russell E. Ruderman, Vice Chair

RE: Testimony Commenting on S.B. 244, Relating to Open Government
Hearing: February 9, 2017 at 3:05 p.m.

Dear Chair and Members of the Committee:

My name is Brian Black. I am the Executive Director of the Civil Beat Law Center for the Public Interest, a nonprofit organization whose primary mission concerns solutions that promote governmental transparency. Thank you for the opportunity to submit testimony commenting on S.B. 244 to **recommend using S.B. 312 instead**. The Law Center strongly supports the intent of S.B. 244, but S.B. 312 better addresses concerns that have been raised by government boards and commissions about similar bills over the last two legislative sessions.

S.B. 312 and S.B. 244 both recognize that critical portions of the Sunshine Law have become antiquated in the modern era. These bills update the open meetings law to acknowledge that the public relies on the Internet and citizens want to keep informed on the community issues that affect them. The amendments provide for e-mailed meeting notices, dissemination of agendas and minutes on the Internet, access to board packets so that the public is better educated before a meeting occurs, and the ability to video record meetings.

It is time to bring the Sunshine Law into the 21st Century.

Thank you again for the opportunity to testify.



Senate Government Operations Committee
Chair Donna Mercado Kim, Vice Chair Russell Ruderman

02/09/2017 at 3:05 PM in Room 224
SB244 – Relating to Open Government

TESTIMONY — SUPPORT
Corie Tanida, Executive Director, Common Cause Hawaii

Dear Chair Kim, Vice Chair Ruderman, and members of the Senate Government Operations Committee:

Common Cause Hawaii supports SB244 which would allow the public to access board packets, clarifies public notification requirements of board meetings, and adds emergency meetings to public meeting notice requirements.

We believe that an educated, engaged citizenry is crucial to a thriving democracy. By making information more accessible to the public, we can take a step toward fostering greater public dialog between policy makers and the public on pressing issues that affect Hawaii.

Thank you for the opportunity to offer testimony **supporting SB244**.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 8, 2017 8:44 AM
To: GVO Testimony
Cc: rkailianu57@gmail.com
Subject: *Submitted testimony for SB244 on Feb 9, 2017 15:05PM*

SB244

Submitted on: 2/8/2017

Testimony for GVO on Feb 9, 2017 15:05PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Rachel L. Kailianu	Individual	Support	Yes

Comments:

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.

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