

DAVID Y. IGE
GOVERNOR

JOSH GREEN
LT. GOVERNOR

**STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS**

335 MERCHANT STREET, ROOM 310
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CATHERINE P. AWAKUNI COLÓN
DIRECTOR

JO ANN M. UCHIDA TAKEUCHI
DEPUTY DIRECTOR

Testimony of the Department of Commerce and Consumer Affairs

**Before the
Senate Committee on Technology
and
Senate Committee on Government Operations
Tuesday, February 11, 2020
1:00 p.m.
State Capitol, Conference Room 229**

**On the following measure:
S.B. 62, S.D. 1, RELATING TO TECHNOLOGY**

Chair Keohokalole, Chair Thielen, and Members of the Committees:

My name is Charlene Tamanaha, and I am the Licensing Administrator of the Department of Commerce and Consumer Affairs' (Department) Professional and Vocational Licensing Division (PVL). The Department appreciates the intent of this bill, which will increase public access to board meetings, but has concerns about the significant operational and personnel costs associated with sections 2 and 3 of this bill.

The purposes of this bill are to: (1) require the Legislature, state departments, and boards and commissions to livestream its public hearings; and (2) develop procedures for receiving remote testimony.

While the Department appreciates that this bill will facilitate greater access to public hearings, S.D. 1 provides no funding mechanism for the Department and PVL to: (1) purchase equipment necessary to furnish all conference rooms where board meetings and public hearings are held; or (2) hire staff with the necessary expertise to

manage the system equipment to implement this measure. Collectively, the PVL holds approximately 225 chapter 92 meetings each year and frequently holds several meetings simultaneously in different conference rooms. As the Committees are aware, the Department and PVL are self-sufficient and derive their revenues and operating expenses from licensees of the 52 licensing areas under the PVL's purview.

Respectfully, the Department believes the licensees should not shoulder the costs associated with implementing this bill, and if a general fund appropriation is provided to the departments affected by this measure, the Department requests that it be included in that general fund appropriation.

Thank you for the opportunity to testify on this measure.

DAVID Y. IGE
GOVERNOR

JOSH GREEN
LIEUTENANT GOVERNOR



SCOTT T. MURAKAMI
DIRECTOR

ANNE EUSTAQUIO
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
830 PUNCHBOWL STREET, ROOM 321
HONOLULU, HAWAII 96813
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Email: dlir.director@hawaii.gov

February 11, 2020

To: The Honorable Jarret Keohokalole, Chair,
The Honorable J. Kalani English, Vice Chair, and
Members of the Senate Committee on Technology

The Honorable Laura H. Thielen, Chair,
The Honorable Lorraine R. Inouye, Vice Chair, and
Members of the Senate Committee on Government Operations

Date: Tuesday, February 11, 2020
Time: 1:00 p.m.
Place: Conference Room 229, State Capitol

From: Scott T. Murakami, Director
Department of Labor and Industrial Relations (DLIR)

Re: S.B. No. 62 S.D.1 RELATING TO TECHNOLOGY

I. OVERVIEW OF PROPOSED LEGISLATION

SB62 SD1 proposes to amend Chapters 21, 26, and 92, Hawaii Revised Statutes (HRS), to require the Legislature, principal departments, and all boards and commissions to livestream all their public hearings through the use of audiovisual technology, which shall be made available to the public on each's website and to allow for the receipt of remote testimony.

The DLIR provides comments on this measure.

II. COMMENTS ON THE SENATE BILL

The DLIR appreciates the intent of this measure and supports transparency and open government. However, the Department has grave concerns regarding the operational and resource constraints imposed by this measure. The DLIR does not currently have the funding or staffing to implement and maintain an audiovisual technology system for all its boards and commissions.

The Department also notes this measure raises issues pertaining to the Americans with Disabilities Act (ADA), in that ADA Title II may require real-time captions of the hearings. The Department defers to the appropriate subject matter agencies to further elaborate on these accessibility issues.

DAVID Y. IGE
GOVERNOR

JOSH GREEN
LIEUTENANT GOVERNOR



SCOTT T. MURAKAMI
DIRECTOR

ANNE EUSTAQUIO
DEPUTY DIRECTOR

STATE OF HAWAII
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February 11, 2020

To: The Honorable Jarrett Keohokalole, Chair,
The Honorable J. Kalani English, Vice Chair, and
Members of the Senate Committee on Technology

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The Honorable Lorraine R. Inouye, Vice Chair, and
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Date: Tuesday, February 11, 2020
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Department of Labor and Industrial Relations (DLIR)

Re: S.B. No. 62 S.D.1 RELATING TO TECHNOLOGY

I. OVERVIEW OF PROPOSED LEGISLATION

SB62 SD1 proposes to amend Chapters 21, 26, and 92, Hawaii Revised Statutes (HRS), to require the Legislature, principal departments, and all boards and commissions to livestream all their public hearings through the use of audiovisual technology, which shall be made available to the public on each's website and to allow for the receipt of remote testimony.

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DAVID Y. IGE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
SUZANNE CASE
Chairperson**

**Before the Senate Committees on
TECHNOLOGY
and
GOVERNMENT OPERATION**

**Tuesday, February 11, 2020
1:00 PM
State Capitol, Conference Room 229**

**SENATE BILL 62, SENATE DRAFT 1
RELATING TO TECHNOLOGY**

Senate Bill 62, Senate Draft 1 proposes to require the Legislature, state departments and boards and commissions to livestream its public hearings and develop procedures for receiving remote testimony. **The Department of Land and Natural Resources (Department) the following offers comments to express our significant concerns on this measure.**

The Department notes that livestreaming is very effective in allowing people in remote places to access meetings. The Department has used livestreaming technology for some of its more contentious meetings and items that receive a lot public interest. Feedback is that these are popular because they allow access to the meeting without the hassle of coming in to town. People have been able to submit written testimony prior to the meeting. However, current technology is limited in allowing for lots of people in multiple remote locations to offer live comments. The Department suggest asking the Office Enterprise Technology Services (ETS) to address this problem and offer a statewide solution so that each agency does not have to use its own resources to address this issue many times over. If the technology is already available, perhaps ETS could offer training. The Department suggests including a budget amount to fund this, as long as it does not impact the Governor's budget priorities.

The Department also notes that livestreaming will require additional equipment and staff with the technical expertise to work the system developed. This will require additional funding and positions for each agency. For example, the Department has over 14 boards and commissions and numerous smaller councils and community groups that are legislatively mandated. Many of our public hearings are held on the neighbor islands and/or in remote locations. The Department would have to purchase livestreaming equipment for each of our neighbor island offices, and also have the ability to take the livestreaming equipment to remote sites. Councils that meet

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

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
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

often, for example each of the burial councils, may have to purchase their own equipment. In addition, the Department would have to ensure that all public hearings had at least one staff person qualified to run the equipment. In the case of equipment failure, under the Sunshine law, the public hearing would have to be suspended and continued at a different time. The Department would request that if this bill moves forward, additional funding for at least five (5) positions (one for each county and 2 for Oahu) be added to the bill.

The Committees may also want to make the measure less broad, so that smaller public hearings would not have to be livestreamed.

Thank you for this opportunity to comment on this measure.



LATE

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

Testimony of
Linda Chu Takayama
Chief of Staff, Office of the Governor

Before the
SENATE COMMITTEE ON TECHNOLOGY
February 11, 2020
1:00 p.m., Conference Room 229

In consideration of
Senate Bill 62 S.D. 1
RELATING TO TECHNOLOGY

Chair Keohokalole, Vice Chair English, and committee members:

Thank you for the opportunity to provide comments on Senate Bill 62 S.D. 1. This bill adds a section requiring boards and commissions to livestream all public hearings using audiovisual technology, which shall be made available to the public on the respective board's or commission's website.

The Office of the Governor appreciates the intent of this bill and supports transparency and open government. Some boards that have their own staff and facilities may be able to conform, but many boards do not have such resources and may not be able to comply. Some volunteer boards will need to develop a website, for example. It is clear that most boards will need additional staffing, training, funding, and other resources to comply with this measure.

The Office of the Governor recommends starting with a pilot project with a few of the boards that have the resources in staff and equipment to test and develop this concept.

Thank you for your considering my testimony and recommendation.

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 Technology

From: Cheryl Kakazu Park, Director

Date: February 11, 2020, 1:00 p.m.
State Capitol, Conference Room 229

Re: Testimony on S.B. No. 62, S.D.1
Relating to Technology

Thank you for the opportunity to submit testimony on this bill, which would add a new section to the Sunshine Law requiring boards to livestream their meetings. The Office of Information Practices (OIP) is concerned that this proposal would be unworkable for most boards, leaving them with a choice of violating the Sunshine Law by holding non-livestreamed meetings or failing to do the work they were created to do.

Proposed section 92-__, HRS, would require “all boards and commissions” to livestream “public hearings” via a board’s website. Although the proposal refers to “public hearings” rather than to “meetings,” since the bill calls for it to be placed in the Sunshine Law (part I of chapter 92) it seems clear enough that the livestreaming requirement would apply to every meeting of every board subject to the Sunshine Law (except a meeting properly closed to the public by law). The Sunshine Law applies to a wide range of boards, from those with significant staff and resources such as the county councils or the Board of Trustees of the Office of Hawaiian Affairs, to those with no or minimal staff or resources such as the

neighborhood boards or the various task forces and working groups charged with making recommendations on a narrow issue.

OIP has significant practical concerns about whether most boards subject to the Sunshine Law have the resources or technical ability to livestream all their meetings. Those boards with their own staff and facilities might be able to do so, but the boards without dedicated staff, office space, or resources, which constitute the majority of boards subject to the Sunshine Law, may not even have a website of their own and are certainly not likely to have access to technical staff or equipment to livestream their meetings.

To be able to meet the new livestreaming requirements, most boards would need training, additional funding for equipment and website development and maintenance, and probably additional staffing to provide technical services. Moreover, ADA requirements, if any, for livestreamed meetings should be considered. Given the number of Sunshine Law boards that do not have any dedicated staff or facilities, to achieve the goal of livestreaming all Sunshine Law board meetings the Legislature would probably need to create and fund an office to provide livestreaming services for state boards, and provide funds for the counties to do the same for county boards.

Should funding or other support prove unavailable, a board unable to meet the livestreaming requirement would be faced with a dilemma: violate the Sunshine Law by holding a meeting without livestreaming it on the board's website; violate the Sunshine Law by discussing and making decisions on board issues without holding a meeting to do so; or just give up on doing the work the board is responsible for, to the detriment of whatever government function the board is intended to further.

OIP would therefore recommend that this Committee not add livestreaming of meetings as a Sunshine Law requirement, and instead delete section 3 of the proposed SD1 (bill page 2 lines 6-16). Alternatively, if there is a specific board this Committee believes has the resources to provide livestreaming and should be required to do so, OIP would recommend that this Committee replace section 3 with a livestreaming requirement specific to that board instead of creating a new Sunshine Law requirement applicable to all boards.

Thank you for considering OIP's testimony and recommendation.



DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Room 118 • Honolulu, Hawaii 96813
Ph. (808) 586-8121 (V) • Fax (808) 586-8129 • TTY (808) 586-8162

February 11, 2020

TESTIMONY TO THE SENATE COMMITTEES ON TECHNOLOGY, AND GOVERNMENT OPERATIONS

Senate Bill 62, SD1 – Relating to Technology

The Disability and Communication Access Board (DCAB) supports the intent of Senate Bill 62, SD1 which will increase public access to the democratic process by requiring the Legislature, state departments, and boards and commissions to livestream its public hearings and develop procedures for receiving remote testimony.

DCAB offers comments to ensure that all programs, services, or activities associated with livestreaming and remote testimony are accessible to the full spectrum of persons with disabilities. Provisions shall also be made to ensure compliance with Title II of the Americans with Disabilities Act, which requires state and local governments to provide equal access for individuals who are disabled when providing services, programs, or activities, especially persons with communication access needs. Examples include, but are not limited to, providing real-time captioning during live-streamed events for individuals who are deaf or hard of hearing. Last month, the United States Court of Appeals for the Eleventh Circuit ruled in *National Association of the Deaf v. State of Florida*, that the Florida Legislature should provide captioning on all live-streamed and archived proceedings.

These comments offered by DCAB are not meant to deter any effort made by the Legislature to increase public participation in the democratic process. Rather, they are meant to ensure that all individuals have equal opportunity to participate in the processes of their government.

Thank you for the opportunity to provide testimony on this important measure.

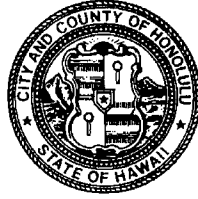
Respectfully submitted,

KIRBY L. SHAW
Executive Director

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6041
DEPT. WEB SITE: www.honolulu.dpp.org • CITY WEB SITE: www.honolulu.gov

KIRK CALDWELL
MAYOR



KATHY K. SOKUGAWA
ACTING DIRECTOR

TIMOTHY F. T. HIU
DEPUTY DIRECTOR

EUGENE H. TAKAHASHI
DEPUTY DIRECTOR

LATE

February 11, 2020

The Honorable Jarrett Keohokalole, Chair
and Members of the Committee on Technology
The Honorable Laura H. Thielen, Chair
and Members of the Committee on Government
Operations
Hawaii State Senate
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chairs Keohokalole and Thielen, and Committee Members:

**Subject: Senate Bill No. 62
Relating to Technology**

The Department of Planning and Permitting (DPP) **requests clarification** of Senate Bill No. 62. It would require the Legislature, boards and commissions to livestream public hearings. It would also require the development of procedures for receiving remote testimony.

We take no position if the Bill applies only to the Legislature and State boards and commissions. However, the language in Section 3 of the Bill is confusing and could be applicable to county boards and commissions, as it amends Chapter 92, HRS, which defines "board" as ". . . any agency, board, commission, authority, or committee of the state or its political subdivisions . . ." (underscoring added).

If the intent is to apply to county boards and commission, we request funding for this mandate, and that the effective date reflect time to allow the counties to develop the procedures and acquire the necessary equipment and personnel.

Thank you for the opportunity to testify.

Very truly yours,

A handwritten signature in black ink that reads "Kathy K. Sokugawa".

Kathy K. Sokugawa
Acting Director

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 TECHNOLOGY
AND
THE SENATE COMMITTEE ON GOVERNMENT OPERATIONS
ON

SENATE BILL NO. 62, S.D. 1

February 11, 2020
1:00 P.M.
Conference Room 229

RELATING TO TECHNOLOGY

Chairs Keohokalole and Thielen, Vice Chairs English and Inouye, and Members of the Committees,

Thank you for this opportunity to testify on S.B. 62, S.D. 1 which would require that board meetings and other public hearings of the Employees' Retirement System of the State of Hawaii (ERS) be livestreamed through the use of audiovisual technology and, in addition, would require the ERS to develop procedures for receiving remote testimony. The ERS Board of Trustees recognizes the public service intent of this bill but must respectfully oppose its passage as proposed.

We view transparency as vital to the effective functioning of state government. The ERS board and committee meetings are open to the public and minutes and documents are made available promptly on our website. While remote electronic access and input in our meetings would appear desirable the prospect fails, at least at this time, when operational, technological, expense and network security factors are weighed. Face to face electronic communication seems simple in our age and time; however, they are anything but simple when applied at the institutional level.



Employees' Retirement System
of the State of Hawaii

To properly respond to this legislation's mandate would require significant expenditure of limited fiscal resources on technology, equipment, maintenance and staffing. We hold board meetings monthly, typically lasting between 5 and 7 hours, and have five distinct committees whose meetings are also open to the public, Investment, Administrative and Audit, Governance, Legislative and Compensation Review. The committees meet sometimes as often as the board but quite often in different locations due to logistical challenges.

Perhaps more importantly, our IT staff raises security concerns. Remote access and input may very well place at risk the strong electronic and network security measures we have implemented to protect our members vital personally identifiable information. While we support the intent of S.B. 62, S.D. 1, we must oppose it at this time for the reasons stated.

Thank you again for this opportunity to testify.

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
HAWAII PAROLING AUTHORITY
1177 Alakea Street, First Floor
Honolulu, Hawaii 96813

EDMUND "FRED" HYUN
CHAIR

CLAYTON H.W. HEE
CHERYL E. INOUE
MAX N. OTANI
FITUINA F. TUA
MEMBERS

TOMMY JOHNSON
ADMINISTRATOR

No. _____

**TESTIMONY ON SENATE BILL 62, SD 1
A BILL RELATING TO TECHNOLOGY**

AMENDED

BY
HAWAII PAROLING AUTHORITY
Edmund "Fred" Hyun, Chairman

Senate Committee on Technology
Senator Jarrett Keohokalole, Chair
Senator J. Kalani English, Vice Chair

AND

Senate Committee on Government Operations
Senator Laura H. Thielen, Chair
Senator Lorraine R. Inouye, Vice Chair

Tuesday, February 11, 2020; 1:00 p.m.
State Capitol, Conference Room 229

Chair Keohokalole, Chair Thielen, and Members of both Committees:

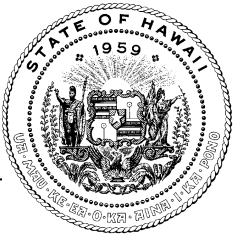
The Hawaii Paroling Authority (HPA) submits comments of concern regarding Senate Bill 62, SD1 which, in part, seeks to require all boards and commissions to livestream all of their public hearings through the use of audiovisual technology which is to be made available to the public on the respective board's or commission website.

Often times, hearings held before the authority review in graphic detail the nature of offenses, including violent crimes, sexual assaults, and cases with various types of abuse involving minors. Discussions during hearings also include protected healthcare information pertaining to offenders that should not be aired in a public domain. For these reasons, the HPA has serious concerns regarding livestreaming hearings where sensitive and/or confidential victim and offender information are routinely discussed.

Pursuant to Hawaii Revised Statutes (HRS) §92-6(a)2c (Judicial branch, quasi-judicial board and investigatory functions' applicability), the HPA is a quasi-judicial body whose hearings are exempt from the requirements of the Sunshine Law. Therefore, the HPA also requests to be exempt from the requirements of this measure.

Further, the HPA has concerns regarding the costs associated with complying with this measure, which will require substantial financial resources to purchase, install, maintain, and operate the audiovisual equipment needed to livestream hearings at each of the Department of Public Safety's eight (8) correctional facilities and at HPA's main office.

Thank you for the opportunity to provide testimony on Senate Bill 62, SD1.



OFFICE OF PLANNING STATE OF HAWAII

DAVID Y. IGE
GOVERNOR

MARY ALICE EVANS
DIRECTOR
OFFICE OF PLANNING

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Telephone: (808) 587-2846
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Web: <https://planning.hawaii.gov/>

Statement of
MARY ALICE EVANS
Director, Office of Planning
before the
SENATE COMMITTEE ON TECHNOLOGY
and the
SENATE COMMITTEE ON GOVERNMENT OPERATIONS
Tuesday, February 11, 2020
1:00 PM
State Capitol, Conference Room 229

in consideration of
SB 62 SD 1
RELATING TO TECHNOLOGY

Chairs Keohokalole and Thielen, Vice Chairs English and Inouye, and Members of the Senate Committees on Technology and Government Operations.

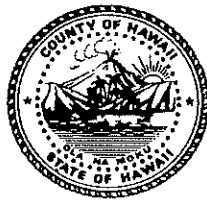
SB 62 SD1 amends Chapters 21, 26, and 92, Hawai'i Revised Statutes (HRS), to require livestreaming and remote testimony at public hearings of the legislature, state departments, and boards and commissions, respectively. The Office of Planning (OP) **appreciates the intent** of SB 62 SD 1 and offers the following **comments**.

SB 62 SD 1 would benefit from additional language that defines or clarifies what constitutes livestreaming, and also by identifying the consequences, if any, if technical issues reduce the quality of the livestream or cause it to fail.

OP notes that §92-3.5, HRS, describes requirements for interactive conferencing technology as it relates specifically to remote participation by board members, and includes a provision to terminate the meeting if the audio connection fails.

Thank you for the opportunity to testify on this matter.

JON HENRICKS
County Clerk



AARON BROWN
Deputy County Clerk

County of Hawai'i
Office of the County Clerk

25 Aupuni Street, Suite 1402 • Hilo, Hawai'i 96720
(808) 961-8255 • Fax (808) 961-8912

February 10, 2020

Honorable Senator Jarrett Keohokalole
Chairperson and Committee Members
Committee on Technology
Honorable Senator Laura H. Thielen,
Chairperson and Committee Members
Committee on Government Operations
415 South Beretania Street, Conference Room 229
Honolulu, Hawai'i 96813

RE: Senate Bill 62, SD1, Relating to Technology

Dear Senator Keohokalole and Senator Thielen,

Thank you for the opportunity to submit testimony on Senate Bill 62, SD1, which adds sections to Chapters 21, 26, and 92 of the Hawai'i Revised Statutes to require that public hearings be livestreamed and that procedures be established for the receipt of remote testimony.

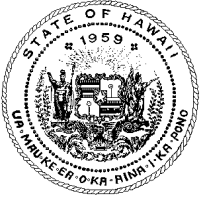
Our office manages the meetings of the Hawai'i County Council, the 2018-2020 Hawai'i County Charter Commission, and the upcoming Redistricting Commission, which is to be seated by July 1, 2020. I understand that Chapter 92 applies to all three. I believe that clarification on two matters is critical at this juncture.

- (1) SB 62, SD 1 exclusively uses the phrase "public hearing." Chapter 21 includes a definition for "public hearing", which is described in pertinent part as "... any hearing open to the public, or the proceedings of which are made available to the public." Chapter 92 includes a definition for "meeting," but not for "public hearing." Without a clear definition, it is arguable as to what constitutes a "public hearing" with consideration for boards and commissions that are subject to Chapter 92.
- (2) The concept of "remote testimony," taken in its broadest and most non-restrictive meaning, would include testimony from any place in the world by any means that a person or group can effectively communicate with any other person or group. SB 62, SD1 would likely be more effectively implemented if the Legislature included a clear description of what it views as "remote testimony."

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Henricks".

Jon Henricks
County Clerk



HAWAI‘I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 • PHONE: 586-8636 • FAX: 586-8655 • TDD: 568-8692

February 11, 2020
Rm. 229, 1:00 p.m.

To: The Honorable Jarrett Keohokalole, Chair
The Honorable J. Kalani English, Vice Chair
Members of the Senate Committee on Technology

The Honorable Laura H. Thielen, Chair
The Honorable Lorraine Inouye, Vice Chair
Members of the Senate Committee on Government Operations

From: William D. Hoshijo, Executive Director, Hawai‘i Civil Rights Commission
and Robin Wurtzel, Chief Counsel, Hawai‘i Civil Rights Commission

Re: S.B. No. 62, S.D.1

The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state funded services (on the basis of disability). The HCRC carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5.

HCRC Commissioners have not taken a position on the merits of the bill, so HCRC staff offers comments only on S.B. No. 62, S.D.1.

S.B. No. 62, S.D.1, if enacted, will require the Legislature, state departments, and boards and commissions to livestream its public hearings and develop procedures for receiving remote testimony.

The HCRC recognizes the public interest advanced by the HRS chapter 92 open meetings law. We note that the bill, if enacted, would require all boards and commissions subject to chapter 92 to livestream its “public hearings.” Assuming that all board or commission meetings (as defined in § 92-2) would be considered to be public hearings subject to this requirement, the

HCRC offers these comments: The HCRC does not have current capacity, resources, and expertise required to implement livestreaming of its commission meetings. And, we believe that livestreamed government meetings will be subject to federal ADA Title II accessibility requirements.

Thank you for your consideration.



Tuesday, February 11, 2020

Senate Bill 62 SD1
Testifying in Strong Support

Aloha Chairs Keohokalole Thielen, Vice Chairs English and Inouye, and Members of the Committee on Technology and Government Operations,

The Democratic Party of Hawai'i (The Party) **stands in strong support of SB62 SD1** Relating to Technology, which requires the legislature, state departments, and boards and commissions to livestream its public hearings and develop procedures for receiving remote testimony.

The Party understands that in order to have a more engaged public, we must ensure that everyone has access to the legislative process. While it is true that any member of the public can theoretically submit testimony in writing, that is not always the case. It requires computer and internet access, the capacity to follow directions, the ability to read and write, and various other supports. We also know that oftentimes the most compelling testimony is that which is given in person, sitting across from their Representatives and Senators.

Beyond just the written testimony, the ability for members of the public to testify and engage face to face and voice to voice should be the guiding principle for public hearings. Yet for too long this has not been the case. Individuals living on islands other than Oahu face steep time and financial challenges to make their cases heard. This, on top of potentially having to take time off from work, those separated by an ocean from their state elected officials presents immense challenges to fair and equal access.

And those with disabilities face more daunting impediments to equal access to provide in-person testimony.

According to the Americans with Disabilities Act (ADA), a “qualified individual with a disability” means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.”

Also from the ADA; “subject to the provisions of this subchapter, no qualified individual with a disability shall, by reason or such disability, be excluded from participation in or

be denied the benefits of services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.”

Persons with disabilities are guaranteed the right against discrimination.

Insurance companies in Hawai'i, including MedQuest, recognize that when a neighbor island resident is required to fly for treatment to an island on which they don't reside, that it can be stressful. This is why the insurance companies pay for a companion or caregiver plane ticket so that the person has support during the process.

It is an undue hardship for many residents of Hawai'i to attend Public Hearings in person. This is why creating and funding a Remote Legislative Access Program is a priority for the Party. Allowing for telephonic testimony is a good and necessary first step. It is time to truly create access for all.

When it comes to discerning the best ways to spend our State's limited finances, we hope that creating equal access for all people to participate in their democracy, is high in the priority list.

For these reasons we urge to vote favorably on this bill.

Mahalo for the opportunity to testify,



Josh Frost
Co-Chair, Legislation Committee
Democratic Party of Hawai'i



Zahava Zaidoff
Co-Chair, Legislation Committee
Democratic Party of Hawai'i

SB-62-SD-1

Submitted on: 2/7/2020 5:30:11 PM

Testimony for TEC on 2/11/2020 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Stephanie Donoho	Testifying for Kohala Coast Resort Association	Support	No

Comments:



**Testimony to the Senate Committees on Technology and on Government Operations
Senators Jarrett Keohokalole and Laura Thielen, Chairs
Senators J. Kalani English and Lorraine Inouye, Vice Chairs
Tuesday, February 11, 2020 at 1:00 p.m.
Conference Room 229
SB 62, SD1, Relating to Technology**

Dear Chairs Keohokalole and Thielen, Vice Chairs English and Inouye and members of the TEC and GVO committees:

On behalf of the Hawai'i Alliance of Nonprofit Organizations, I would like to offer our comments in support of **SB 62, SD1**, which provides greater access to and transparency of public hearings held by the legislative and executive branches.

Hawai'i Alliance of Nonprofit Organizations (HANO) is a statewide, sector-wide professional association of nonprofits. Our mission is to unite and strengthen the nonprofit sector as a collective force to improve the quality of life in Hawai'i. Our member organizations provide essential services to every community in the state.

As a statewide organization, HANO believes it is important to engage nonprofit organizations and their communities on all islands throughout the state. Technological modernizations like livestreaming and remote testimony will make public hearings, whether at the Legislature or at State departments and boards, more accessible to everyone but especially to those who live and work on the neighbor islands, and/or who are homebound, and cannot appear in person. We support this effort to improve statewide public participation in our policymaking processes.

Thank you for the opportunity to submit this written testimony.

Mahalo,

Lisa Maruyama
President and CEO

SB-62-SD-1

Submitted on: 2/8/2020 11:36:59 AM

Testimony for TEC on 2/11/2020 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Scott Foster	Testifying for Hawaii Advocates For Consumer Rights	Support	No

Comments:

Mahalo for supporting **SB 62, SD 1.**

Sincerely

Scott Foster

Communications Director

Hawaii Advocates For Consumer Rights

Statement Before The
SENATE COMMITTEE ON TECHNOLOGY
AND
SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Tuesday, February 11, 2020
1:00 PM
State Capitol, Conference Room 229

in consideration of
SB 62, SD1
RELATING TO TECHNOLOGY.

Chairs KEOHOKALOLE and THIELEN, Vice Chairs ENGLISH and INOUYE, and Members of the Senate Technology and Government Operations Committees

Common Cause Hawaii supports SB 62, SD1, which requires the legislature, state departments, and boards and commissions to livestream its public hearings and develop procedures for receiving remote testimony.

Common Cause Hawaii is a nonpartisan, nonprofit, grassroots organization focused on upholding the core values of American democracy through increasing civic engagement and breaking down the barriers to participation in our government, including the legislature, state departments, and governmental boards and commissions. SB 62, SD1 will assist with increasing civic engagement and breaking down the barriers to participation in our government and its departments, boards, and commissions by permitting people who live outside of the Oahu urban core, live on neighbor islands, experience access obstacles due to disabilities, are homebound, etc. to participate more easily in the State legislative process.

Several states have pioneered remote committee hearings – Alaska and Nevada. Michigan and the Virginia Senate also hold occasional remote hearings by request of a committee chair and for issues especially relevant to residents outside the capital city. Colorado conducted a pilot remote testimony project, which started in 2016. The Nebraska Legislature partnered with Nebraska Educational TV in 2015 to offer videoconferencing at more than a dozen sites that use the technology for distance learning. Even the Hawaii State Legislature has provided remote testimony as a pilot project in certain committees.

According to the 2018 State of Hawaii Data Book, Hawaii has a total population of just over 1.4 million people. City and County of Honolulu has a population of slightly over 990,000. Hawaii County has a population of under 200,000 people. Maui County has a population of over 164,000. Kauai County has a population of over 71,000. Thus, approximately 435,000 people live in Hawaii, Maui, and Kauai Counties, which is about one-third (1/3) of the State.

Testifying before the State Legislature is a particularly effective form of advocacy. However, for people living in Hawaii, Maui, and Kauai Counties, this may be cost prohibitive and logistically impossible with arranging time off from work and/or for childcare / family-care to fly to Oahu for a hearing on very short notice. Thus, one-third (1/3) of our population, our citizenry living with disabilities, and people fighting Oahu's traffic are shutout and

should not be shutout of our government, including the state legislature, state departments, and governmental boards and commissions.

Further, air travel to and from Oahu is particularly detrimental to our environment, given greenhouse gas emissions associated with the aviation industry. Thus, remote testimony should be encouraged and promoted, lest we forget that Hawaii has a carbon neutral goal by 2045, pursuant to HRS § 225P-5 (2018).

When people know what their government is doing and can observe their government in action, then this is a functioning democracy. When people are able to communicate with their elected officials to make their voices heard, then this is a representative democracy. As Abraham Lincoln said, “[G]overnment of the people, by the people, for the people, shall not perish from the earth.”

Common Cause Hawaii supports SB 62, SD1, and Common Cause Hawaii respectfully urges the Committee members to pass SB 62, SD1 out of your Committee.

Thank you for the opportunity to testify in support SB 62, SD1. If you have further questions of me, please contact me at sma@commoncause.org.

Very respectfully yours,

Sandy Ma
Executive Director, Common Cause Hawaii





Pono Hawai'i Initiative

Josh Frost - President • Patrick Shea - Treasurer • Kristin Hamada
Nelson Ho • Summer Starr

Monday, February 10, 2020

Relating to Technology
Testifying in Strongly Support

Aloha Chair and members of the committee,

The Pono Hawai'i Initiative (PHI) **strongly supports SB62 SD1 Relating to Technology**, which requires the legislature, state departments and boards and commissions to livestream public hearings and develop a procedure for receiving remote testimony.

Being able to speak on issues that you believe in should be a right not a privilege. Requiring those who live on neighbor islands to fly to hearings, that most frequently occur in Honolulu, is not only costly but time consuming. Given 48-72hrs notice to testify at the legislature, does not give someone all that much time to find a flight, find the funds, arrange to miss a day of work or find a sitter to watch the kids. Driving in from rural Oahu isn't necessarily a smoother event either; sitting in H1 east bound traffic and scrambling to find parking downtown to make a 9am hearing is full of its own set of hurdles.

Several states have moved toward updating and expanding their ability to conduct remote hearings. Hawaii's needs to adapt and use new technology that's available so that we can truly embrace the democratic process and be able to hear from all communities, not just those individuals who have the means to fly over or happen to live in central Oahu.

For all these reasons, we urge you to move this bill forward.

Mahalo for the opportunity,
Gary Hooser
Executive Director
Pono Hawai'i Initiative

SB-62-SD-1

Submitted on: 2/9/2020 9:54:54 PM

Testimony for TEC on 2/11/2020 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Shimei	Testifying for Indivisible Hawaii	Support	No

Comments:

In SUPPORT

Hawaii, like many states, faces challenges in making state government accessible and responsive to all its residents. We need to use every tool available to facilitate communications with all constituents. Feeling excluded or ignored drives the public to discount the government or refuse to participate altogether. We need to restore confidence in government by boosting participation and transparency. This is a good start to making our government truly a government of all the people.

SB-62-SD-1

Submitted on: 2/8/2020 5:26:36 PM

Testimony for TEC on 2/11/2020 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Edward B Hanel Jr	Individual	Support	Yes

Comments:

Concur with CommonCause Hawaii comments.

SB-62-SD-1

Submitted on: 2/8/2020 8:41:56 PM

Testimony for TEC on 2/11/2020 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
lynne matusow	Individual	Support	No

Comments:

Testifying before the State Legislature is a particularly effective form of advocacy. However, for those not living on Oahu, this may be cost prohibitive and logistically impossible with arranging time off from work and/or for childcare / family-care to fly to Oahu for a hearing on very short notice. As a result, a large segment of our population, our citizenry living with disabilities, and people fighting Oahu's traffic are shut out and should not be shutout of our government, including the state legislature, state departments, and governmental boards and commissions.

Remote testimony should be encouraged. Anything that allows more citizens to testify is a plus for government.

lynne matusow

SB-62-SD-1

Submitted on: 2/9/2020 11:08:21 AM

Testimony for TEC on 2/11/2020 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Caroline Kunitake	Individual	Support	No

Comments:

Dear Chair Keohokalole, Chair Thielen and the Joint Senate Technology Committee and Government Operations Committee,

I am writing in support of SB62 SD1, Requires the legislature, state departments, and boards and commissions to livestream its public hearings and develop procedures for receiving remote testimony. Effective 7/1/2050. (SD1).

Several states have pioneered remote committee hearings – Alaska and Nevada. Michigan and the Virginia Senate also hold occasional remote hearings by request of a committee chair and for issues especially relevant to residents outside the capital city. Colorado conducted a pilot remote testimony project, which started in 2016. The Nebraska Legislature partnered with Nebraska Educational TV in 2015 to offer videoconferencing at more than a dozen sites that use the technology for distance learning. Even the Hawaii State Legislature has provided remote testimony as a pilot project in certain committees.

According to the 2018 State of Hawaii Data Book, Hawaii has a total population of just over 1.4 million people. City and County of Honolulu has a population of slightly over 990,000. Hawaii County has a population of under 200,000 people. Maui County has a population of over 164,000. Kauai County has a population of over 71,000. Thus, approximately 435,000 people live in Hawaii, Maui, and Kauai Counties, which is about one-third (1/3) of the State.

Testifying before the State Legislature is a particularly effective form of advocacy. However, for people living in Hawaii, Maui, and Kauai Counties, this may be cost prohibitive and logistically impossible with arranging time off from work and/or for childcare / family-care to fly to Oahu for a hearing on very short notice. Thus, one-third (1/3) of our population, our citizenry living with disabilities, and people fighting Oahu’s traffic are shutout and should not be shutout of our government, including the state legislature, state departments, and governmental boards and commissions.

Further, air travel to and from Oahu is particularly detrimental to our environment, given greenhouse gas emissions associated with the aviation industry. Thus, remote testimony should be encouraged and promoted, lest we forget that Hawaii has a carbon neutral goal by 2045, pursuant to HRS § 225P-5 (2018).

When people know what their government is doing and can observe their government in action, then this is a functioning democracy. When people are able to communicate with their elected officials to make their voices heard, then this is a representative democracy. As Abraham Lincoln said, “[G]overnment of the people, by the people, for the people, shall not perish from the earth.”

Please pass this bill.

Mahalo,

Caroline Kunitake

SB-62-SD-1

Submitted on: 2/9/2020 1:19:27 PM

Testimony for TEC on 2/11/2020 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Golojuch Jr	Individual	Support	No

Comments:

SB-62-SD-1

Submitted on: 2/9/2020 11:49:24 PM

Testimony for TEC on 2/11/2020 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara J. Service	Individual	Support	No

Comments:

Please support SB62 HD1 to develop procedures for remote testimony to the legislature, departments, boards and commissions.

It is nearly impossible for those on the Neighbor Islands (nearly 1/3 of the state's population) to be able to be part of our government if they are shut out of participation in boards, commissions, departments and the legislature. Additionally, disabled individuals and those with transportation problems are likewise left out..

Please support SB62 HD1.

Mahalo!

Barbara J. Service MSW (retired)

Hawaii Alliance for Retired Americans

AARP volunteer

Kokua Council

Policy Advisory Board for Elder Affairs.

SB-62-SD-1

Submitted on: 2/10/2020 6:34:51 AM

Testimony for TEC on 2/11/2020 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Best	Individual	Support	No

Comments:

Testifying before the State Legislature is a particularly effective form of advocacy. However, for people living in Hawaii, Maui, and Kauai Counties, this may be cost prohibitive and logistically impossible with arranging time off from work and/or for childcare / family-care to fly to Oahu for a hearing on very short notice. Thus, one-third (1/3) of our population, our citizenry living with disabilities, and people fighting Oahu's traffic are shutout and should not be shutout of our government, including the state legislature, state departments, and governmental boards and commissions.

Further, air travel to and from Oahu is particularly detrimental to our environment, given greenhouse gas emissions associated with the aviation industry. Thus, remote testimony should be encouraged and promoted, lest we forget that Hawaii has a carbon neutral goal by 2045, pursuant to HRS § 225P-5 (2018).

When people know what their government is doing and can observe their government in action, then this is a functioning democracy. When people are able to communicate with their elected officials to make their voices heard, then this is a representative democracy.



HAWAII COMMUNITY DEVELOPMENT AUTHORITY

547 Queen Street, Honolulu, Hawaii 96817
Web site: <http://dbedt.hawaii.gov/hcda/>

DAVID Y. IGE
GOVERNOR

JOHN WHALEN
CHAIR

GARETT KAMEMOTO
INTERIM EXECUTIVE DIRECTOR

Telephone: (808) 594-0300
Fax: (808) 587-0299

STATEMENT OF
GARETT KAMEMOTO, INTERIM EXECUTIVE DIRECTOR
HAWAII COMMUNITY DEVELOPMENT AUTHORITY
Before the
SENATE COMMITTEE ON TECHNOLOGY
And the
SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Tuesday, February 11, 2020
1:00 P.M.
State Capitol, Conference Room 229

in consideration of

SB 62
RELATING TO TECHNOLOGY

Chairs Keohokalole and Thielen, Vice Chairs English and Inouye, and members of the committees.

The Hawaii Community Development Authority (HCDA) has not yet taken a position on this measure. In my capacity as the interim executive director, I respectfully offer **comments on SB 62, SD1**, which requires each principal department to livestream all its public hearings through the use of audiovisual technology on the department's website.

HCDA currently can receive written testimony via its website, and like the legislature it is due the day before the public hearing. However, it does not currently have the technology or the capacity to livestream public hearings.

HCDA does support transparency in its actions and broadcasting of meetings, however, should this bill pass we will need the time and resources necessary to implement this measure.

Thank you for the opportunity to submit **comments on SB 62, SD1**.

Harry Kim
Mayor

LATE



Roy Takemoto
Managing Director

Barbara J. Kossow
Deputy Managing Director

County of Hawai'i Office of the Mayor

25 Aupuni Street, Suite 2603 • Hilo, Hawai'i 96720 • (808) 961-8211 • Fax (808) 961-6553
KONA: 74-5044 Ane Keohokālole Hwy., Bldg C • Kailua-Kona, Hawai'i 96740
(808) 323-4444 • Fax (808) 323-4440

February 11, 2020

Kenekoa/Senator Jarrett Keohokalole, Luna Ho'omalua/Chair
Kenekoa/Senator J. Kalani English, Hope Luna Ho'omalua/Vice Chair
Ke Kōmike 'Enehana
Committee on Technology

Kenekoa/Senator Laura H. Thielen, Luna Ho'omalua/Chair
Kenekoa/Senator Lorraine R. Inouye, Hope Luna Ho'omalua/Vice Chair
Ke Kōmike Hana Aupuni

Dear Chairs Keohokalole and Thielen, Vice Chairs English and Inouye and Committee Members:

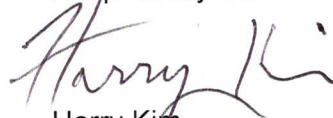
RE: **SB 62, SD1 Relating to Technology**

With no preamble to SB 62, SD1, we are unsure whether it is the intention of this bill to apply livestream and remote testimony requirements to State-only boards and commissions, or to all levels of government, counties included. Since Chapter 92, and Attorney General's opinions with respect to HRS 92-2, seem to define "Board" as including county boards and even all the county councils, Section 3 of the bill would probably be interpreted to include us all.

I am an advocate of open government and citizen involvement but would be concerned if a wholesale reform were mandated, and the counties required to meet it. Our technological capabilities are limited and some meeting spaces could not comply. We also do not know what the cost of compliance would be without some serious analysis. Especially for Hawaii Island, given our size, it would be an enormous challenge to have on-going staff and maintenance expenses to implement this bill's provisions.

We respectfully request that SB 62, SD1 be amended to specifically exclude the counties, unless and until these capacity issues can be thoroughly considered and discussed.

Respectfully Submitted,


Harry Kim
MAYOR