

OFFICE OF INFORMATION PRACTICES

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To: House Committee on Judiciary & Hawaiian Affairs

From: Cheryl Kakazu Park, Director

Date: February 24, 2022, 2:00 p.m.
State Capitol, Conference Room 325 and Via Videoconference

Re: Testimony on H.B. No. 2025, H.D. 1
Relating to the Sunshine Law

Thank you for the opportunity to submit testimony on this bill, which would apply the requirement for a board member participating in a remote meeting to state who else is present, only to those persons present who are 18 or older with no conflict of interest on an issue before the board. The Office of Information Practices (OIP) **offers comments and an amendment to a proviso that is confusing.**

The Sunshine Law's newly effective remote meetings provision requires a board member participating from a nonpublic location to state who, if anyone, is present at the same location. This gives the public some information about off-camera voices or presences they may notice being with a board member and prevents speculation as to whether they represent a lobbyist or a household member or child. OIP interprets the current provision not to specifically require identifying everyone present by name, but instead to allow for a statement such as "my children are in and out of the room" without specifically identifying the children in question. OIP has no objection to specifying that the law does not

require naming minors who are present, as it is consistent with OIP's current interpretation of the law.

However, the proviso that a minor with a "conflict of interest" must still be named may be confusing. The bill would define a conflict of interest as an incompatibility between the minor's private interests and public or fiduciary duties, but the minor would not have a public or fiduciary duty to the board merely from being in the same place as a board member. Thus, even when a minor had a considerable private interest in something on the agenda, the proviso would not be likely to apply. To eliminate confusion, **OIP would suggest that the proviso at page 2 lines 6-8 be amended to delete the term "conflict of interest" and instead apply "if the person has a private interest on any issue before the board at the meeting," and that the definition of "conflict of interest" at page 3 lines 6-8 be deleted.**

Thank you for considering OIP's testimony.



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David Y. Ige
Governor

John De Fries
President and Chief Executive Officer

Statement of
JOHN DE FRIES

Hawai'i Tourism Authority
before the
COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

February 24, 2022
2:00 p.m.
State Capitol
via videoconference

In consideration of
HOUSE BILL NO. 2025 H.D. 1
RELATING TO THE SUNSHINE LAW

Aloha Chair Nakashima, Vice Chair Matayoshi, and members of the Committee on Judiciary & Hawaiian Affairs.

The Hawai'i Tourism Authority (HTA) appreciates the opportunity to offer testimony in **support** of HB2025 H.D. 1, which requires that the mandatory disclosure of the names of persons who are physically with a board member attending a public meeting by an online method only apply to the disclosure of the names of adults, and not minors, who are physically with the board member.

We are supportive of this measure as there may be times when board members may have their minor children with them during a virtual board or committee meeting. This may be due to various reasons, unanticipated and unavoidable. Protecting minors is paramount and would provide peace of mind to our board members.

We appreciate the opportunity to provide testimony in **support** of HB2025 H.D. 1. Mahalo.