



DAVID Y. IGE
GOVERNOR

JOSH GREEN
LT. GOVERNOR

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

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Testimony of the Department of Commerce and Consumer Affairs

**Before the
House Committee on Government Reform
Friday, February 11, 2022
9:30 a.m.
Via Videoconference**

**On the following measure:
H.B. 2505, RELATING TO SUNSHINE LAW BOARDS**

WRITTEN TESTIMONY ONLY

Chair McKelvey and Members of the Committee:

My name is Ahlani Quiogue, and I am the Licensing Administrator of the Department of Commerce and Consumer Affairs' (Department) Professional and Vocational Licensing Division. The Department supports this bill.

The purpose of this bill is to amend section 1, Act 220, Sessional Laws of Hawaii 2021, to remove language requiring open meetings to have an in-person location for the public access when hosting otherwise entirely remote meetings.

The Department supports this measure as it removes the requirements to have at least one in-person meeting location for public access when hosting remote meetings. The Department believes that this will protect its team members from possibly coming into contact with and contracting COVID-19. Further, the Department has seen firsthand how public participation in noticed meetings have increased through the use of interactive conference technology amongst its 25+ monthly board,

commission, and committee meetings. Members of the public can call into the meeting or participate virtually.

Lastly, the Department respectfully requests that page 1, line 3 be amended as follows:

'592- Remote meeting by interactive conference technology; notice; quorum.'

Thank you for the opportunity to testify on this bill.

OFFICE OF INFORMATION PRACTICES

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To: House Committee on Government Reform

From: Cheryl Kakazu Park, Director

Date: February 11, 2022, 9:30 a.m.
State Capitol, Conference Room 309 and Via Videoconference

Re: Testimony on H.B. No. 2505
Relating to Sunshine Law Boards

Thank you for the opportunity to submit testimony on this bill, which would remove the requirement for a board holding a remote meeting to provide at least one physical location open to the public and connected to the meeting, and would also remove a clause specifying that if a remote meeting cannot restore a lost connection in the 30 minutes allowed by the lost connection provision, the meeting must be terminated. **The Office of Information Practices (OIP) opposes the changes proposed by this bill and therefore recommends holding this bill.**

First, OIP notes that the reason the Sunshine Law's newly effective remote meeting provision includes a requirement to provide at least one physical public location connected to the meeting is that not everyone in the public, or even every board member, has the access to a computer or smartphone and the reliable internet connection necessary to attend and participate in a remote meeting. Whether out of necessity or preference, offering a public location connected to the meeting allows anyone to participate in a remote meeting by simply showing up and having someone else provide the necessary equipment, internet connection, and technical skills. **Removing the requirement for a board to provide at least**

one physical location connected to the remote meeting would effectively shut out those without the necessary equipment, connectivity, or skills to participate in remote meetings, which would be contrary to the Sunshine Law's purpose of allowing the public to view and participate in government boards' policymaking process. OIP therefore recommends against adoption of this proposed change.

This bill would also delete a clause specifying that when some part of a disconnected remote meeting cannot be reconnected within 30 minutes, the meeting must terminate unless the board has previously provided notice of how the meeting will be continued in this situation. The bill does **not** propose deleting the rest of the provision requiring a board to automatically recess for up to 30 minutes to restore the connection when a remote meeting is disconnected. **The effect of this deletion would be to create uncertainty as to what happens if a board cannot reconnect after 30 minutes. Therefore, OIP also recommends against adoption of this proposed change.**

Neither of the changes proposed by this bill is a beneficial amendment to the Sunshine Law. **OIP therefore recommends this Committee hold this bill.**

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 ECONOMIC DEVELOPMENT

February 11, 2022
9:30 a.m.
State Capitol
via videoconference

In consideration of
HOUSE BILL NO. 2505
RELATING TO SUNSHINE LAW BOARDS

Aloha Chair McKelvey, Vice Chair Wildberger, and members of the Committee on Government Reform.

The Hawai'i Tourism Authority (HTA) appreciates the opportunity to offer testimony in **support** of HB2505, which amends Section 1. Act 220, Session Laws of Hawaii 2021, to remove language requiring open meetings to have an in-person location for public access when hosting otherwise entirely remote meetings.

We are supportive of this measure as we have had firsthand experience in providing these areas for participation. Virtual meetings held by the HTA's board and committees require us to open an area where members of the public can participate. The purpose of holding virtual meetings is to allow for greater participation by the public while also facilitating the ability for the board and/or commission to conduct its official business. Furthermore, virtual meetings are now commonplace and much more the "norm" as we've all come to recognize the value of this media since the pandemic.

We believe that, should the public wish to participate in a virtual meeting, there are numerous avenues for them to do so including the use of publicly available computers with internet access at our public libraries located throughout the State. We would also like to note that we have set up these viewing/participation stations and, to date, we have had no members of the public attend.

February 9, 2022

We would also note that we have had no inquiries about the location or procedures related to the public viewing area.

We appreciate the opportunity to provide testimony in support of HB2505. Mahalo.

THE CIVIL BEAT
LAW CENTER FOR THE PUBLIC INTEREST

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House Committee on Government Reform
Honorable Angus L.K. McKelvey, Chair
Honorable Tina Wildberger, Vice Chair

RE: Testimony Opposing H.B. 2505, Relating to Sunshine Law Boards
Hearing: February 11, 2022 at 9:30 a.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 **opposing H.B. 2505**.

This bill seeks to expand the digital divide and disenfranchise members of our community who lack the financial or technological resources to participate in Zoom-like meetings. Everyone in Hawai'i should have the right to participate in open meetings under the Sunshine Law. H.B. 2505 will shut some people out of the public discourse. Remote meetings are a powerful tool for expanding public participation, but it should not be used to diminish existing access.

To the extent there is any confusion, Act 220 (2021) did not concern meetings for the COVID pandemic (*i.e.*, when in-person meetings are ill-advised). That law concerns the use of remote meetings once in-person meetings are again permissible. Sunshine Law boards must continue to have an option for those in our community who cannot use Zoom-like technology themselves.

Thank you again for the opportunity to testify **opposing H.B. 2505**.

Statement Before The
Friday, February 11, 2022
9:30 AM
Via Videoconference, Conference Room 309

in consideration of
HB 2505

RELATING TO BOARDS.

Chair McKELVEY, Vice Chair WILDBERGER, and Members of the House Government Reform Committee

Common Cause Hawaii opposes HB 2505, which amends Section 1. Act 220, Session Laws of Hawaii 2021, to remove language requiring open meetings to have an in-person location for public access when hosting otherwise entirely remote meetings.

Common Cause Hawaii is a nonprofit, nonpartisan, grassroots organization focused on upholding the core values of our representative democracy through increasing open government and government transparency and accountability.

As the current pandemic has revealed, many people do not have access to broadband. If meetings were not required to have an in-person location for public access when hosting otherwise entirely remote meetings, there would be people who would not be able to attend such public board meetings or boards would return to in-person meetings only reducing access for those who may otherwise participate remotely.

For these reasons, Common Cause Hawaii opposes HB 2505. If you have further questions of me, please contact me at sma@commoncause.org.

Very respectfully yours,

Sandy Ma
Executive Director, Common Cause Hawaii

HB-2505

Submitted on: 2/9/2022 10:16:48 PM

Testimony for GVR on 2/11/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kimeona Kane	Individual	Support	No

Comments:

aloha kākou,

Kimeona Kane, Chair of the Waimānalo Neighborhood Board, but speaking in my individual capacity as a participant of meetings that fall under the guide of the Sunshine Law. I support this bill recognizing that the evolution of board meetings have truly progressed and we are finding that there is need to update rules accordingly to ensure that we maintain transparency in alignment of the intent of the sunshine law.

Mahalo nui,
Kimeona Kane

HB-2505

Submitted on: 2/10/2022 2:37:07 PM

Testimony for GVR on 2/11/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Gerard Silva	Individual	Oppose	No

Comments:

All meeting have to be OPEN meetings!!!

HB-2505

Submitted on: 2/10/2022 8:41:21 PM

Testimony for GVR on 2/11/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Dylan Whitsell	Individual	Support	Yes

Comments:

My name is Dylan Whitsell and I am writing on behalf of myself as a private citizen.

As it currently stands, Act 220 relating to Sunshine Law states that any body or organization (boards, commissions, committees, etc) that are subject to Sunshine Law must provide a physical location for the public when holding a meeting. Basically, Act 220 states that solely virtual/remote meetings are a violation of Sunshine Law. Under Act 220, only in-person or hybrid meetings with a public location will be permitted. No solely virtual/remote meetings will be allowed.

Currently, Act 220 is delayed due to Governor Ige's Emergency Proclamation, which has been extended to March 25, 2022. However, if and when the Emergency Proclamation is over, and looking beyond COVID-19, Act 220 will go into effect making solely virtual meetings a violation of Sunshine Law.

I believe that boards, commissions, committees, or any other organizations subject to Sunshine Law should have the ability to choose how they want to hold their meetings. Language in HB2505 still allows organized bodies to choose to have a physical location if they wish. However, it also allows for organized bodies to have solely virtual meetings. To me, this is giving all organized bodies a choice on how they want to hold their meetings, even as we move beyond COVID. If a board wants to have all in-person meetings, that would be allowed. If they want to have hybrid meetings, that would be allowed too. HB2505 will also provide the third option, that if for whatever reason an organized body wishes to hold a virtual meeting, even if it's just one time a year, they will be able to without being in violation of Sunshine Law.

Thank you for your time in considering my testimony.

HB-2505

Submitted on: 2/10/2022 9:17:54 PM

Testimony for GVR on 2/11/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Michelle Matson	Individual	Support	No

Comments:

House Bill 2505 is a very important step forward that will benefit and assist many Hawaii citizens to actively participate in the open meeting process and become part of meaningful solutions for their communities and the State as a whole. Thank you for providing this hearing for HB 2505 and moving it forward.