

# OFFICE OF INFORMATION PRACTICES

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To: Senate Committee on Judiciary

From: Cheryl Kakazu Park, Director

Date: February 24, 2022, 9:30 a.m.  
State Capitol, Via Videoconference

Re: Testimony on S.B. No. 3219  
Relating to the Sunshine Law

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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. The Office of Information Practices (OIP) offers comments.

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 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 the proposed amendment**, as it is consistent with OIP's current interpretation of the law.



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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**

February 24, 2022  
9:30 a.m.  
State Capitol  
via videoconference

In consideration of  
**SENATE BILL NO. 3219**  
**RELATING TO THE SUNSHINE LAW**

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Aloha Chair Rhoads, Vice Chair Keohokalole, and members of the Committee on Judiciary.

The Hawai'i Tourism Authority (HTA) appreciates the opportunity to offer testimony in **support** of SB3219, 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 SB3219. Mahalo.

**SB-3219**

Submitted on: 2/19/2022 11:18:27 AM

Testimony for JDC on 2/24/2022 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
lynne matusow	Individual	Comments	No

Comments:

There are other amendments that need to proceed regarding the sunshine law. As we move to greater transparency (even with the ivory tower on Beretania, aka the State Capitol closed to visitors), the legislature must change the law so that it is no longer excluded from complying with the law. The councils and all state and county boards and commissions are subject to the law, but the legislature is not. That is wrong. In this era where the public's trust in the legislature is at an all time low, thanks to the English/Cullen bribery scandals, you need to take all necessary steps to redeem yourselves. Read newspaper commentary and watch tv reports and people are asking, who's next, how many more are there. The English/Cullen mess is the tip of the iceberg.

Secondly, sunshine law violation complaints are handled by the Office of Information Practices, with the exceptions of the neighborhood boards where they are first reviewed by the Neighborhood Commission, whose members are not qualified. In one complaint before them a commissioner did not accept the fact that a great number of people were involved even though the law says an item cannot be added to the agenda if that is the case. The law should be amended to clearly state that all complaints are to be referred to the Office of Information Practices unless a complaint is filed in court.